

The Limits of Law: British Efforts to Suppress the Slave Trade, 1818-1850

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Abstract

In 1807 the British Empire signed into law the Slave Trade act which effectively put an end to the trans-Atlantic slave trade. Freetown, Sierra Leone would become the headquarters of Britain's anti-slavery efforts. Yet, after the first decade of suppression, slaving returned to levels from before the Act of 1807. This thesis seeks to understand the roots of this increase in slave exports and the measures enacted to combat this problem. Drawing upon personal correspondence among government officials, parliamentary papers and diary entries, this paper explores a political and personal narrative that shows how extra-legal methods in abolition were a driving force behind suppression.

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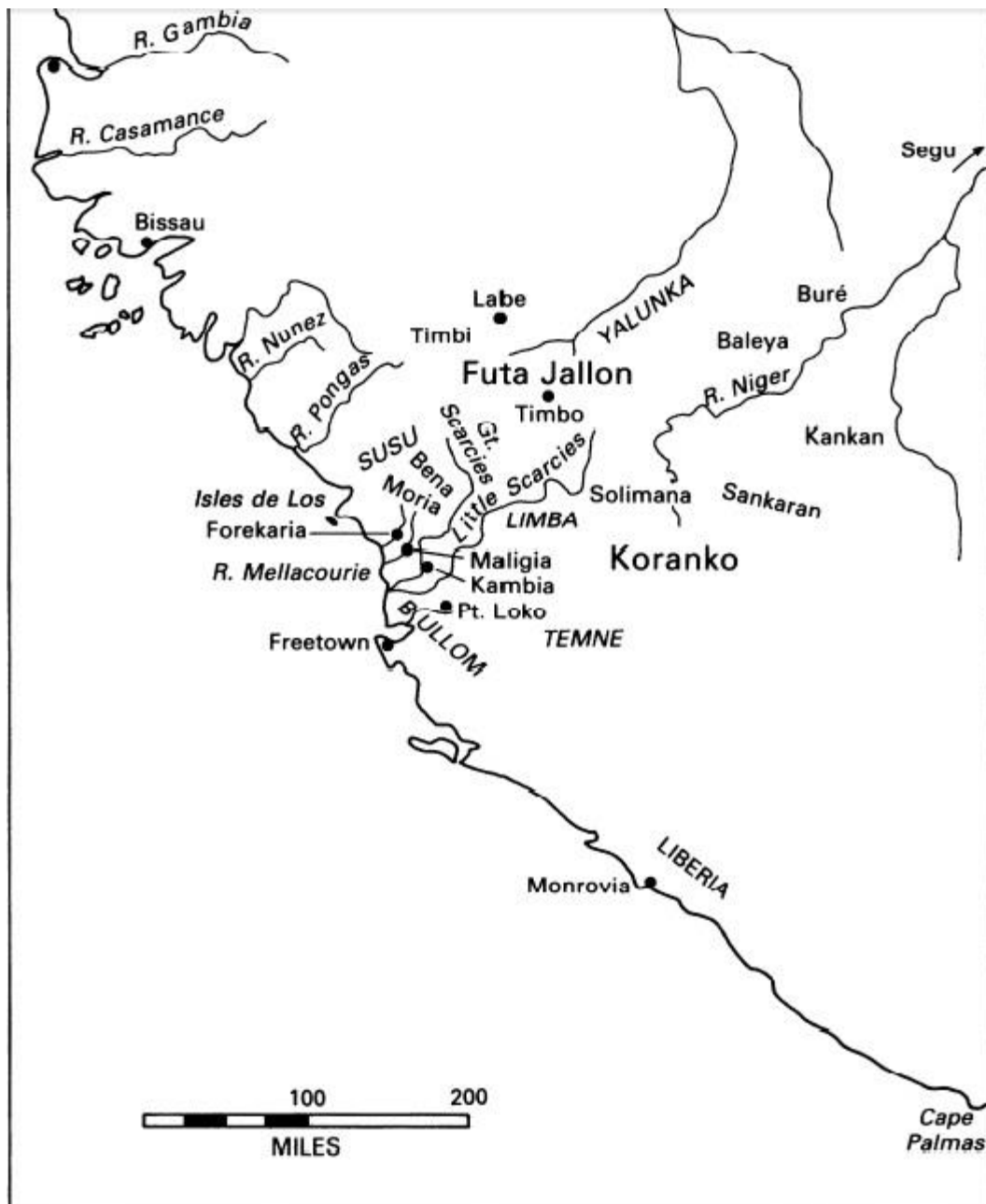


