

REPORT

Of the Committee to whom was referred so much of the President's Message, of the 7th of December last, as relates to the Suppression of the Slave Trade.

FEBRUARY 16, 1825.

Read, and committed to the committee of the whole House on the state of the Union.

The Committee on the Suppression of the Slave Trade, to whom was referred so much of the President's message, of the 7th December last, as relates to that subject, have, according to order, had the same under consideration, and respectfully

REPORT:

That, pursuant to the almost unanimous request of the House of Representatives, expressed by their resolution of the 28th February, 1823, the President of the United States concluded a convention with Great Britain, on the 15th of March, in the following year, by which the African slave trade was denounced to be piracy under the laws of both countries; the United States having so declared it, by their antecedent act of the 15th of May, 1820, and it being understood between the contracting parties, as a preliminary to the ratification of the convention by the United States, that Great Britain should, by an act of her Parliament, concur in a similar declaration.

With great promptitude, and in accordance with this agreement, such an act was passed, declaring the African slave trade to be piracy, and annexing to it the penalty denounced against this crime by the common law of nations. A copy of this act was transmitted, by the British Government, to the Executive of the United States, and the convention submitted, by the President, to the Senate, for their advice and consent.

The convention was approved by the Senate, with certain qualifications, to all of which, except one, Great Britain, *sub modo*, acceded: her Government having instructed its Minister in Washington to tender, to the acceptance of the United States a treaty agreeing, in every particular, except one, with the terms approved by the Senate. This exception, the message of the President to the House of Representatives, presumes "not to be of sufficient magnitude to defeat an object so near to the heart of both nations," as the abolition of the

African slave trade. "and so desirable to the friends of humanity throughout the world." But the President further adds, "that, as objections to the principle recommended by the House of Representatives, or, at least, to the consequences inseparable from it, and which are understood to apply to the law, have been raised, which may deserve a reconsideration of the whole subject, he has thought proper to suspend the conclusion of a new convention, until the definitive sentiments of Congress can be ascertained."

Your committee are therefore required to review the grounds of the law of 1820, and the resolution of 1823, to which the rejected, or, as they rather hope, the suspended convention, referred. The former was the joint act of both branches of Congress, approved by the President; the latter, although adopted with extraordinary unanimity, was the single act of the House of Representatives.

Upon the *principle or intention* of the act of Congress of 1820, making the slave trade punishable as piracy, the history of the act may reflect some light.

A bill from the Senate, entitled "An act to continue in force the act to protect the commerce of the United States, and punish the crime of piracy, and, also, to make further provision to punish the crime of piracy," came to the House of Representatives on the 27th of April, 1820, and was, on the same day, referred to a committee of the whole, to which had been referred a bill of similar purport and title, that had originated in the House of Representatives.

Upon the 8th of May following, the Committee on the suppression of the Slave Trade, reported an amendment of two additional sections to the Senate's bill: also, a bill to incorporate the American Society for Colonizing the free People of Color of the United States, and three joint resolutions, two of which related to the objects of that Society; but the first of which, in behalf of both Houses of Congress, requested the President "to consult and negotiate with all the governments where ministers of the United States are, or shall be, accredited, on the means of effecting an entire and immediate abolition of the African Slave Trade." The amendatory sections denounced the guilt and penalty of piracy against any citizen of the United States, of the crew or company of any foreign vessel, and any person whatever of the crew or company of any American vessel who should be engaged in this traffic.

The amendments, bill, and resolutions, along with the explanatory report, which accompanied them, were referred to the committee of the whole abovementioned: and on the 11th of the same month, the House proceeded to consider them. After a discussion in the committee, the piracy bill: and its amendments having been adopted, were reported, and both were concurred in by the House. The following day, the bill, as amended, being then on its passage, a motion was debated and *negatived*, to recommit the bill to a select committee, with an instruction to strike out the last section of the amendment. The bill then passed, and was ordered to be returned, as amended, to the Senate.

On the same day, a motion prevailed to discharge the committee of the whole from the further consideration of the bill, and the resolutions which accompanied the report; and the particular resolution, already recited, being under consideration, to try the sense of the House on its merits, it was moved to lay it on the table. The yeas and nays having been ordered on this motion, it was rejected by a majority of 78 to 35 members. It having been again proposed to postpone the resolution, till the ensuing or second session of the same Congress, and this proposal being also determined in the negative, the resolution was engrossed, read the third time, passed, and ordered to be transmitted to the Senate on the same day with the piracy bill.

The amendments of this bill underwent like scrutiny, and debate, in the Senate, and were finally concurred in, the day after they were received from the House of Representatives, without any division apparent on the journal of that House.

The resolution which had been received by the Senate, at a different hour of the same day, was read a second time on the 15th of May, was further taken up and considered, as in committee of the whole, reported to the House without amendment, and ordered, after debate, to pass to a third reading. But this being the last day of the session of Congress, and a single member objecting "that it was against one of the rules of the Senate to read it the third time on the same day without unanimous consent," it remained on the table of that body, on its final adjournment, after an ineffectual effort to suspend one of their rules, against which many of the friends of the resolution felt themselves compelled, by their invariable usage, to vote in union with its enemies.

One of the objections to the resolution, in the Senate, was founded upon the peculiar relation of that branch of the National Legislature to the Executive, in the ratification of treaties; which seemed, in the opinion of those who urged this argument, to interdict their concurrence in a request of the President to institute any negotiation whatever.

A cotemporary exposition of the object of the amendments of the piracy bill, and the resolution, which the House of Representatives adopted, by so large a majority, will be found in the report, which accompanied them, from the committee on the suppression of the slave trade, and which is hereto annexed (A). Those objects, it will be seen, were in perfect accordance with each other. They were designed to introduce, by treaty, into the code of international law, a principle, deemed by the committee essential to the abolition of the African slave trade, that it should be denounced and treated as piracy by the civilized world.

The resolution being joint, and having failed in the Senate, for the reason already stated, the subject of it was revived in the House of Representatives, at a very early period of the succeeding session of Congress, by a call for information from the Executive, which, being received, was referred to a committee of the same title with the

last. Their report, after reviewing all the antecedent measures of the United States for the suppression of the slave trade, urgently recommended the co-operation of the American and British navy against this traffic, under the guarded provisions of a common treaty, authorizing the practice of a qualified and reciprocal right of search.

This report, which is also annexed, closed with a resolution, requesting "the President of the United States to enter into such arrangements as he might deem suitable and proper, with one or more of the maritime powers of Europe, for the effectual abolition of the African slave trade." (B)

The United States had, by the treaty of Ghent, entered into a formal stipulation with Great Britain, "that both the contracting parties shall use their best endeavors to accomplish the entire abolition of this traffic."

