

Building an International Conscience: Great Britain and the Atlantic Slave Trade

Marvin L. Ellis, History Instructor, Loveless Academic Magnet High School

Abstract

In March of 1807, after twenty years of intense effort, William Wilberforce and his fellow abolitionists finally pushed through Parliament a bill to end the British participation in the African slave trade. To enforce the provisions of the act the Admiralty created the West African Naval Squadron and established a Vice-Admiralty Court in Freetown, Sierra Leone. Although this system worked well enough in dealing with British violators of the 1807 act, it was soon apparent that new strategies and procedures would have to be developed to apply the prohibition on slaving to the ships of other nations.

For the next sixty years the task of convincing France, Spain, Portugal, Brazil, and the United States to follow Britain's lead and to end their slave trading occupied the Foreign Office and brought to bear the considerable talents of Foreign Secretaries Castlereagh, Canning, and Palmerston. As the policies and procedures evolved in a series of treaties Britain found itself committing more and more naval might, increasing diplomatic effort, and a substantial outlay of money to the crusade. In the final analysis, Britain's naval campaign succeeded in saving only a small percentage of the slaves exported from Africa, but its persistent diplomatic pressure finally brought the Atlantic slave trade to an end by 1870. By entering into a long term national commitment to end the slave trade Britain established itself as the moral leader of the nineteenth century world and set an example that is being followed in the twenty-first century by the leaders in the Proliferation Security Initiative.

William Wilberforce wept. The crusade to end the British slave trade that had required so much effort from Wilberforce, Thomas Clarkson and other members of the Society for the Abolition of the Slave Trade over the past twenty years was at long last accomplished. The House of Commons concluded its deliberations on the measure to abolish the slave trade on February 23, 1807. But what occurred in the House that day could hardly be called debate as member after member rose to affirm his support for the bill and to shower praises on Wilberforce its chief architect. When the vote was taken the Act for the Abolition of the Slave Trade passed 283 to 16 producing one of the largest cheers ever recorded in Parliamentary history as well as Wilberforce's well deserved emotion. The bill received royal approval on March 25, 1807 and effective May 1 of that year all participation in the sale or transport of African slaves became illegal.¹ The abolitionist victory was only a first step, however. Now what remained to be done was to convince the rest of the world to follow Britain's example. Many were optimistic about the prospect. Henry Brougham, the great jurist and later abolitionist Member of Parliament wrote in 1803 that, "we have been the chief trader, I mean the ringleader in the crime..."² Surely if the leader abandoned the trade everyone else would fall into line. In this the abolitionists would be disappointed as former allies and enemies made preparations to fill the demand for labor that the British had abandoned. So the crusade continued. In 1833 Parliament ended the institution of slavery in the empire with a scheme for gradual emancipation that was finally completed in 1838. But for almost sixty years after Wilberforce's great day of victory the bedrock of British foreign policy would be the effort to exterminate the Atlantic slave trade. The result was almost constant negotiations with other powers, a long-term commitment of naval forces and an expenditure of vast amounts of treasure and not a few lives.

The 1807 Slave Trade Act that outlawed British participation in the slave trade after May 1, 1808 prescribed the penalties for violating the act. Anyone buying, selling, or transporting

¹ Kevin Belmonte, *William Wilberforce: A Hero of or Humanity* (Grand Rapids, Michigan: Zondervan, 2007), 151.

² Hugh Thomas, *The Slave Trade: The Story of the Atlantic Slave Trade, 1440-1870* (New York: Touchtone Books, 1997), 557.

slaves would be fined £100 per slave and any vessel employed in the trade would be forfeited to the government.³ An addition to the law passed in 1811 made the trading of slaves a felony punishable by transportation to the penal colony of Australia for a period of fourteen years.⁴

To begin the enforcement of the act the Admiralty dispatched two rather small, slow ships to the African coast in 1808 to intercept slavers. The frigate *Soleby* (32 guns) commanded by Commodore E. H. Columbine and the sloop *Derwent* (18 guns) were all that the Royal Navy could afford to send while the war with Napoleon continued. By 1811 the Admiralty felt secure enough to send a squadron of five ships commanded by Captain Frank Irby to Africa but a permanent West African Squadron had to wait for the end of the Napoleonic Wars.⁵ The squadron's orders directed it to sail

down the coast...to look into the several bays and creeks...between Cape de Verd and Benguela, particularly on the Gold Coast, Whydah, the Bight of Benin, and Angola, in order to your seizing such ships and vessels as may be liable thereto, under the authority of the acts... prohibiting the slave trade.... You are to use every other means in your power to prevent a continuance of the traffic in slaves....⁶

This meant that the squadron had to patrol the coast of Africa from 12° North latitude to 15° South, a distance of some 2000 miles. Moreover, the whole route lies within a belt of tropical calms and currents that make sailing the area difficult. Add to that the heat, humidity, cockroaches, mosquitoes, and the constant outbreaks of malaria and yellow fever and the navy's task becomes truly formidable.⁷

The center of the effort was Sierra Leone the site of a failed colonization attempt for emancipated slaves. The British government had taken over the colony and settled it with black loyalists who had fled from the United States during the American Revolution.⁸ The capital of the colony was at Freetown and in May 1807 a Vice-Admiralty Court was created there and given prize jurisdiction to deal with slave ships captured by the navy.⁹ Condemned ships were to be sold at auction with ½ of the profit to go to the country under whose flag the captured ship sailed. The other half went to the prize's captors with the admiral of the fleet to get 1/16, the captain of the ship that captured the slaver to get 1/8 and the rest to be divided among the crew.¹⁰ There was also a bounty to be paid to the crews for each slave liberated: £60 for every liberated man, £30 for every woman and £10 for each child. In 1824 the bounty was cut to £10 per slave and in 1830 it was further reduced to £5.¹¹

As for the slaves freed by the navy and the courts they were allowed to settle in Sierra Leone to be supported by the government for a period of one year. After that time their support was their own responsibility unless they volunteered to go as apprentice laborers or soldiers to

³ Edward Reynolds, *Stand the Storm: A History of the Atlantic Slave Trade* (London: Allison and Busby Ltd., 1985), 84.