Fig 1: Sierra Leone and the surrounding area.¹

¹ Winston McGowan, "The Establishment of Long Distance Trade between Sierra Leone and Its Hinterland," *The Journal of African History* 31, no. 1 (1990): 26.

	Senegambia and off-shore Atlantic	Sierra Leone	Windward Coast	Gold Coast	Bight of Benin	Bight of Biafra
1750	1,609	1,315	1,961	7,707	15,349	13,942
1751-1760	50,555	17,419	44,083	88,174	122,566	93,294
1761-1770	52,405	42,296	76,521	108,658	110,383	146,542
1771-1780	51,267	36,551	65,186	112,562	109,887	109,997
1781-1790	37,944	31,378	36,067	135,036	113,692	151,242
1791-1800	28,043	51,119	21,176	109,441	93,197	154,642
1801-1810	53,702	42,627	25,241	75,746	95,428	140,385
1811-1820	29,166	22,624	7,190	1,712	74,093	65,870
1821-1830	13,073	43,543	7,867	5,362	59,250	163,525
1831-1840	4,626	43,926	3,155	3,293	73,081	97,829
1841-1850	8,375	21,023	0	0	108,943	27,554
1851-1860	0	4,795	0	0	22,528	2
1861-1866	0	0	0	0	11,339	0
Totals	330,765	358,616	288,447	647,692	1,009,735	1,164,822

Fig. 2: This chart shows how many slaves were transported from each region along the African coast.²

² David Eltis, "Estimates," Slavevoyages.org, accessed March 19, 2014, <http://www.slavevoyages.org/tast/assessment/estimates.faces>.

Introduction

The passage of the Slave Trade Act of 1807 by the British government became the first international attempt by any country to end the slave trade. To put suppression into effect, Parliament looked towards Freetown, Sierra Leone on the west coast of Africa to be the spearhead of suppression in the Atlantic. Even so, through the 1820s and 30s, the number of slaves exported in the area surrounding Freetown increased. Through the eighteenth century and into the nineteenth century the slave trade was so central to this region that vague treaties and parliamentary decrees were simply not enough to put an end to the trade. The groundwork for the final suppression of the slave trade was laid by British officials who believed in overstepping international boundaries in order to force the trade to end. This thesis will analyze how officials in and around Sierra Leone navigated the complex system of diplomatic, legal, and cultural standards in order to successfully bring about the end of the slave trade.

In 1792, Freetown was established as a colony for liberated Africans. The first settlers were freed American slaves known as Nova Scotians and later, exiled Jamaican Maroons joined them. For twenty years the settlers of Freetown struggled to survive on legitimate commerce that could not compete with the profitability of the slave trade. War, famine and a lack of commerce slowly wore away at the colony until, in 1807, the British Government turned Freetown into a Crown Colony, intent on making Sierra Leone the center for suppression and abolition in West Africa. In order to accomplish this, parliament, along with the Royal Navy, created the West African Squadron to police the Atlantic. Parliament then created a Vice-Admiralty Court at Freetown, and later a Court of Mixed

Commissions where judges of different nationalities conducted trials to try slavers who were captured by the squadron.