The failure of the only joint attempt which had been made by England and America, at the date of this report, to give effect to this provision, being ascribable, in part, to a jealousy of the views of the former, corroborated by the language and conduct of one of the principal maritime powers of Europe, in relation to the same topic, the committee referred to the decision of Sir William Scott, in the case of the French ship *Le Louis*, to demonstrate that Great Britain claimed no right of search, in peace, but such as the consent of other nations should accord to her by treaty; and sought it by a fair exchange, in this tranquil mode, for the beneficent purpose of an enlarged humanity.

Certain facts, disclosed by the diplomatic correspondence of France and England, during the pendency of that case, in the British Court of Admiralty, were calculated to guard the sympathies of America from being misguided by the language of the former power.

The painful truth was elicited, that France had evaded the execution of her promise at Vienna, to Europe and mankind. That she had, long after the date of that promise, tolerated, if she had not cherished, several branches of a traffic, which she had concurred in denouncing to be the opprobrium of Christendom, and which she had subsequently bound herself, by the higher obligations of a solemn treaty, to abolish, as inconsistent with the laws of God and Nature.

Succeeding events in the councils of the French nation, have not impaired the force of this testimony. What authority can be accorded to the moral influence of a government which insults the humanity of a generous and gallant people, by pleading, in apology for the breach of its plighted faith, that its subjects required the indulgence of this guilty traffic!

The Emperor Napoleon, who re-established this commerce on the ruins of the French Republic, also abolished it again, when he sought to conciliate the people of France, during that transient reign, which immediately preceded his final overthrow.

Congress adjourned without acting on this report.

By an instruction to the Committee on the Suppression of the Slave Trade, of the 15th of January, 1822, the same subject was a third

time brought directly before the House of Representatives. The instruction called the attention of the committee to the present condition of the African slave trade; to the defects of any of the existing laws for its suppression, and to their appropriate remedies. In the report made in obedience to this instruction, on the 12th of April, 1822, the committee state, that, after having consulted all the evidence within their reach, they are brought to the mournful conclusion, that the traffic prevailed to a greater extent than ever, and with increased malignity; that its total suppression, or even sensible diminution, cannot be expected from the separate and disunited efforts of one or more states, so long as a single flag remains to cover it from detection and punishment. They renew, therefore, as the only practicable and efficient remedy, the concurrence of the United States with the maritime powers of Europe, in a modified and reciprocal exercise of the right of search.

In closing their report, the committee add, in effect, that they "cannot doubt that the people of America have the intelligence to distinguish between the right of searching a neutral on the high seas, in time of war, claimed by some belligerents, and that mutual, restricted, and peaceful concession, by treaty, suggested by the committee, and which is demanded in the name of suffering humanity." The committee had before intimated, that the remedy which they recommended to the House of Representatives, presupposed the exercise of the authority of another department of the government; and that objections to the exercise of this authority, in the mode which they had presumed to suggest, had hitherto existed in that department. Their report, also annexed, closed with a resolution differing in no other respect from that of the preceding session, than that it did not require the concurrence of the Senate, for the reason already suggested, (C.)

The report and resolution were referred to a committee of the whole, and never farther considered.

After a delay till the 20th of the succeeding February, a resolution was submitted to the House, which was evidently a part of the same system of measures, for the suppression of the slave trade, which had been begun by the act of the 3d of March, 1819, and followed up by the connected series of reports and resolutions which the committee have reviewed, and which breathe the same spirit.

This resolution, in proposing to make the slave trade piracy, by the consent of mankind, sought to supplant, by a measure of greater rigor, the qualified international exchange of the right of search for the apprehension of the African slave dealer, and the British system of mixed tribunals created for his trial and punishment: a system of which experience and the recent extension of the traffic, that it sought to limit, had disclosed the entire inefficacy.

The United States had already established the true denomination and grade of this offence, by a municipal law. The resolution contemplated, as did the report which accompanied and expounded that law, the extension of its principle, by negotiation, to the code of all nations.

It denounced the authors of this stupendous iniquity, as the enemies of the human race, and armed all men with authority to detect, pursue, arrest, and punish them.

Such a measure, to succeed to its fullest extent, must have a beginning somewhere. Commencing with the consent of any two states, to regard it as binding on themselves only, it would, by the gradual accession of others, enlarge the sphere of its operation, until it embraced, as the resolution contemplated, all the maritime powers of the civilized world.

While it involved of necessity the visit and search of piratical vessels, as *belligerent rights* against the common enemies of man, it avoided all complexity, difficulty, and delay, in the seizure, condemnation, and punishment of the pirate himself. It made no distinction in favor of those pirates who prey upon the property, against those who seize, torture, and kill, or consign to interminable and hereditary slavery, the persons of their enemies.

Your committee are at a loss for the foundation of any such discrimination. It is believed, that the most ancient piracies consisted in converting innocent captives into slaves: and those were not attended with the destruction of one third of their victims, by loathsome confinement and mortal disease.

While the modern, therefore, accords with the ancient denomination of this crime, its punishment is not disproportionate to its guilt. It has robbery and murder for its mere accessories, and moistens one continent with blood and tears, in order to curse another, by slow consuming ruin, physical and moral.

One high consolation attends upon the new remedy for this frightful and prolific evil. If once successful, it will forever remain so, until, being unexerted, its very application will be found in history alone.

Can it be doubted, that, if ever legitimate commerce shall supplant the source of this evil in Africa, and a reliance on other supplies of labor, its use elsewhere, a revival of the slave trade will be as impracticable, as a reversion to barbarism?—that, after the lapse of a century from its extinction, except where the consequences of the crime shall survive, the stories of the African slave trade will become as improbable among the unlearned, as the expeditions of the heroes of Homer?

The principle of the law of 1820, making the slave trade a statutory piracy, and of the resolution of the House of Representatives of May, 1823, which sought to render this denunciation of that offence universal, cannot, therefore, be misunderstood.

It was not misconceived by the House of Representatives, when ratified with almost unprecedented unanimity.

An unfounded suggestion has been heard, that the abortive attempt to amend the resolution, indicated that it was not considered as involving the right of search. The opposite conclusion is the more rational, if not, indeed, irresistible; that, having, by the denomination of the crime, provided for the detection, trial, and punishment of the

criminal, an amendment, designing to add what was already included in the main proposition, would be superfluous, if not absurd. But no such amendment *was* rejected. The House of Representatives, very near the close of the session of 1823, desirous of economising time, threatened to be consumed by a protracted debate, entertained *the previous question*, while an amendment, the only one offered to the resolution, was depending. The effect of the previous question was to bring on an immediate decision upon the resolution itself, which was adopted by a vote of 131 members to 9.

It is alike untrue, that the resolution was regarded with indifference. The House had been prepared to pass it without debate, by a series of measures, having their origin in 1819, and steadily advancing to maturity.

Before the resolution *did* pass, two motions had been submitted, to lay it on the table, and to postpone it to a future day. The former was resisted by an ascertained majority of 104 to 25; the latter, without a division.

Is the House now ready to retrace its steps?

The Committee believe not. Neither the people of America, nor their representatives, will sully the glory they have earned by their early labor, and steady perseverance, in sustaining, by their federal and state governments, the cause of humanity at home and abroad.