⁴ Marika Sherwood, *After Abolition: Britain and the Slave Trade Since 1807* (London: I. B. Tauris and Co. Ltd., 2007), 181.

⁵ Thomas, 575.

⁶ W. E. F. Ward, *The Royal Navy and the Slavers* (New York: Pantheon Books, 1969), 43-44.

⁷ Ward, 45-46.

⁸ Thomas, 497-498.

⁹ Tara Helfman, "The Court of Vice Admiralty at Sierra Leone and the Abolition of the West African Slave Trade," *Yale Law Journal* 115, no. 5 (2006) under "Slave Trade," <http://www.questia.com> (accessed May 12, 2008).

¹⁰ Sherwood, 117.

¹¹ Ward, 102-103.

the West Indies.¹² Most chose to stay in Sierra Leone as small farmers making the colony's population a reflection of the tribal make-up of all of western Africa.

The judge of the prize court at Freetown appointed in 1807 was Robert Thorp, an idealist in the Wilberforce tradition.¹³ From the beginning Thorp sought guidance from the government on the extent of his jurisdiction and power only to be frustrated by vague, noncommittal answers. Could he deal with only British ships or could ships of other nations be seized even though no treaties allowed interdiction by Great Britain and the countries in question had not outlawed the slave trade? What about American ships? True the United States had outlawed the slave trade as of January 1, 1808 but American captains were all over the Slave Coast some sailing under their own colors or under papers and flags of other nations. What was the actual proof of slave trading? Did slaves have to be present when the ship was searched or would the presence of slaving equipment suffice for conviction? With little guidance from the government Thorp decided to set his own limits. He would prosecute the slave trade to the fullest extent seizing any vessel under any flag. He exempted only those nations that had national laws protecting the slave trade that were recognized by treaty with Great Britain. Moreover the transported slaves could only have been taken aboard in an area of Africa under the sovereignty of the nation under whose flag the slaver was sailing. In practical fact Spain and Portugal, allies in the fight against Napoleon, probably would not protest too loudly. As for the United States their trade in slaves was by their own law illegal. Any French ship whether involved in slaving or legitimate commerce was subject to seizure as a prize of war. The question of proof would be interpreted with a great deal of latitude.¹⁴ Thorp's policy was without doubt highhanded in dealing with the touchy issue of national sovereignty and completely failed to acknowledge the fact that much of the African coast remained under the sovereignty of native rulers who not only approved of the slave trade but also were enthusiastic participants in it.

Two cases that arose from the Vice-Admiralty Prize Court in Freetown would change the direction of the British abolition movement. In January 1813 the *Juan* left Havana headed for the African coast. On May 27 the ship was seized by a British warship and condemned as a prize at Freetown.¹⁵ In response to this and other seizures the Governor of Cuba called a meeting of merchants, planters, and ship owners which agreed to employ an English agent to press their claims for compensation for the seizure of their vessels before the Privy Council. On October 31, 1815, Christopher Robinson, a judge in the High Court of the Admiralty issued an opinion on the seizures: "There has never been any Principle avowed by any Court of Justice in England by which Cruizers can have been envisaged to venture on the Seizure and detention of Vessels, being *bona fide* Spanish property, engaged in the Slave Trade...."¹⁶

In 1816 the French slave ship *Louis* was captured by H.M.S. *Princess Charlotte*. The seizure followed an all-out battle that resulted in the death of twelve English sailors. The *Louis* was condemned by the court at Freetown but the captain and the ship's owners appealed to the Admiralty Court in London.¹⁷ The case was heard by Sir William Scott whose ruling affirmed the principle of freedom of the seas. Scott wrote, "I can find no authority which gives us the

¹² Paul E. Lovejoy, *Transformations in Slavery: A History of Slavery in Africa*, 2nd ed. (Cambridge: Cambridge University Press, 1983), 151.

¹³ Helfman, 2006.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ *Ibid.*

right of interruption to the navigation of states in amity upon the high seas.”¹⁸ He further cautioned the navy and the courts, “You have no right to prevent a suspected injustice towards another by committing an actual injustice of your own.”¹⁹ This was of course the kind of clarity that Judge Thorp had sought from the government when he accepted the appointment at Freetown even if it did negate his policies and practices. The cases of the *Juan* and the *Louis* set the government on a new course. Now if Britain sought to end the slave trade in other nation’s ships it would need to have treaties of approval to stop, search and seize those ships. That threw the crusade from the Admiralty to the Foreign Office, the realm of the master diplomat, Lord Castlereagh.