Until the nineteenth century, slavery was an economic staple for European and African powers, fueling both industrialization and colonization. By 1807, when the Slave Trade Act was passed, the slave trade was at its zenith in terms of profitability and number of slaves transported from Africa. Historian David Eltis explains that there was no clear end in sight for slaving and had it not been for the effort of abolitionists, the slave trade would likely have continued for decades. In fact, speaking purely from economic self-interest, the British should have actively encouraged the slave trade well into the nineteenth century. Eltis explains that suppression and later abolition (1833) were driven by two beliefs. The first was based on the laissez-faire principle that free-wage labor was more productive in the long run compared to coerced labor. The second was by a desire to promote their idea of civilization and progress in the world.³ Thus, a belief in progress prompted abolitionists to push for an end to the trade, despite the economic toll that came with suppression.

The most significant factor that prevented suppression and abolition was gaining the full support of the many countries engaged in the traffic to end their own trade. Despite Britain's role as the main agent for suppression, British officials were anything but a united front on the subject. Michael Turner analyzes Thomas Thompson's (1808-11) short term as Governor of Sierra Leone. Thompson spoke out against his superiors in Parliament because many abolitionists knowingly forced former slaves in Sierra Leone into a labor system known as apprenticing, which Thompson believed was essentially slavery. Thompson was

³ David Eltis. *Economic Growth and the Ending of the Transatlantic Slave Trade*. (New York: Oxford University Press, USA, 1989), 5.

removed from office before any real change occurred, though his actions show that even British officials were split on suppression and abolition.⁴

Furthermore, without the full support of foreign governments, any attempts to end the foreign traffic were illegal by international standards. Tara Helfman contextualizes this issue through a case study of the Courts of Vice-Admiralty's first chief justice, Robert Thorpe (1808-15). She argues that Thorpe acted with such a disregard for the law that his actions resulted in financial and diplomatic problems, that non-British powers found it cheaper to agree to suppress the trade along with Britain.⁵

Even after the creation of joint international treaties, efforts to suppress the trade still faced many obstacles. He showed that British officers often acted as prosecutors towards the slavers, while their foreign counterpart acted as a defense attorney for their accused countrymen. Furthermore, vague treaties prevented the courts from adequately punishing slavers or from properly disposing of the confiscated items used for slaving.⁶

The goal of this thesis is to show how the interaction among various economic, social, and legal elements of society in Sierra Leone directly affected the effectiveness of suppression as a whole. Through that analysis, I aim to show that the most effective means to suppression were the extra-legal actions carried out by British officials in the years 1807-1818. Between 1818 and 1839, slavery actually increased when the British courts imposed more formal regulations on those seeking to suppress the trade. While many scholars on the subject mention the courts in the periphery, I plan to build more on the

⁴ Michael Turner, "The Limits of Abolition: Government, Saints and the 'African Question', C. 1780-1820", *English Historical Review* 112, no. 446 (Apr 1997): 340.

⁵ Tara Helfman "The Court of Vice Admiralty at Sierra Leone and the Abolition of the West African Slave Trade." *The Yale Law Journal* 115, no.5 (Mar., 2006): 1122.

⁶ Leslie Bethell. "The Mixed Commissions for the Suppression of the Transatlantic Slave Trade in the Nineteenth Century." (*The Journal of African History* 7, no. 1 1966): 89.

work of Leslie Bethell in focusing more specifically on the courts and the diplomatic half-measures that inadvertently contributed to the increases in slaving. Beginning in 1836, more robust efforts to force foreign countries to abide by anti-slavery treaties led to more effective ways to prevent slavers from returning to Africa. By highlighting the efforts of specific men in suppression activities, I will show that a partial return to the kinds of illegal measures utilized in the period of 1807-1818 finally brought about the effective end of commerce in human beings.