The calamity inflicted upon them, by the introduction of slavery, in a form, and to an extent forbidding its hasty alleviation by intemperate zeal, is imputable to a foreign cause, for which the past is responsible to the present age. They will not deny to themselves, and to mankind, a generous co-operation in the only efficient measure of retributive justice, to an insulted and afflicted continent, and to a injured and degraded race.

In the independence of Spanish and Portuguese America, the Committee behold a speedy termination of the few remaining obstacles to the extension of the policy of the resolution of May, 1823.

Brazil cannot intend to resist the voice of the residue of the continent of America: and Portugal, deprived of her great market for slaves, will no longer have a motive to resist the common feelings of Europe. And, yet, while, from the Rio de la Plata, to the Amazon, and through the American Archipelago, the importation of slaves covertly continues, if it be not openly countenanced, the impolicy is obvious, of denying to the American shore the protective vigilance of the only adequate check upon this traffic.

Your committee forbear to enter upon an investigation of the particular provisions of a depending negotiation, nor do they consider the message referred to them as inviting any such inquiry.

They will not regard a negotiation to be dissolved, which has approached so near consummation, nor a convention, as absolutely void, which has been executed by one party, and which the United States, having first tendered, should be the last to reject.

(A.)

Report of the Committee to whom was referred, at the commencement of the present Session of Congress, so much of the President's Message as relates to the Slave Trade, accompanied with a Bill to incorporate the American Society for colonizing the free people of color of the United States.

MAY 8, 1820.

Read twice, and, with the bill, committed to the Committee of the whole House on the bill from the Senate, To continue in force an act to protect the commerce of the United States, and punish the crime of piracy, &c. &c.

The Committee on the Slave Trade, to whom was referred the memorial of the President and Board of Managers of the American Society for colonizing the Free People of Color of the United States, have, according to order, had under consideration the several subjects therein embraced, and

REPORT:

That the American Society was instituted, in the City of Washington, on the 28th of December, 1816, for the benevolent purpose of affording to the free people of color of the United States the means of establishing one or more independent colonies on the western coast of Africa. After ascertaining, by a mission to that continent, and other preliminary inquiries, that their object is practicable, the Society request of the Congress of the United States a charter of incorporation, and such other legislative aid as their enterprize may be thought to merit and require.

The memorialists anticipate from its success, consequences the most beneficial to the free people of color, themselves; to the several states in which they at present reside; and to that continent which is to be the seat of their future establishment. Passing by the foundation of these anticipations, which will be seen in the annual reports of the Society and their former memorials, the attention of the Committee has been particularly drawn to the connection which the memorialists have traced between their purpose and the policy of the recent act of Congress, for the more effectual abolition of the African slave trade.

Experience has demonstrated that this detestable traffic can be nowhere so successfully assailed, as on the coast upon which it originates. Not only does the collection and embarkation of its unnatural cargoes consume more time than their subsequent distribution and

sale in the market for which they are destined, but the African coast, frequented by the slave ships, is indented with so few commodious or accessible harbors, that, notwithstanding its great extent, it could be guarded by the vigilance of a few active cruisers. If to these be added colonies of civilized blacks, planted in commanding situations along that coast, no slave ship could possibly escape detection; and thus the security, as well as the enhanced profit which now cherishes this illicit trade, would be effectually counteracted. Such colonies, by diffusing a taste for legitimate commerce among the native tribes of that fruitful continent, would gradually destroy among them, also, the only incentive of a traffic which has hitherto rendered all African labor insecure, and spread desolation over one of the most beautiful regions of the globe. The colonies, and the armed vessels employed in watching the African coast, while they co-operated alike in the cause of humanity, would afford to each other mutual succour.

There is a single consideration, however, added to the preceding view of this subject, which appears to your committee, of itself, conclusive of the tendency of the views of the memorialists to further the operation of the act of the third of March, 1819. That act not only revokes the authority antecedently given to the several state and territorial governments, to dispose, as they pleased, of those African captives, who might be liberated by the tribunals of the United States, but authorizes and requires the President to restore them to their native country. The unavoidable consequence of this just and humane provision, is, to require some preparation to be made for their temporary succour, on being relanded upon the African shore. And no preparation can prove so congenial to its own object, or so economical, as regards the government charged with this charitable duty, as that which would be found in a colony of the free people of color of the United States. Sustained by the recommendations of numerous societies in every part of the United States, and the approving voice of the legislative assemblies of several states, without inquiring into any other tendency of the object of the memorialists, your committee do not hesitate to pronounce it deserving of the countenance and support of the General Government. The extent to which these shall be carried, is a question not so easily determined.

The memorialists do not ask the Government to assume the jurisdiction of the territory, or to become, in any degree whatever, responsible for the future safety or tranquillity of the contemplated colony. They have prudently thought, that its external peace and security would be most effectually guarded, by an appeal, in its behalf, to the philanthropy of the civilized world; and to that sentiment of retributive justice, with which all Christendom is at present animated towards a much injured continent.

Of the constitutional power of the General Government to grant the limited aid contemplated by the accompanying bill and resolutions, your committee presume, there can exist no shadow of doubt; and they leave it to a period of greater national prosperity to determine how far the authority of Congress, the resources of the National Government,

and the welfare and happiness of the United States, will warrant, or require its extension.

Your committee are solemnly enjoined by the peculiar object of their trust, and invited by the suggestion of the memorialists, to enquire into the defects of the existing laws against the African slave trade. So long as it is in the power of the United States to provide additional restraints upon this odious traffic, they cannot be withheld, consistently with justice and the honor of the nation.

Congress have heretofore marked, with decided reprobation, the authors and abettors of this iniquitous commerce, in every form which it assumes; from the inception of its unrighteous purpose in America, through all the subsequent stages of its progress, to its final consummation; the outward voyage; the cruel seizure, and forcible abduction of the unfortunate African from his native home, and the fraudulent transfer of the property thus acquired. It may, however, be questioned, if a proper discrimination of their relative guilt has entered into the measure of punishment annexed to these criminal acts.

Your committee cannot perceive wherein the offence of kidnapping an unoffending inhabitant of a foreign country; of chaining him down for a series of days, weeks, and months, amidst the dying and the dead, to the pestilential hold of a slave ship; of consigning him, if he chance to live out the voyage, to perpetual slavery in a remote and unknown land, differs in malignity from piracy, or why a milder punishment should follow the one, than the other crime.

On the other hand, the purchase of the unfortunate African, after his enlargement from the floating dungeon which wafts him to the foreign market, however criminal in itself, and yet more, in its tendency to encourage this abominable traffic, yields in atrocity to the violent seizure of his person, his sudden and unprepared separation from his family, his kindred, his friends, and his country, followed by all the horrors of the middle passage. Are there not united in this offence all that is most iniquitous in theft, most daring in robbery, and cruel in murder? Its consequences to the victim, if he survives; to the country which receives him; and to that from which he is torn; are alike disastrous. If the internal wars of Africa, and their desolating effect, may be imputed to the slave trade, and that the greater part of them must, cannot now be questioned, this crime, considered in its remote, as well as its proximate consequences, is the very darkest in the whole catalogue of human iniquities; and its authors should be regarded as *hostes humani generis*.