Robert Stewart, Viscount Castlereagh, Foreign Secretary in the Liverpool ministry, was instrumental in putting together the Quadruple Alliance of Britain, Russia, Prussia, and Austria to defeat Napoleon. When that goal had been accomplished, the first time, he represented his country at the Congress of Vienna, the meeting of the European powers to redraw the map of Europe, restore legitimate rule and reconstruct the balance of power that France had destroyed. As the diplomats met in Vienna a new day was dawning and anything seemed possible. So Castlereagh thought to use the opportunity to get a universal prohibition of the slave trade. But now that Napoleon was safely in exile, former allies Spain and Portugal balked. They argued that the wars had deprived them of the opportunity to re-supply their colonies, especially Cuba and Brazil with African laborers. British colonies had a full complement of slaves, and, they argued, it was only fair to allow the Iberian states a few more years of the slave trade to catch up. The French representative of the restored Bourbon government, Prince Talleyrand had little interest in abolition, but he understood the necessity of mollifying Britain and agreed to try to discourage the reestablishment of the slave trade in France. In the end the only concession that Castlereagh could obtain was a general declaration that “the African slave trade is repugnant to the principles of humanity and universal morality” and that countries with colonies recognized that it was their “duty and necessity” to abolish it.²⁰ But the Congress conceded that no nation could be compelled to abolish the trade “without due regard to the interests, the habits, and even the prejudices” of its people.²¹

The declaration, even with the serious qualifier attached, was viewed as a moral victory for Castlereagh and the British government. In an effort to achieve something substantive Castlereagh established a permanent conference on the slave trade in London. Representatives of the European powers were to meet to gather information on the slave trade and to organize unified action against it. The conference’s first meeting was on August 28, 1816 and fourteen more meetings were held before the next general congress of the European powers at Aix-la-Chappell in 1818. There were two more meetings in 1819, but in the end the conference accomplished little other than gathering information and complaining about the unrelated issue of the seizure of their ships by the Barbary pirates.²²

At the Congress of Aix-la-Chappell in 1818 the Foreign Secretary attempted to convince the great powers to create an international police force to patrol the African coast with the right

¹⁸ Thomas, 589.

¹⁹ Helfman, 2006.

²⁰ Thomas 584-586.

²¹ Ibid, 586.

²² Ibid, 592.

to search ships suspected of slaving. For a brief moment Tsar Alexander I supported Castlereagh before eventually losing interest in the issue.²³

By the time of the last general congress at Verona in 1822, Castlereagh, discouraged over the rejection of international action, had begun to negotiate bilateral treaties with the slave trading powers. There was one last attempt at Verona to bring unanimity proposed this time by the Duke of Wellington. Castlereagh, depressed and overworked had written out the instructions for the British diplomatic team going to Verona, and then cut his throat with his pen-knife. The proposal by Wellington called for equating the slave trade with piracy and a pledge of joint naval action. The French representative, Chateaubriand, blocked the proposal. The French people were not going to give their former enemy a free hand on the high seas, and were, according to Chateaubriand, getting quite bored with the continued British emphasis on the slave trade when there were other more pressing matters to attend.²⁴

The only alternative then was to negotiate bilateral treaties with the countries concerned. The Danes had abolished their slave trade, which was never very large anyway, in 1803. The Swedes had followed in 1813 and the Dutch had outlawed the slave trade in 1814.²⁵ The American constitution had guaranteed that the slave trade could proceed unhindered for a period of twenty years. As that deadline approached President Thomas Jefferson urged Congress to deal with abolition of the trade so that it would be prohibited as soon as constitutionally permissible. The congressional response to the president's request passed on March 2, 1807 making the slave trade illegal from January 1, 1808 and setting a penalty of \$5000, forfeiture of the vessels used, and a fine of \$800 for each slave carried. Further the president was empowered to dispatch naval vessels to the coast of Africa for the purpose of catching slave traders.²⁶ In the first Treaty of Paris, signed in May 1814, the French agreed to cooperate with the British in suppressing the trade but were not specific about the details. Louis XVIII and Talleyrand agreed that French participation in the slave trade should end in five years. Merchants in French coastal cities began to outfit slave ships to use those five years to the fullest advantage. The return of Napoleon changed all of that. In the Second Treaty of Paris in November 1815 France, having embraced the Little Corporal again, had no real leverage. Under strong pressure they joined Britain, Austria, Prussia, and Russia in pledging to work in concert to bring a final and definite end to the slave trade.²⁷ But the contradictory approach of the two treaties caused much confusion in French maritime cities.

Though there would be problems with getting the United States and France to follow through on their policies, the major effort would be required with Portugal whose labor needs in its colony of Brazil were enormous, and Spain, which, having lost so much of its American empire, was determined to hold onto Cuba and to build its economy at all costs. The production of sugar was the main industry in both of these colonies and the dangers involved in the processing of sugar caused mortality rates among the slave populations to be outrageous. Brazil and Cuba needed a constant flow of new slaves from Africa to take the place of those who were lost.

²³ Ibid, 592-593.

²⁴ Ibid, 595-596.

²⁵ Sherwood, 178-179.

²⁶ *Act to Prohibit the Importation of Slaves*, Article One, Sections 1, 4, 6, and 7 quoted in Henry Steele Commager, Ed. *Documents of American History*, 7th Ed. (New York: Appleton-Century-Crofts, 1963), 197-198.

²⁷ Thomas, 584, 587.