Chapter 1 will begin with the creation of the Vice-Admiralty Courts and the West African Squadron. Senior officials in both institutions were expected to effectively police the slave trade and set a precedent for its extinction with only vague treaties to base their efforts on. This chapter will conclude with the Vice-Admiralty court reaching an upper-limit for suppression and the formation of the Courts of the Mixed Commissions. Chapter 2 will discuss the socio-economic situation in Sierra Leone and the struggle to find sources of legitimate trade in a region that heavily relied on slavery. This chapter will show that legitimate trade and commercial activity was essential to the ultimate suppression of the slave trade. Chapter 3 will span nearly two decades, from 1820-1836, when the slave trade returned to pre-suppression levels. This period is defined by the weakness of the courts and the West African Squadron to prevent the trade and the apathy of foreign governments towards those trading under their flag. This period was characterized by a disillusionment towards the success of suppression and conflicting strategies to remedy the problem. Chapter 4 will stretch from 1836-1850 and show how the slave trade was finally ended. Palmerston's act of 1839 and Joseph Denman's destruction of slave factories in the Gallinas

exemplified a return to the attitudes of the early decades of suppression, where they insisted on ending the trade through questionable legal measures if need be.

Chapter 1:

Setting a Precedent, Vice-Admiralty Courts and the West African Squadron. (1808-1817)

The first decade of abolition was defined by British abolitionists and officials experimenting with the limits of vague laws and treaties which meant pushing the boundaries between legal and illegal. The first step in converting Freetown into a center for slave suppression necessitated the creation of a judicial entity with the legal power to bring slavers to justice under the Slave Trade act. Thus, parliament created a Vice-Admiralty court in Sierra Leone. In times of peace, the Vice-Admiralty court primarily dealt with British subjects regarding civil matters, while during times of war, the reach of the courts expanded to the international community. Therefore, because of the Napoleonic Wars (1803-1815), British officials in the Vice-Admiralty courts had jurisdiction over the trade and transport of both foreign and domestic ships. British officials used the Vice-Admiralty courts as a way of prosecuting foreign subjects who engaged in the slave trade. Because slave trade suppression had never been attempted before, officials of the Courts did not have any legal precedent to guide their actions. Thus, the chief justice was required to understand and interpret both domestic and international laws to suit a complex framework of domestic policy and international diplomacy.⁷ Effectively ruling on cases, while respecting these laws, proved exceedingly difficult; however, the first chief justice, Robert Thorpe used his comprehensive understanding of the above mentioned framework

⁷ Tara Helfman. "The Court of Vice Admiralty at Sierra Leone and the Abolition of the West African Slave Trade." 1126.

and his own moral beliefs against slavery to target and combat the primary actors engaged in the slave trade.

This section will show how Thorpe and the West African Squadron carried out suppression through extra-legal methods. In terms of international standards, the early efforts to suppress the slave trade in the years of 1807-1817 were completely illegal. Regardless, these extralegal effort forced world powers such as Spain, the Netherlands, Portugal, and later Brazil to the negotiating table and to the creation of international agreements to end the traffic in human cargo.⁸

In order to prosecute slave traders, parliament created the Royal Navy's West African Squadron to work in conjunction with the Vice-Admiralty courts and later the Mixed Commissions Court (1818). As an incentive for the sailors, Parliament established a bounty system, whereby each sailor received a percentage of the total value of all slaves captured. Male slaves were worth £60, female slaves were £30, and child slaves were £10.⁹ In 1808, the whole of the West African Squadron, a frigate and a sloop, reached Sierra Leone with the daunting assignment of policing upwards of 3,000 miles of coastline, rivers and estuaries. Undermanned and poorly equipped, Christopher Lloyd explains that the squadron stood little chance against the slavers who had a vast understanding of the local waterways and who employed fast and agile schooners that easily evaded the Royal Navy's ships. For the next several decades, the West African Squadron, inhibited by disease and legal restrictions, were at continuous disadvantage compared to the slavers, who developed new, and often more brutal, methods of carrying out the trade. The effectiveness

⁸ David Eltis. *Economic Growth and the Ending of the Transatlantic Slave Trade*, 110.