In proposing to the House of Representatives to make such part of this offence, as occurs upon the ocean, piracy, your committee are animated, not by the desire of manifesting to the world the horror with which it is viewed by the American people; but, by the confident expectation of promoting, by this example, its more certain punishment by all nations, and its absolute and final extinction.

May it not be believed, that, when the whole civilized world shall have denounced the slave trade as piracy, it will become as unfrequent

as any other species of that offence, against the law of nations? Is it unreasonable to suppose, that negotiation will, with greater facility, introduce into that law such a provision, as is here proposed, when it shall have been already incorporated in the separate code of each state?

The maritime powers of the Christian world have, at length, concurred in pronouncing sentence of condemnation against this traffic. The United States having led the way in forming this decree, owe it to themselves, not to *follow* the rest of mankind in promoting its vigorous execution.

If it should be objected, that the legislation of Congress would be partial, and its benefit, for a time at least, local, it may be replied, that the constitutional power of the government has already been exercised in defining the crime of piracy, in accordance with similar analogies, to that which the committee have sought to trace between this general offence against the peace of nations and the slave trade.

In some of the foreign treaties, as well as in the laws of the United States, examples are to be found of piracies, which are not cognizable, as such, by the tribunals of all nations. Such is the unavoidable consequence of any exercise of the authority of Congress, to define and punish this crime. The definition and the punishment can bind the United States alone.

A bill from the Senate, making further provision for the exercise of this constitutional power, being now before the House of Representatives, your committee beg leave to offer such an amendment of its provisions, as shall attain the last object which they have presumed to recommend.

(B.)

Report of the Committee to which was referred so much of the President's Message as relates to the Slave Trade.

FEBRUARY 9. 1821.

Read, and ordered to lie upon the table.

The Committee, to which is referred so much of the President's message as relates to the Slave Trade, and to which are referred the two messages of the President, transmitting, in pursuance of the resolution of the House of Representatives, of the 4th of December, a report of the Secretary of State, and enclosed documents, relating to the negotiation for the suppression of the Slave Trade,

REPORT:

That the Committee have deemed it advisable, previous to entering into a consideration of the proposed co-operation to exterminate the

slave trade, to take a summary review of the constitution and laws of the United States relating to this subject. It will disclose the earnestness and zeal with which this nation has been actuated, and the laudable ambition that has animated her councils to take a lead in the reformation of a disgraceful practice, and one which is productive of so much human misery; it will, by displaying the constant anxiety of this nation to suppress the African slave trade, afford ample testimony that she will be the last to persevere in measures wisely digested, to effectuate this great and most desirable object, whenever such measures can be adopted in consistency with the leading principles of her local institutions.

In consequence of the existence of slavery in many of the states, when British colonies, the habits, and means of carrying on industry, could not be suddenly changed; and the constitution of the United States yielded to the provision, that 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 1808.

But, long antecedent to this period, Congress legislated on the subject, wherever its power extended, and endeavored, by a system of rigorous penalties, to suppress this unnatural trade.

The act of Congress of the 22d of March, 1794, contains provisions that no citizen or citizens of the United States, or foreigner, or any other person coming into, or residing within the same, shall, for himself, or any other person, whatsoever, either as master, factor, or owner, build, fit, equip, load, or otherwise prepare, any ship, or vessel within any port or place of the United States, nor shall cause any ship or vessel to sail from any port or place within the same, for the purpose of carrying on any trade or traffic in slaves to any foreign country; or for the purpose of procuring from any foreign kingdom, place, or country, the inhabitants of such kingdom, place, or country, to be transported to any foreign country, port, or place, whatever, to be sold or disposed of as slaves, under the penalty of the forfeiture of any such vessel, and of the payment of large sums of money by the persons offending against the directions of the act.

By an act of the 5d of April, 1798, in relation to the Mississippi territory, to which the constitutional provision did not extend, the introduction of slaves under severe penalties, was forbidden, and every slave imported contrary to the act, was to be entitled to freedom.

By an act of the 10th of May, 1800, the citizens, or residents of this country, were prohibited from holding any right or property in vessels employed in transporting slaves from one foreign country to another, on pain of forfeiting their right of property, and also double the value of that right in money, and double the value of their interest in the slaves; nor were they allowed to serve on board of vessels of the United States employed in the transportation of slaves from one country to another, under the punishment of fine and imprisonment, nor were they permitted to serve on board foreign ships employed in the slave trade. By this act, also, the commissioned ves-

vessels of the United States were authorized to seize vessels and crews employed contrary to the act.

By an act of the 28th of February, 1803, masters of vessels were not allowed to bring into any port (where the laws of the state prohibited the importation) any negro, mulatto, or other person of color, not being a native, a citizen, or registered seaman, of the United States, under severe penalties; and no vessel having on board persons of the above description, was to be admitted to an entry; and if any such person should be landed from on board of any vessel, the same was to be forfeited.

By an act of the 2d of March, 1807, the importation of slaves into any port of the United States was to be prohibited after the first of January, 1808, the time prescribed by the constitutional provision. This act contains many severe provisions against any interference or participation in the slave trade, such as heavy fines, long imprisonments, and the forfeiture of vessels; the President was also authorized to employ armed vessels to cruize on any part of the coast where he might judge attempts would be made to violate the act, and to instruct the commanders of armed vessels to seize, and bring in, vessels found on the high seas contravening the provisions of the law.

By an act of the 20th of April, 1818, the laws, in prohibition of the slave trade, were further improved; this act is characterized with a peculiarity of legislative precaution, especially in the eighth section, which throws the labor of proof upon the defendant, that the colored persons brought into the United States by him, had not been brought in contrary to the laws.

By an act of the 3d of March, 1819, the power is continued in the President to employ the armed ships of the United States, to seize, and bring into port, any vessel engaged in the slave trade by citizens or residents of the United States, and such vessels, together with the goods and effects on board, are to be forfeited and sold, and the proceeds to be distributed, in like manner, as is provided by law for the distribution of prizes taken from an enemy; and the officers and crew are to undergo the punishments inflicted by previous acts. The President, by this act, is authorized to make such regulations and arrangements as he may deem expedient, for the safe-keeping, support, and removal beyond the limits of the United States, of all such negroes, mulattoes, or persons of color, as may have been brought within its jurisdiction, and to appoint a proper person or persons residing on the coast of Africa, as agent or agents for receiving the negroes, mulattoes, or persons of color, delivered from on board of vessels seized in the prosecution of the slave trade.