The first treaties took the form of gradually whittling down the areas from which slaves could be taken legally until a final complete abolition could be accomplished. An 1810 Anglo-Portuguese treaty limited Portugal to obtaining slaves only from those areas of Africa that were Portuguese possessions, and in January 1815 Portugal agreed to limit its activities to areas south of the Equator. In July 1817 a third treaty with Portugal allowed British warships to stop and search Portuguese ships suspected of carrying slaves north of the Equator. Later in 1817 a similar treaty arrangement was made with Spain.²⁸ An incentive to sign the treaties was a grant of £300,000 to indemnify Portuguese owners whose ships had been condemned before the treaty was signed. Spain agreed to finally abolish its slave trade in 1820 and was compensated with a payment of £400,000 to be paid to the owners of seized Spanish ships.²⁹

The treaties gave a mutual right of search and seizure to each of the signing nations. The evidence of slaving was to be the presence of the slaves themselves, and a system of Courts of Mixed Commission was created to try the offenders.³⁰ The most important of these courts sat at Freetown, Sierra Leone with commissioners appointed by Britain, Spain, Portugal (later Brazil), and the Netherlands. Other courts were located in Havana (British and Spanish commissioners), Paramaribo, Surinam (British and Dutch Commissioners), and Rio de Janeiro (British, Portuguese, and Brazilian Commissioners). British offenders could also be tried at St. Helena, Jamaica, Barbados, and Cape Town. French slavers would be turned over to French courts and Americans caught slaving would be tried in Federal Courts in New York or in the port from which the voyage originated.³¹ One judge from each country involved in a seizure would hear the case. If the judges could not agree the matter would be turned over to two Commissioners of Arbitration (again one each from the two countries involved), and if they could not agree they would “draw lots to decide as to which of the two the matter should be referred for final decision.”³² Condemned ships were sold at auction with half the profit of the sale going to the nation under whose flag the captured vessel sailed. After expenses the remainder of the proceeds went to the captors.³³

The system seemed reasonable. If everyone operated in an open and honest manner it should work perfectly. The problem was that with an illegal but extremely profitable trade the men involved were not likely to be honest ship captains. Many of them carried dual papers. Not only did this allow them to dodge taxes but it could also confuse the issue if a ship were captured. Where would the offender be tried and who would hear the case? When the trade was legal south of the Equator, Portuguese captains caught sailing north of the line would swear that they got their slaves where the cargoes were legal and in many cases could produce a logbook to prove it. Most kept two logs: an authentic one for navigation and for the owners and a false one to show to the British officer when the ship was searched.³⁴

The courts themselves could be a problem. Some judges were very slow to arrive at their stations and many favored the slavers from their own countries. Some were balky just to show their independence from the British and some insisted that the arresting officer must be present to give testimony at the trial. Often the naval officer who had seized the offender was under

²⁸ Herbert S. Klein, *The Atlantic Slave Trade Vol. 3 of New Approaches to the Americas*, Ed. Stuart Schwartz (Cambridge: Cambridge University Press, 1999), 186-188.

²⁹ Sherwood, 184.

³⁰ Reynolds, 84.

³¹ Thomas, 651.

³² *Ibid.*

³³ Sherwood, 119.

³⁴ Ward, 87.

orders to sail and could not wait around Freetown for the trial to come up. The result was that the courts ruled that if the officer were not present to give testimony the navy had not proved its case and many slavers were released. In some of these cases the naval officer ended up being sued for false arrest.³⁵ Perhaps the worst case of judicial nitpicking involved the Dutch ship *Eliza* that was captured in 1819 by H.M.S. *Thistle*. The cargo of slaves had already been unloaded from the *Eliza* but somehow one slave had stayed on board. The Dutch judge in the case, Van Sirtema, ruled that the *Eliza* must be released because the treaty spoke of *slaves* (plural) and only one slave had been found on the ship.³⁶

The most horrifying loophole in the treaties, however, was the requirement that in order to prove guilt slaves must be present on the ship at the time that it was searched. This meant that ships preparing to take on slaves could simply lie in port and wait until the patrol vessels sailed away and then load their cargoes. Much worse than that frustration were the incidents in which captains saved their ships from confiscation by dumping their cargoes. If there were no evidence, there could be no conviction.

One of the most widely circulated stories at the time was that of the slave ship *Brillante* captained by a man named Homans. Homans had enjoyed tremendous success in carrying slaves to Cuba, but, according to the story, he was finally cornered by four British cruisers. As the navy prepared to board *Brillante* Homans chained his slaves to the anchor chain, let go the anchor and drowned all 600. When the boarding party arrived on deck “they found only the smell of slaves and the hot cauldrons where their evening meal had been cooked.”³⁷ A jeering Homans then sailed away free to trade another day. This story lacks some details and has no official documentation but other episodes of similar cruelty do show up in the official record. For example in 1832 the *Black Joke*, a captured slaver converted for use by the navy, surprised two slave ships, the *Rapido* and the *Regulo*, at the mouth of the Bonny River. When tenders were sent out to intercept the ships the slavers began to throw slaves manacled in pairs over the side. Over two hundred were drowned or devoured by sharks. The British boats did manage to save enough from the water to get a conviction on both of the ships.³⁸ The British cruiser *Medina* stopped a ship off the Gallinas River and sent an officer over to search. The officer found nothing and was preparing to release the ship when he was informed that the captain kept a mulatto girl in his cabin. By all accounts the captain was very fond of the girl but her presence could cost him his ship. So before anyone could stop him he tied the girl to a kedge anchor and dropped her into the sea.³⁹

All of the ships mentioned in these stories were Spanish but a similar episode strained relations between England and France. In 1820 H.M.S. *Tartar* stopped the French ship *La Jeune Estelle*. Captain Olympe Sanguines had picked up fourteen slaves on the African coast and, as the pursuing patrol ship closed on him, he rolled several large barrels off the deck of his ship. When tenders picked up the barrels the shocked sailors found that each barrel contained two slave girls aged 12-14. The British protested the heartless action by the French captain, but French public opinion blamed the British for pushing Sanguines to such a barbaric extreme.⁴⁰

³⁵ Ibid, 85.