⁹ Christopher Lloyd. *The Navy and the Slave Trade: The suppression of the African slave trade in the Nineteenth Century* (London, 1968), 79.

of the squadron relied heavily on the abilities of their commanding officers and whether their officers personally believed in abolition.

No matter the particular zeal or belief in abolition that many sailors possessed, the West African Squadron nevertheless developed a bad reputation in the navy as sailors and liberated Africans – known as recaptives – died in large numbers. Sailors and recaptives often fell victim to malaria and yellow fever or outbreaks of small pox. Furthermore, the conditions recaptives faced after their liberation was rarely better than their treatment on slave ships. The squadron often gave recaptives the same rations they received on slave vessels and also kept them in the same cramped and dirty conditions. Aloysius Horn, a writer and ivory trader in central Africa, described the squadron as “...the worst possible station to which an ordinary seaman could be posted.”¹⁰ The most dangerous part of the job, both for sailors and liberated Africans, lay in the journey to Sierra Leone aboard a captured slave ship and during the adjudication period. During these periods recaptives and British sailors alike waited for weeks in the Freetown Harbor while disease consistently threatened their lives.¹¹

Furthermore, the magnitude of the slave trade quickly exposed the squadron’s inferiority, but parliament was slow to increase the number of ships assigned to suppression. In 1819, the squadron consisted of three ships and by 1833 the number grew to ten and never dipped below that, sometimes even going as high as 36 in the 1840’s. However, Historian David Eltis demonstrates that at any given point at least 10-15% of the squadron’s strength was in transit between England and Africa. While the French and

¹⁰ Aloysius horn. *The Ivory Coast in the Earlies*. (1927), 38, quoted in Christopher Lloyd, *The Navy and the Slave Trade*, 19.

¹¹ This will be discussed in greater detail in Chapter 3.

Americans occasionally offered help in the form their own squadrons, these expeditions were sporadic and did little to actually affect the trade.¹² As such, the British often found themselves alone in policing the vast traffic along the coast.

With both the West African Squadron and the Vice-Admiralty courts established, parliament appointed Robert Thorpe, a Judge from Upper Canada who had already made a reputation for “Violence and indiscretion.” Owing to a shortage of experienced lawyers willing to serve in Africa, parliament settled on Thorpe and transferred him to Freetown in 1808, yet he would not arrive until two years later. This long pause between Thorpe’s appointment as chief justice and actual arrival in Sierra Leone meant that the courts former storekeeper, who had no real experience as a judge, presided over all the cases brought in by the West African Squadron.¹³ When Thorpe finally arrived at Freetown “[he] found a Tradesman had nominally presided [over] this Court, he condemned, he purchased the Cargo and then retailed it, the precedents were erroneous, the officers insufficient and dissatisfied, and the practice indecorous as there was no Salary everything was slovenly...”¹⁴ Historian Tara Helfman explains that upon Thorpe’s arrival, the courts were useless due to corruption, disorganization, and a lack of experienced officials, a problem which Thorpe personally undertook to solve.¹⁵

After the Act of 1807, Spanish, Portuguese and Brazilian slavers quickly filled the vacuum left by the British. In a letter to MP William Wilberforce, Thorpe wrote “The

¹² David Eltis. *Economic Growth and the Ending of the Transatlantic Slave Trade*. 94.

¹³ Christopher Fyfe. *A History of Sierra Leone*. (London: Oxford University Press, 1962.) 116.

¹⁴ Letter from Robert Thorpe, Chief Judge, Court of Vice Admiralty at Sierra Leone, to Lord Liverpool, Sec’y of State for War & Colonies (Feb. 6, 1812) (on file with PRO, Admiralty 1/4221), quoted in Tara Helfman. “The Court of Vice Admiralty at Sierra Leone and the Abolition of the West African Slave Trade,” 1133.

¹⁵ Tara Helfman. “The Court of Vice Admiralty at Sierra Leone and the Abolition of the West African Slave Trade,” 1133.