And in addition to all the aforesaid laws, the present Congress, on the 15th of May, 1820, believing that the then existing provisions would not be sufficiently available, enacted, that, if any citizen of the United States, being of the crew or ship's company of any foreign ship or vessel, engaged in the slave trade, or any person whatever, being of the crew or ship's company of any ship or vessel, owned in the whole, or in part, or navigated for, or in behalf of, any citizen, or

citizens of the United States, shall land from any such ship or vessel, and on foreign shore seize, any negro or mulatto, not held to service or labor, by the laws of either of the states or territories of the United States, with intent to make such negro or mulatto a slave, or shall decoy, or forcibly bring, or carry, or shall receive such negro or mulatto, on board any such ship or vessel, with intent as aforesaid, such citizen or person shall be adjudged a pirate, and on conviction *shall suffer death*.

The immoral and pernicious practice of the slave trade has attracted much public attention in Europe, within the last few years, and in a Congress at Vienna, on the 8th of February, 1815, five of the principal powers made a solemn engagement in the face of mankind, that this traffic should be made to cease: in pursuance of which, these powers have enacted municipal laws to suppress the trade. Spain, although not a party to the original engagement, did, soon after, in her treaty with England, stipulate for the immediate abolition of the Spanish slave trade, to the north of the equator, and for its final and universal abolition on the 30th of May, 1820.

Portugal likewise, in her treaty in 1817, stipulated, that the Portuguese slave trade on the coast of Africa should entirely cease to the northward of the equator, and engaged, that it should be unlawful for her subjects to purchase or trade in slaves except to the southward of the line; the precise period at which the entire abolition is to take place in Portugal, does not appear to be finally fixed: but the Portuguese ambassador, in the presence of the Congress at Vienna, declared, that Portugal, faithful to her principles, would not refuse to adopt the term of eight years, which term will expire in the year 1823.

At this time, among the European states, there is not a flag which can legally cover this inhuman traffic to the north of the line: nevertheless, experience has proved the inefficacy of the various and rigorous laws which have been made in Europe, and in this country; it being a lamentable fact, that the disgraceful practice is even now carried on to a surprising extent. During the last year, Captain Trenchard, the commander of the United States sloop of war the *Cyane*, found that part of the coast of Africa, which he visited, lined with vessels, engaged, as it is presumed, in this forbidden traffic; of these he examined many: and five, which appeared to be fitted out on American account, he sent into the jurisdiction of the United States, for adjudication: each of them, it is believed, has been condemned, and the commanders of two of them have been sentenced to the punishment proscribed by the laws of the United States.

The testimony recently published, with the opinion of the presiding judge of the United States' court of the southern district in the state of New York, in the case of the schooner *Plattsburg*, lays open a scene of the grossest fraud that could be practised to deceive the officers of government, and conceal the unlawful transaction.

The extension of the trade for the last 25 or 30 years must, in a degree, be conjectural, but the best information that can be obtained on the subject furnishes good foundation to believe, that, during that

period, the number of slaves withdrawn from western Africa amounts to upwards of a million and a half; the annual average would be a mean somewhere between fifty and eighty thousand.

The trade appears to be lucrative in proportion to its heinousness; and as it is generally inhibited, the unfeeling slave dealers, in order to elude the laws, increase its horrors: the innocent Africans, who are mercilessly forced from their native homes in irons, are crowded in vessels and situations which are not adapted for the transportation of human beings; and this cruelty is frequently succeeded, during the voyage of their destination, with dreadful mortality. Further information on this subject will appear in a letter from the Secretary of the Navy, enclosing two other letters, marked 1 and 2, and also by the extract of a letter from an officer of the *Cyane*, dated April 10, 1820, which are annexed to this report. While the slave trade exists, there can be no prospect of civilization in Africa.

However well disposed the European powers may be to effect a practical abolition of the trade, it seems generally acknowledged, that, for the attainment of this object, it is necessary to agree upon some concerted plan of co-operation: but, unhappily, no arrangement has as yet obtained universal consent.

England has recently engaged in treaties with Spain, Portugal, and the Netherlands, in which the mutual right of visitation and search is exchanged; this right is of a special and limited character, as well in relation to the number and description of vessels, as to space; and, to avoid possible inconveniences, no suspicious circumstances are to warrant the detention of a vessel; this right is restricted to the simple fact of slaves being on board.

These treaties contemplate the establishment of mixed courts, formed of an equal number of individuals of the two contracting nations, the one to reside in a possession belonging to his Britannic Majesty; the other within the territory of the other respective power; when a vessel is visited and detained, it is to be taken to the nearest court, and if condemned, the vessel is to be declared a lawful prize, as well as the cargo, and are to be sold for the profit of the two nations; the slaves are to receive a certificate of emancipation, and to be delivered over to the government on whose territory the court is which passes sentence, to be employed as servants or free laborers; each of the governments binds itself to guaranty the liberty of such portion of these individuals as may be respectively assigned to it. Particular provisions are made for remuneration, in case vessels are not condemned after trial, and special instructions are stipulated to be furnished to commanders of vessels possessing the qualified right of visitation and search.

These powers entertain the opinion, that nothing short of the concession of a qualified right of visitation and search can practically suppress the slave-trade; an association of armed ships is contemplated, to form a species of naval police, to be stationed principally in the African seas, where the commanders of the ships will be enabled to co-operate in harmony and concert.

The United States have been earnestly invited by the principal Secretary of State for Foreign Affairs, of the British government, to join in the same, or similar arrangements; and this invitation has been sanctioned and enforced, by an unanimous vote of the House of Lords and Commons, in a manner that precludes all doubts as to the sincerity and benevolence of their design.

In answer to this invitation, the President of the United States has expressed his regret that the stipulations in the treaties communicated, are of a character to which the peculiar situation and institutions of the United States do not permit them to accede.

The objections made are contained in an extract of a letter from the Secretary of State, under date of the 2d November, 1818; in which it is observed, that, "in examining the provisions of the treaties communicated by Lord Castlereagh, all the essential articles appear to be of a character not adaptable to the institutions, or to the circumstances, of the United States. The powers agreed to be reciprocally given to the officers of the ships of war of either party, to enter, search, capture, and carry into port for adjudication, the merchant vessels of the other, however qualified and restricted, is most essentially connected with the institution, by each treaty, of two mixed courts, one of which to reside in the external or colonial possession of each of the two parties respectively. This part of the system is indispensable to give it that character of reciprocity, without which the right granted to the armed ships of one nation, to search the merchant vessels of another, would be rather a mark of vassalage than of independence. But to this part of the system, the United States, having no colonies either on the coast of Africa, or in the West Indies, cannot give effect. That, by the constitution of the United States, it is provided, that the judicial power of the United States shall be vested in a supreme court, and in such inferior courts as the Congress may, from time to time, ordain and establish. It provides that judges of these courts shall hold their offices during good behavior; and that they shall be removable by impeachment, on conviction of crimes and misdemeanors. There may be doubts whether the power of the government of the United States is competent to institute a court for carrying into execution their penal statutes beyond the territories of the United States—a court consisting partly of foreign judges, not amenable to impeachment for corruption, and deciding upon statutes of the United States without appeal.