³⁶ Thomas, 612.

³⁷ Daniel P. Mannix and Malcolm Cowley, *Black Cargoes: A History of the Atlantic Slave Trade, 1518-1865* (New York: Viking Press, 1962), 210-211.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Thomas, 622.

To stop the cold-blooded murders the British government took two steps. First, in 1824 a new act was passed consolidating the previous antislavery acts and equating the slave trade with piracy, a crime that carried a death sentence. Secondly, Castlereagh's successor, George Canning changed the rules of evidence. It would no longer be necessary to find slaves aboard a ship to get a conviction. Now it would be sufficient to find only the equipment necessary for a slave voyage. Were there extra water casks or more rations than the crew would need for the voyage? Did the ship carry extra planking to build a slave deck or to construct shelving in the cargo hold? Did the ship have hatch covers equipped with grating so that slaves could breathe below decks? Did the ship carry manacles, chains, handcuffs, or shackles? The presence of this equipment was proof enough of trading in slaves, so the practice of dumping the human evidence overboard at the approach of a patrol ship ceased. The Foreign Office negotiated another round of treaties containing this "equipment clause" with the Dutch, the Spanish, the Portuguese and the Brazilians.⁴¹

In cases involving French or American ships the Royal navy had to move carefully. The French after all had been the enemy until 1815. Although Britain expected France to be grateful for England's help in ridding it of Bonaparte, and the current regime was very cooperative, the French public could be quite touchy about pressure from its old enemy.

In 1817 the government of Louis XVIII announced that any vessel attempting to bring slaves into a French colony would be confiscated and the ship's captain would be barred from any future command.⁴² The law signaled that France would be handling its own affairs when it came to the slave trade, but it was entirely silent about building, equipping, or insuring ships for the trade. It also said nothing about French ships and captains carrying slaves to Brazil or Cuba. In March 1818 the slave trade was made illegal, and a French naval patrol of four warships was dispatched to Africa to "visit" suspected French ships.⁴³ The problem was that many ships had been fitted out for the slave trade after Louis XVIII declared in the First Treaty of Paris (1814) that the trade would be legal for another five years. By the time the French government reversed itself in the Second Treaty of Paris some slaving had already begun and it proved to be very lucrative. By declaring the trade illegal the government just forced it underground. In 1820 George Collier, commander of the British squadron, reported that he saw 25-30 ships on the African coast flying the French flag.⁴⁴

By the mid -1820s the public mood in France was beginning to shift led by the Marquis de Lafayette in the House of Peers and on the salon scene by the remarkable Madame de Staël, a great admirer of Wilberforce. Orders went out to the French squadron to "act forcefully" against the slavers, and between 1823 and 1825 twenty-five ships were "visited."⁴⁵ The end of the French slave trade came when the Revolution of 1830 brought the anglophile Louis Philippe of Orleans to the throne. The new government passed tougher laws to discourage French participation in the slave trade. Merchants attempting to transport slaves would face imprisonment for two to five years if they were caught in France. If they were captured at sea the sentence was ten to twenty years, and if the slaves had already been sold the punishment was ten years at hard labor.⁴⁶ There was also a new Anglo-French treaty that granted mutual search

⁴¹ Ward, 119-121.

⁴² Thomas, 620.

⁴³ Ibid, 621.

⁴⁴ Ibid, 622.

⁴⁵ Ibid, 623.

⁴⁶ Ibid, 627.

rights to each country's navy. With these stronger measures the slave trade in France disappeared. The French squadron remained active on the coast of Africa and any captured French ships were returned under prize crews to France to stand trial.

The United States had outlawed the slave trade as of January 1, 1808 but that did not necessarily mean cooperating with the British. The advice that George Washington had left to his countrymen was to avoid foreign entanglements and the United States tried to do just that while Britain and Napoleonic France were at war. A complication of the Napoleonic War though resulted in war between Britain and the United States in 1812. One of the causes of that conflict was the British practice of stopping American merchantmen and impressing sailors into the Royal Navy. It was therefore no easy task after the war was over to convince the American government to allow British cruisers to stop ships flying the American flag even if those ships were suspected of slaving. In the administration of James Monroe a new law equated slave trading with piracy and offered rewards to smugglers of slaves if they informed on their associates.⁴⁷ But American reluctance to cooperate with the British continued. When the American Ambassador to Britain, John Quincy Adams, was asked if there could possibly be a worse evil than the slave trade he replied that there certainly could be: "it would be a worse evil if the United States government should allow any vessel flying the Stars and Stripes to be stopped and examined by a British cruiser, for that would be to make slaves of the whole American people."⁴⁸

At the beginning of 1820 an American navy patrol was dispatched to the coast of Africa. The Americans captured eleven ships and freed 573 Africans.⁴⁹ They even won the praise of the commander of the British squadron, Sir George Collier who reported,

...The American officers in command of the vessels of war employed by their Government have on all occasions acted with the greatest zeal in the object; and it is extremely gratifying to me to observe that the most perfect unanimity prevailed between the officers of His Majesty's squadron and those of the American vessels of war engaged in the same view.⁵⁰