"That the disposal of the negroes found on board of the slave trading vessels, which might be condemned by the sentence of these mixed courts, cannot be carried into effect by the United States; for, if the slaves of vessels condemned by the mixed courts, should be delivered over to the government of the United States as freemen, they could not, but by their own consent, be employed as servants or free laborers. The condition of the blacks being, in this Union, regulated by the municipal laws of the separate states, the government of the United States can neither guaranty their liberty in the states where they could only be received as slaves, nor control them in the states

where they would be recognized as free. That the admission of a right in the officers of foreign ships of war, to enter and search the vessels of the United States in time of peace, under any circumstances whatever, would meet with universal repugnance in the public opinion of this country; and that there would be no prospect of a ratification, by advice and consent of the Senate, to any stipulation of that nature; that the search by foreign officers, even in time of war, is so obnoxious to the feelings and recollections of this country, that nothing could reconcile them to the extension of it, however qualified or restricted, to a time of peace; and that it would be viewed in a still more aggravated light, if, as in the treaty with the Netherlands, connected with a formal admission that even vessels under convoy of ships of war of their own nation, should be liable to search by the ships of war of another."

The committee will observe, in the first instance, that a mutual right of search appears to be indispensable to the great object of abolition; for, while flags remain as a cover for this traffic, against the right of search by any vessels except of the same nation, the chance of detection will be much less than it would be if the right of search was extended to vessels of other powers; and as soon as any one nation should cease to be vigilant in the discovery of infractions practised on its own code, the slave dealers would avail themselves of a system of obtaining fraudulent papers, and concealing the real ownership under the cover of such flags, which would be carried on with such address, as to render it easy for the citizens or subjects of one state, to evade their own municipal laws; but, if a concerted system existed, and a qualified right of mutual search was granted, the apprehension of these piratical offenders would be reduced to a much greater certainty; and the very knowledge of the existence of an active and vigorous system of co-operation would divert many from this traffic, as the unlawful trade would become too hazardous for profitable speculation.

In relation to any inconveniences that might result from such an arrangement, the commerce of the United States is so limited on the African coast, that it could not be much affected by it; and, as it regards economy, the expense of stationing a few vessels on that coast would not be much greater than to maintain them at any other place.

The committee have briefly noticed the practical results of a reciprocal right of search, as it bears on the slave trade; but the objection as to the propriety of ceding this right remains. It is with deference that the committee undertake to make any remarks upon it; they bear in recollection the opinions entertained in this country on the practice of searching neutral vessels in time of war; but they cannot perceive that the right under discussion is, in principle, allied, in any degree, to the general question of search; it can involve no commitment, nor is it susceptible of any unfavorable inference on that subject; and even if there were any affinity between the cases, the necessity of a special agreement would be inconsistent with the idea of existing rights: the proposal itself, in the manner made, is a total abandonment on the part of England, of any claim to visit and search ves-

sels in a time of peace, and this question has been unequivocally decided in the negative in her admiralty courts.

Although it is not among the objections that the desired arrangement would give any color to a claim or right of search in time of peace, yet, lest the case in this respect may be prejudiced in the minds of any, the committee will observe, that the right of search, in time of peace, is one that is not claimed by any power as a part of the law of nations; no nation pretends that it can exercise the right of visitation and search upon the common and unappropriated parts of the sea, except upon the belligerent claim. A recent decision in the British admiralty court, in the case of the French slave ship *Le Louis*, is clear and decisive on this point. The case is annexed to this report.

In regard then to the reciprocal right wished to be ceded, it is reduced to the simple inquiry whether, in practice, it will be beneficial to the two contracting nations. Its exercise, so far as it relates to the detention of vessels, as it is confined to the fact of slaves being actually on board, precludes almost the possibility of accident or much inconvenience.

In relation also to the disposal of the vessels and slaves detained, an arrangement perhaps could be effected, so as to deliver them up to the vessels of the nation to which the detained vessel should belong. Under such an understanding, the vessels and slaves delivered to the jurisdiction of the United States might be disposed of in conformity with the provisions of our own act of the 3d of March, 1819; and an arrangement of this kind would be free from any of the other objections.

An exchange of the right of search, limited in duration, or to continue at pleasure, for the sake of experiment, might, it is anxiously hoped, be so restricted to vessels and seas, and with such civil and harmonious stipulations, as not to be unacceptable.

The feelings of this country on the general question of search have often been roused to a degree of excitement that evince their unchangeable character; but the American people will readily see the distinction between the cases; the one, in its exercise to the extent claimed, will ever produce irritation, and excite a patriotic spirit of resistance; the other is amicable and charitable; the justness and nobleness of the undertaking are worthy of the combined concern of Christian nations.

The detestable crime of kidnapping the unoffending inhabitants of one country, and chaining them to slavery in another, is marked with all the atrociousness of piracy; and, as such, it is stigmatized and punishable by our own laws.

To efface this reproachful stain from the character of civilized mankind, would be the proudest triumph that could be achieved in the cause of humanity. On this subject the United States, having led the way, owe it to themselves to give their influence and cordial cooperation to any measure that will accomplish the great and good purpose; but this happy result, experience has demonstrated, cannot be realized by any system, except a concession by the maritime powers to each other's ships of war, of a qualified right of search; if this

object was generally attained, it is confidently believed that the active exertions of even a few nations would be sufficient entirely to suppress the slave trade.

The slave dealers could be successfully assailed on the coast upon which the trade originates, as they must necessarily consume more time in the collection and embarkation of their cargoes, than in the subsequent distribution in the markets for which they are destined; this renders that coast the most advantageous position for their apprehension; and, besides, the African coast frequented by the slave ships, is indented with so few commodious or accessible harbors, that, notwithstanding its great extent, it could be guarded by the vigilance of a small number of cruisers. But, if the slave ships are permitted to escape from the African coast, and to be dispersed to different parts of the world, their capture would be rendered uncertain and hopeless.

The committee, after much reflection, offer the following resolution:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be requested to enter into such arrangements as he may deem suitable and proper, with one or more of the maritime powers of Europe, for the effectual abolition of the African slave trade.

Case of the French slave Ship Le Louis, extracted from the 12th annual report of the African Institution, printed in 1818.

This vessel sailed from Martinique on the 30th of January, 1816, on a slave trading voyage to the coast of Africa, and was captured near Cape Mesurado by the Sierra Leone colonial vessel of war, the Queen Charlotte, after a severe engagement which followed an attempt to escape, in which eight men were killed and twelve wounded of the British; and proceedings having been instituted against Le Louis in the Vice admiralty court of Sierra Leone, as belonging to French subjects, and as fitted out, manned, and navigated, for the purpose of carrying on the slave trade, after the trade had been abolished both by the internal laws of France and by the treaty between that country and Great Britain, the ship and cargo were condemned as forfeited to his majesty.

From this sentence an appeal having been made to the High Court of Admiralty, the cause came on for hearing, when the court reversed the judgment of the inferior court, and ordered the restitution of the property to the claimants.

The judgment of Sir William Scott was given at great length. The directors will advert to such points of it as are immediately connected with their present subject. "No doubt," he said; "could exist that this was a French ship intentionally engaged in the slave trade." But, as these were facts which were ascertained in consequence of its seizure, before the seizer could avail himself of this discovery, it wa ne-

cessary to inquire whether he possessed any right of visitation and search; because, if the discovery was unlawfully produced, he could not be allowed to take advantage of the consequences of his own wrong.

The learned judge then discussed, at considerable length, the question, whether the right of search exists in time of peace? And he decided it without hesitation in the negative. "I can find," he says "no authority that gives the right of interruption to the navigation of states in amity, upon the high seas, excepting that which the rights of war give to both belligerents against neutrals. No nation can exercise a right of visitation and search upon the common and unappropriated parts of the sea, save only on the belligerent claim." He admits, indeed, and with just concern, that if this right be not conceded in time of peace, it will be extremely difficult to suppress the traffic in slaves.

"The great object, therefore, ought to be to obtain the concurrence of other nations, by application, by remonstrance, by example, by every peaceable instrument which men can employ to attract the consent of men. But a nation is not justified in assuming rights that do not belong to her, merely because she means to apply them to a laudable purpose."

"If this right," he adds, "is imported into a state of peace, it must be done by convention; and it will then be for the prudence of states to regulate, by such convention, the exercise of the right, with all the softenings of which it is susceptible."

The judgment of Sir William Scott would have been equally conclusive against the legality of this seizure, even if it could have been established in evidence that France had previously prohibited the slave trade by her municipal laws. For the sake of argument, however, he assumes that the view he has taken of the subject might, in such a case, be controverted. He proceeds therefore to inquire how far the French law had actually abolished the slave trade at the time of this adventure. The actual state of the matter, as collected from the documents before the court, he observes, is this:

"On the 27th of July, 1815, the British Minister at Paris writes a note to Prince Talleyrand, then minister to the King of France, expressing a desire on the part of his court to be informed whether, under the law of France as it then stood, it was prohibited to French subjects to carry on the slave trade. The French minister informs him, in answer, on the 30th of July, that the law of the Usurper on that subject was null and void, (as were all his decrees) but that his most Christian Majesty had issued directions, that, on the part of France, "the traffic should cease, from the present time, every where, and forever."

"In what form these directions were issued, or to whom addressed, does not appear; but, upon such authority, it must be presumed that they were actually issued. It is, however, no violation of the respect due to that authority, to inquire what was the result or effect of those

directions so given; what followed in obedience to them in any public and binding form? And I fear I am compelled to say, that nothing of the kind followed, and that the directions must have slept in the port folio of the office to which they were addressed; for it is, I think, impossible that, if any public and authoritative ordinance had followed, it could have escaped the sleepless attention of many persons in our own country, to all public foreign proceedings upon this interesting subject. Still less would it have escaped the notice of the British resident minister, who, at the distance of a year and a half, is compelled, on the part of his own court, to express a curiosity to know what laws, ordinances, instructions, and other public and ostensible acts, had passed for the abolition of the slave trade.

“ On the 30th of November, in the same year, (1815) the additional article of the definitive treaty, a very solemn instrument, most undoubtedly, is formally and publicly executed, and it is in these terms: ‘ The high contracting parties sincerely desiring to give effect to the measures on which they deliberated at the Congress of Vienna, for the complete and universal abolition of the slave trade; and having each, in their respective dominions, prohibited, without restriction, their colonies and subjects from taking any part whatever in this traffic, engage to renew, conjointly, their efforts, with a view to ensure final success to the principle which they proclaimed in the declaration of the 8th of February, 1815, and to concert, without loss of time, by their ministers at the court of London, the most effectual measures for the entire and definitive abolition of the traffic so odious and so highly reprovèd by the laws of religion and nature.’

“ Now, what are the effects of this treaty? According to the view I take of it, they are two, and two only; one declaratory of a fact, the other promissory of future measures. It is to be observed, that the treaty itself does not abolish the slave trade; it does not inform the subjects that that trade is *hereby* abolished, and that, by virtue of the prohibitions therein contained, its subjects shall not, in future, carry on the trade; but the contracting parties mutually inform each other of the fact that they have, in their respective dominions, abolished the slave trade, without stating at all the mode in which that abolition had taken place.”

“ It next engages to take future measures for the universal abolition.

“ That, with respect to both the declaratory and promissory parts, Great Britain has acted with the *optima fides*, is known to the whole world which has witnessed its domestic laws, as well as its foreign negotiations.

“ I am very far from intimating that the government of this country did not act with perfect propriety, in accepting the assurance that the French government had actually abolished the slave trade, as a sufficient proof of the fact; but the fact is now denied by a person who has a right to deny it: for, though a French subject, he is not bound to acknowledge the existence of any law which has not pub-

licly appeared; and the other party having taken upon himself the burthen of proving it in the course of a legal inquiry, the court is compelled to demand and expect the ordinary evidence of such a disputed fact. It was not till the 15th of January, in the present year, (1817) that the British resident minister applies for the communication I have described, of all laws, instructions ordinances, and so on: he receives in return what is delivered by the French minister as *the ordinance*, bearing date only one week before the requested communication, namely, the 8th of January. It has been asserted, in argument, that no such ordinance has yet, up to this very hour, even, appeared in any printed or public form, however much it might import both French subjects, and the subjects of foreign states, so to receive it.

“How the fact may be, I cannot say; but I observe it appears before me in a manuscript form; and by inquiry at the Secretary of State's office, I find it exists there in no other plight or condition.

“In transmitting this to the British government the British minister observes, it is not the document he had reason to expect; and, certainly, with much propriety: for how does the document answer his requisition? His requisition is for all laws, ordinances, instructions, and so forth. How does this, a simple ordinance, professing to have passed only a week before, realize the assurance given on the 30th of July, 1815, that the traffic “should cease, from the present time, every where and forever?” or how does this realize the promise made in November, that measures should be taken, without loss of time, to prohibit not only French colonists, but French subjects likewise, from taking any part whatever in this traffic? What is this regulation in substance? Why, it is a mere prospective colonial regulation, prohibiting the importation of slaves into the French colonies from the 8th of January, 1817.

“Consistently with this declaration, even if it does exist, in the form and with the force of a law, French subjects may be yet the common carriers of slaves to any foreign settlement that will admit them, and may devote their capital and their industry, unmolested by law, to the supply of any such markets.

“Supposing, however, the regulations to contain the fullest and most entire fulfilment of the engagement of France, both in time and in substance, what possible application can a prospective regulation of January, 1817, have to a transaction of March, 1816?

“Nobody is now to be told that a modern edict which does not appear, cannot be presumed; and that no penal law of any state can bind the conduct of its subjects, unless it is conveyed to their attention in a way which excludes the possibility of honest ignorance. The very production of a law professing to be enacted in the beginning of 1817, is a satisfactory proof that no such law existed in 1816, the year of this transaction. In short, the seizer has entirely failed in the task he has undertaken, in proving the existence of a prohibitory law, enacted by the legal Government of France, which can be applied to the present transaction.”