The problem was that the institution of slavery was firmly entrenched in the American south. Slave-grown cotton became "king" and the power of the south in the government grew. By 1824 a divided United States government withdrew the naval squadron from the coast of Africa.⁵¹

For the most part the illegal American slave trade was carried on by New Englanders, and the slaves that they were carrying were not going to the United States but rather to Cuba or Brazil. The generally accepted estimate of slaves smuggled into the United States is about 1000 per year.⁵² With no American squadron and the sensitivity of the U.S. government over British searches, by the 1830s American slavers were openly sailing under the Stars and Stripes, and even Spanish, Cuban and Brazilian ships hid under the American flag. The de Wolf family of Rhode Island made a fortune selling manufactured goods and rum on the coast of Africa, purchasing slaves and selling them in Cuba, then bringing Cuban sugar and molasses back home to the United States. In the end they even purchased their own slave-worked sugar plantations in

⁴⁷ Ward, 77, 229.

⁴⁸ Ibid, 161.

⁴⁹ Thomas, 617.

⁵⁰ Ward, 76-77.

⁵¹ Ibid.

⁵² Thomas, 616.

Cuba, thus making a tidy profit on every leg of the triangular trade.⁵³ Some American insurance companies insured the vessels involved in the nefarious trade and of course, American shipyards produced the famous Baltimore Clippers that not only carried on legitimate trade but also were in many cases fitted out for slaving. There was no way a British cruiser could run down one of these speedy ships in an open chase.

In the late 1830s the Van Buren administration once again ordered American warships back to Africa. In 1840 two ship captains, Captain John S. Paine of the U.S.S. *Grampus* and Commander William Tucker of H.M.S. *Wolverene* worked out a written agreement that worked very well. The two ships cruised the coast together. If a suspected ship flew an American flag it was turned over to Paine and the *Grampus*, if it flew any other flag the *Wolverene* handled it. Unfortunately the arrangement was much too sensible to last. When Captain Paine sent word of the plan back to Washington he was informed that his idea violated government policies and, when the *Grampus* was replaced by the U.S.S. *Dolphin* the cooperative effort was allowed to lapse.⁵⁴

The Webster-Ashburton Treaty of 1842 required the U.S. to maintain a squadron of not less than 80 guns on the coast of Africa.⁵⁵ The agreement seemed to indicate that a genuine effort would be made by the U.S. and a closer cooperation between the squadrons perhaps in the fashion of Captains Paine and Tucker was in the offing. But from 1843 to 1857 the American navy never sent more than seven ships to Africa and the squadron averaged fewer than five ships.⁵⁶ In 1857 a British officer complained that, “for nearly three years there has been no American cruiser in these waters where a valuable and extensive commerce is carried on.”⁵⁷ The frustrated chaplain of the American squadron likewise noted, “Joint cruising has been from the first in spirit and letter dead.”⁵⁸ He reported that only once between 1855 and 1857 was there actual contact between the flagships of the British and American squadrons, and then they were no closer than two miles apart. Their communication was by signal flag and consisted of the question, “Anything to communicate?” and the reply, “Nothing to communicate.”⁵⁹ Nevertheless, from 1844 to 1854 the U.S. squadron captured 28 ships.⁶⁰

The American Civil War finally ended U.S. participation in the slave trade. The blockade around southern ports got tighter and tighter as the war progressed. In 1861 the Lincoln administration, its hands full with the war effort, requested the British to patrol Cuba to intercept slave traders and granted the long-sought right to search American vessels. Then in 1862 if any doubt remained about Lincoln’s determination to end the slave trade it was answered when the government hanged Nathaniel Gordon who had been captured while carrying 900 slaves aboard the *Erie*. Though he tried to cheat the hangman by taking strychnine a prison doctor saved him. On February 21, 1862 he became the only American captain to be executed for slave trading.⁶¹ The Thirteenth Amendment brought an end to slavery in the United States in 1865.

⁵³ Ibid, 602-603.

⁵⁴ Ward, 141 and Thomas, 662.

⁵⁵ Mannix and Cowley, 219.

⁵⁶ Ibid.

⁵⁷ Ibid, 223.

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ Thomas, 728.

⁶¹ Ibid, 774-775.

In the 1840s although the British squadron had grown to twenty ships and had been joined by an American and a French patrol, slaves continued to flow into Cuba and Brazil in astonishing numbers.⁶² During his first negotiations with the Spanish and the Portuguese Castlereagh had commented that the two governments were “Well matched in dishonesty and shabbiness.”⁶³ During the whole course of negotiating treaties with the Spanish, Portuguese and later the Brazilians it seemed that their governments would agree to anything to satisfy Britain and then turn a blind eye to the continued importation of slaves. Sometimes government officials even participated. The leading Spanish official in Cuba, the Captain-General, again and again denied any knowledge of a slave trade on the island and yet he and three other officials split a tax equivalent to £3 on every imported slave. Moreover two barracoons, holding camps for slaves, which could accommodate a total of 2500 Africans, were located under the windows of his palace. According to British observers these barracoons were almost always full of newly imported African slaves.⁶⁴

With this kind of duplicity obviously new treaties or new tactics were going to be required. During much of the 1830s and 1840s the Whig Foreign Secretary was Henry John Temple, Lord Palmerston. Palmerston was dedicated to the goal of stamping out the slave trade and was determined to do whatever was necessary to achieve that goal. His expansion of the African squadron and his enlargement of the areas where slavers could be taken signaled the navy that if commanders acted in a more aggressive manner the government would back them.