(C.)

Report of the Committee on the Suppression of the Slave Trade; made in the House of Representatives, April 12, 1822.

The Committee on the Suppression of the Slave Trade, to whom was referred a resolution of the House of Representatives, of the 15th of January last, instructing them to inquire whether the laws of the United States prohibiting that traffic have been duly executed; also, into the general operation thereof; and, if any defects exist in those laws, to suggest adequate remedies therefor; and to whom many memorials have been referred touching the same subject; have, according to order, had the said Resolution and Memorials under consideration, and beg leave to

REPORT:

That, under the just and liberal construction put by the Executive on the act of Congress of March 5d, 1819, and that of the 15th May, 1820, inflicting the punishment of piracy on the African Slave Trade, a foundation has been laid for the most systematic and vigorous application of the power of the United States, to the suppression of that iniquitous traffic. Its unhappy subjects, when captured, are restored to their country, agents are there appointed to receive them, and a colony, the offspring of private charity, is rising on its shores, in which such as cannot reach their native tribes, will find the means of alleviating the calamities they may have endured before their liberation.

When these humane provisions are contrasted with the system which they supersede, there can be but one sentiment in favor of a steady adherence to their support. The document accompanying this report, and marked A, states the number of Africans seized or taken within or without the limits of the United States, and brought there, and their present condition.

It does not appear to your committee, that such part of the naval force of the country as has been hitherto employed in the execution of the laws against this traffick, could have been more effectually used for the interest and honor of the nation. The document marked B, is a statement of the names of the vessels, and their commanders, ordered-upon this service, with the dates of their departure, &c. The first vessel destined for this service, arrived upon the coast of Africa in March, 1820; and in the few weeks she remained there, sent in for adjudication four American vessels, all of which were condemned. The four which have been since employed in this service, have made five visits, (the Alligator having made two cruises in the past summer,) the whole of which have amounted to a service of about ten months by a single vessel, within a period of near two years; and since the middle of last November, the commencement of the healthy season on that coast, no vessel has been, nor, as your committee is informed, is under orders for that service.

The committee are thus particular on this branch of their inquiry, because unfounded rumors have been in circulation, that other branches of the public service have suffered from the destination given

to the inconsiderable force above stated, which, small as it has been, has, in every instance, been directed, both in its outward and homeward voyage, to cruise in the West India Seas.

Before they quit this part of their inquiry, your committee feel it their duty to state, that the loss of several of the prizes made in this service, is imputable to the size of the ships engaged in it. The efficacy of this force, as well as the health and discipline of the officers and crews, conspire to recommend the employment of no smaller vessel than a corvette or a sloop of war, to which it would be expedient to allow the largest possible complement of men; and, if possible, she should be accompanied by a tender, or vessel drawing less water. The vessels engaged in this service should be frequently relieved, but the coast should at no time be left without a vessel to watch and protect its shores.

Your committee find it impossible to measure with precision the effect produced upon the American branch of the slave trade, by the laws above mentioned, and the seizures under them. They are unable to state, whether those American merchants, the American capital and seamen, which heretofore aided in this traffic, have abandoned it altogether, or have sought shelter under the flags of other nations. It is ascertained, however, that the American flag, which heretofore covered so large a portion of the slave trade, has wholly disappeared from the coasts of Africa. The trade, notwithstanding increases annually, under the flags of other nations. France has incurred the reproach of being the greatest adventurer in this traffic, prohibited by her laws: but it is to be presumed, that this results not so much from the avidity of her subjects for this iniquitous gain, as from the safety which, in the absence of all hazard of capture, her flag affords to the greedy and unprincipled adventurers of all nations. It is neither candid or just to impute to a gallant and high-minded people, the exclusive commission of crimes, which the abandoned of all nations are alike capable of perpetrating, with the additional wrong to France herself, of using her flag to cover and protect them. If the vigor of the American navy has saved its banner from like reproach, it has done much to preserve, unsullied, its high reputation, and amply repaid the expense charged upon the public revenue by a system of laws to which it has given such honorable effect.

But the conclusion to which your committee has arrived, after consulting all the evidence within their reach, is, that the African Slave-Trade now prevails to a great extent, and that its total suppression can never be effected by the separate and disunited efforts of one or more states; and as the resolution to which this report refers, requires the suggestion of some remedy for the defects, if any exist, in the system of laws for the suppression of this traffic, your committee beg leave to call the attention of the House to the report and accompanying documents submitted to the last Congress, by the Committee on the Slave-Trade, and to make the same a part of this report. That report proposes, as a remedy for the existing evils of the system, the concurrence of the United States with one or all the maritime powers of Europe, in a modified and reciprocal right of search, on the African coast, with a view to the total suppression of the Slave-Trade.

It is with great delicacy that the committee have approached this subject: because they are aware that the remedy which they have pre-

sumed to recommend to the consideration of the House, requires the exercise of the power of another department of this Government, and that objections to the exercise of this power, in the mode here proposed, have hitherto existed in that department.

Your committee are confident, however, that these objections apply rather to a *particular proposition* for the exchange of the right of search, than to that modification of it which presents itself to your committee. They contemplate the trial and condemnation of such American citizens as may be found engaged in this forbidden trade, not by mixed tribunals sitting in a foreign country, but by existing courts, of competent jurisdiction, in the United States; they propose the same disposition of the captured Africans now authorized by law; and least of all, their detention in America.

They contemplate an exchange of this right, which shall be in all respects reciprocal; an exchange, which, deriving its sole authority from treaty, would exclude the pretension, which no nation, however, has presumed to set up; that this right can be derived from the law of nations; and further, they have limited it, in their conception of its application, not only to certain latitudes, and to a certain distance from the coast of Africa, but to a small number of vessels to be employed by each power, and to be previously designated. The visit and search, thus restricted, it is believed would ensure the co-operation of one great maritime power in the proposed exchange, and guard it from the danger of abuse.

Your committee cannot doubt that the people of America have the intelligence to distinguish between the right of searching a neutral on the high seas, in time of war, claimed by some belligerents, and that mutual, restricted, and peaceful concession by treaty, suggested by your committee, and which is demanded in the name of suffering humanity.

In closing this report, they recommend to the House the adoption of the following resolution, viz:

Resolved, That the President of the United States be requested to enter into such arrangements as he may deem suitable and proper with one or more of the maritime powers of Europe, for the effectual abolition of the Slave-Trade.

The following resolution was submitted to the House of Representatives on the 10th February, 1823, and adopted the 28th of the same month:

Resolved, That the President of the United States be requested to enter upon, and to prosecute, from time to time, such negotiations with the several maritime powers of Europe and America as he may deem expedient for the effectual abolition of the African slave trade; and its ultimate denunciation, as piracy, under the law of nations, by the consent of the civilized world.