In 1840 the kidnapping of an apprenticed woman (a freed slave) from Sierra Leone led to the first real effort to treat with African rulers to end the trade and to the first direct assaults on the factories and coastal barracoons in the area of the Gallinas River. Commander Joseph Denman, a conscientious officer, recovered the kidnapped woman and forced treaties from the local kings in the area. Then he burned the barracoons owned by Spanish slave traders. Denman freed 880 slaves and put the Spaniards out of business for as British sailors set fire to the holding facilities the local chiefs looted the warehouses of manufactured goods that the traders had stored to exchange for slaves. Denman’s raid had cost the slavers close to £200,000 and as other British captains followed Denman’s example panic swept the coastal slave traders. Of course some traders simply rebuilt or moved to other locations but many decided that it was time to pursue some other line of work.⁶⁵ Unfortunately, in 1841 the Whig government was replaced by the Tory ministry of Robert Peel which condemned Denman’s action as illegal and ruled that burning of the barracoons must cease. Emboldened by the government’s retreat the owners of the destroyed barracoons sued Denman and the other captains for the enormous sum of £630,000 in damages. It took eight years and another change in governments for the court to rule that Denman and the others could not be “subject of a suit for damages.”⁶⁶

In the late 1830s a new generation of Quakers, frustrated that the slave trade continued despite the use of force by the navy, urged the government to adopt a new more peaceful policy. In 1841 the government responded to their pressures by sending an expedition up the Niger River to convince local rulers to abandon the trade in slaves in favor of more legitimate trade. The plan was to start a series of experimental farms to show Africans how to grow crops that

⁶² Mannix and Cowley, 220.

⁶³ Thomas, 593.

⁶⁴ William L. Mathieson, *British Slavery and Its Abolition, 1823-1838* (London: Longmans, Green and Company, Ltd., 1926), 23.

⁶⁵ Ward, 173.

⁶⁶ Sherwood, 117.

could replace slaves as the chief trade product of the region. The flotilla of three steamers headed up the Niger River into disaster. In the end every single member of the expedition contracted malaria or yellow fever and 90 people died.⁶⁷

In the late 1840s opponents of the West African squadron formed a select committee in the House of Commons led by William Hutt to investigate and report on the failures of the navy's actions. Meanwhile, Palmerston's naval officers continued to negotiate for the cooperation of African rulers by promising them subsidies for ending their participation in the slave trade.⁶⁸ And slaves continued to stream into Brazil and Cuba.

In June of 1850 Palmerston lost his patience. Stung by the criticisms of the Hutt Committee the government gave Admiral Barrington Reynolds, commander of the West African Squadron, the green light. He was given permission to enter Brazilian waters and flush out slavers wherever he found them. Ignoring protests of national sovereignty violations Reynolds' ships swarmed the Brazilian coast. They went up creeks, into rivers and even burned ships in the harbor of Rio de Janeiro itself.⁶⁹ For a time it was unsafe for British sailors to go ashore in Brazil but Reynolds' reign of terror finally persuaded the Brazilian government to act. On July 17, 1850 the bill abolishing the Brazilian slave trade passed the Chamber of Deputies, was accepted by the Senate and was signed into law by Emperor Dom Pedro. It became effective on September 4, 1850.⁷⁰ Perhaps it was Reynolds' tougher policy that convinced the Brazilians that the days of saying one thing and then doing another had come to an end. Or maybe it was the realization that Palmerston's patience was at an end and that British investments in Brazil were more valuable to the country's economy than the slave trade. Slavery itself continued in Brazil until 1888.⁷¹

The Cuban slave markets under continuing pressure from the British and, after 1861, from the United States, finally closed in 1869. The abolition of slavery came eleven years later.⁷² After three hundred years the Atlantic slave trade was finally over.

The West African Squadron was merged with the Cape Squadron in 1870. The Court of Mixed Commissions at Sierra Leone closed its doors the following year. During their sixty years in the mission of interdicting the slave trade the squadron captured and the court condemned 1500 slave ships and freed 160,000 slaves. The other nations involved captured an additional 212 slavers and freed some 40,000 slaves. The monetary cost of the effort was staggering: an estimated £40 million paid as incentives for treaties, the cost of maintaining the patrol and the courts, bounties paid for freed slaves and support for those freed slaves.⁷³ In human terms over 1300 British sailors lost their lives in combat or from disease or foul weather.⁷⁴

Critics have charged the British government and the navy with a lack of dedication and criticized their efforts to end the slave trade as a half-hearted sham. Some have even claimed to be astonished and somewhat ashamed of the bicentennial celebration that occurred in 2007.⁷⁵ While it is true that despite the treaties and the naval patrol it took about sixty years to bring an

⁶⁷ Thomas, 658.

⁶⁸ Ibid, 736.

⁶⁹ Ward, 200.

⁷⁰ Thomas, 743.

⁷¹ Sherwood, 180.

⁷² Ibid.

⁷³ James Walvin, *Black Ivory: A History of the British Slave Trade* (Washington D. C.: Howard University Press, 1994), 309.

⁷⁴ Thomas, 784.

⁷⁵ Sherwood, 175-177.

end to the Atlantic slave trade and that the 200,000 slaves freed by the multinational patrols may represent only about 10% of the total number of slaves shipped between 1807 and 1867, perhaps we can reach the proper assessment if we turn the question around. If the British had not begun the crusade, had not kept the military and diplomatic pressure on other countries what would have happened? It is hard to imagine the United States or France mobilizing the world against the trade, and it is impossible to believe that Spain, Portugal, Brazil, or Cuba would have done it. Until very late in the process the majorities in those countries did not even consider the moral issue of the slave trade when it was so economically profitable. Perhaps the final judgment can be left to Lord Palmerston, who noted,

To judge the merits of our preventive efforts, we must compare the [number of] slaves now clandestinely carried over... with the number that would be so carried if no obstruction were offered to the trade... and the demand which would have existed if all the colonies of Great Britain, France, Holland, and Denmark had also continued to import annually an unlimited supply of slaves.⁷⁶

How long would the suffering have continued? How many more would have been condemned to a life of misery and bondage without the work of Wilberforce and the heirs to his crusade? They argued against the world and their own economic interests in insisting on a more moral standard of behavior for the western world. Surely if any anniversary ever deserved celebration, this one does.

In looking for an example in this history for the modern world to follow we have to realize that the nineteenth century Foreign Office was breaking new ground in trying to win the cooperation of the other western countries to stop the slave trade. They also had none of the advantages that we enjoy today. There was no United Nations, no International Court of Justice, no World Bank, no European Union and no NATO. In our day Article 110 of the United Nations Convention on the Law of the Sea guarantees immunity from search and seizure on the seas except in cases of suspected piracy or the slave trade. But the world in the twenty-first century can be a very dangerous place. In 2002 acting on a tip from U.S. intelligence two Spanish ships stopped the North Korean vessel *So-San*. A search of the hold revealed hidden under sacks of cement fifteen SCUD missiles. Unfortunately lacking a legal basis to seize the Weapons of Mass Destruction the Spanish had no choice but to release the ship and its cargo.⁷⁷ Recognizing the danger to international security the UN Security Council unanimously adopted Resolution 1540 calling on all states to take cooperative action to prevent trafficking in WMDs, and in 2003 the United States and Poland announced the creation of the Proliferation Security Initiative (PSI).⁷⁸ Eleven nations led by Poland and the U.S. agreed to help prevent the spread of WMDs, and by May 2008 a total of 90 nations had signed on to the agreement.⁷⁹ A part of the process has been the negotiation of bilateral “right to search” treaties between the United States and countries like Liberia, Panama, Belize, the Marshall Islands, Croatia, Cyprus, Malta, and Mongolia, all countries with large ship registries.⁸⁰ If Weapons of Mass Destruction are found in the course of searches by American vessels the treaties allow for the seizure of these weapons. In the PSI the

⁷⁶ Johannes Postma, *The Atlantic Slave Trade* (Westport, Connecticut: Greenwood Press, 2003), 72.

⁷⁷ Helfman, 2006.

⁷⁸ *Fact Sheet of the Bureau of International Security and Non-proliferation*, U.S. State Department 2008 at <http://www.state.gov/t/ism/rls/fs/105213.htm>.

⁷⁹ President of the United States, <http://www.whitehouse.gov/newrelease/2008/05/20080528.html>.

⁸⁰ U.S. State Department, 2008.

methods are very similar to those used by nineteenth century British diplomats in organizing several nations to end the slave trade and, by following their example, modern diplomats are hopefully making the world a safer place.

References

- Belmonte, Kevin. *William Wilberforce: A Hero for Humanity*. New York: Zonderman, 2007.
- Commager, Henry Steele, ed. *Documents of American History*. New York: Appleton, Century, Crofts. 1963.
- Helfman, Tara. "The Court of Vice Admiralty at Sierra Leone and the Abolition of the West African Slave Trade." *Yale Law Journal* 115, no. 5, 2006. <http://www.questiaschool.com/read/5014649603> (accessed May 22, 2008).
- Klein, Herbert S. *The Atlantic Slave Trade*. Cambridge: Cambridge University Press, 1999.
- Lovejoy, Paul E., *Transformations in Slavery: A History of Slavery in Africa*. 2nd ed. Cambridge: Cambridge University Press, 1983.
- Mannix, Daniel P. and Malcolm Cowley. *Black Cargoes: A History of the Atlantic Slave Trade*. New York: Viking Press, 1962.
- Mathieson, William L. *British Slavery and its Abolition 1828-1838*. London: Longmans, Green and Co., Ltd., 1926.
- Office of the President. Statement by the President on the Fifth Anniversary of the Proliferation Security Initiative, 2008. <http://www.whitehouse.gov/news/releases/2008/05/20080528.html> (accessed June 30, 2008).
- Postma, Johannes. *The Atlantic Slave Trade*. Greenwood Guides to Historic Events 1500-1900, ed. Linda S. Frey and Marsha L. Frey. Westport, Conn.: Greenwood Press, 2003.
- Reynolds, Edward. *Stand the Storm: A History of the Atlantic Slave Trade*. London: Allison and Busby Ltd., 1985.
- Sherwood, Marika. *After Abolition: Britain and the Slave Trade Since 1807*. London: I.B. Tauris, 2007.
- Thomas, Hugh. *The Slave Trade: The Story of the Atlantic Slave Trade, 1440-1870*. New York: Touchstone, 1997.
- U.S. State Department. Fact Sheet of the Bureau of International Security and Non-proliferation, 2008. <http://www.state.gov/t/isn/rls/fs/105213.htm> (accessed June 26, 2008).
- Walvin, James. *Black Ivory: A History of British Slavery*. Washington: Howard University Press, 1994.
- Ward, W.E.F. *The Royal Navy and the Slavers*. New York: Pantheon Books, 1969.

Published by the Forum on Public Policy

Copyright © The Forum on Public Policy. All Rights Reserved. 2008.