Spanish and Portuguese trade has so wonderfully increased, that the difference is insignificant since ours was abolished and what is worse, it has augmented the Negroes sufferings in the trans-Atlantic passage... I do not conceive we are even redeemed from the sin of this trade.”¹⁶ Thorpe felt a moral or religious obligation to stop the slave trade, and this obligation drove him to extend his powers as far as he could to attack Spanish and Portuguese slave trading. Before Thorpe took over the courts, only British slavers felt any repercussions from The Slave Trade Act. Helfman explains that once Thorpe arrived and began his crusade, foreign powers began to feel suppression as well. The first problem Thorpe faced regarded sovereignty and colonial borders. Technically, only slavers in British waters could be tried, but in West Africa colonial holdings had not been clearly defined and remained fluid. Therefore, there was no definitive way to determine whether a ship was trading legally. Furthermore, parliament provided Thorpe with vague instructions to determine whether a ship was slaving. These instructions dictated that only ships with slaves on board could be captured, yet they offered no instructions on how to handle cases where ships were clearly outfitted for the trade. Any attempt by Thorpe to clarify these instructions were met with apathy from Westminster. Rather than accepting the indifference he faced, Thorpe instead took this as an opportunity to create his own rules regarding the slave trade based on his perception of the natural laws of man and of British common law.¹⁷ Thorpe’s actions in the Vice-Admiralty Court were based on Lord Mansfield’s judgment in the *Somerset v. Stewart* case of 1772, where an escaped slave was proved to be a free man. In this case, Francis Hargrave, counsel for the escaped slave, James

¹⁶ Robert Thorpe. *A Letter to William to William Wilberforce*. (London: 1815), 50.

¹⁷ Tara Helfman. “The Court of Vice Admiralty at Sierra Leone and the Abolition of the West African Slave Trade.” 1134.

Somerset, structured his argument on natural laws. He argued natural laws were universal and thus superior to the laws of nations, which were dictated by custom. In the end, Lord Mansfield declared that any slave entering England should be considered a free person. However, this ruling did not extend to British colonial holdings. Nonetheless, Thorpe employed the underlying theme of natural laws to his rulings.¹⁸

According to treaty arrangements between the British and the Portuguese from 1810, the Portuguese were legally allowed to partake in the trade with the stipulation that their ships embarked and disembarked from Portuguese territories. This arrangement enticed slavers of other nationalities to seek protection by flying Portuguese colors.¹⁹ Thus, slave traders commonly traded in the Rio Pongo, a river to the North of Freetown that was technically within Spanish and Portuguese territorial waters. While the British government did not lay any claim to these territories, Thorpe believed that extending British naval and judicial power into this region would act as a deterrent for foreign slavers flying the Portuguese flag. In order to do this, he used legal loopholes, specifically the claim that these ships dealt in kidnapped recaptives from Freetown.²⁰ Stopping an institution as large as the slave trade required ingenuity with the law and a determination to push the boundaries of legality. Hugh Thomas explains that the second commander of the Squadron, Frederick Irby (1810-13), worked closely with Thorpe and also believed in this manner of suppression. Irby targeted Portuguese ships along the coast regardless of their location.²¹ In 1811, Irby intercepted a Portuguese ship, the *Bom Caminho*, and discovered two canoes that slavers

¹⁸ Tara Helfman. "The Court of Vice Admiralty at Sierra Leone and the Abolition of the West African Slave Trade." 1139.

¹⁹ *Ibid.*, 1136.

²⁰ *Ibid.*, 1134.

²¹ Hugh Thomas. *The Slave Trade: The story of the Atlantic slave trade*, 575.

used to transport slaves from the coast. W.E.F. Ward explains that while Irby did not send the ship for adjudication, he illegally confiscated the canoes and destroyed them. In a letter sent the next day, Irby explained to British officials that if he found another ship equipped with the articles for slaving he intended to “...send her to Sierra Leone for adjudication.”²²

Despite Thorpe’s exertions to try and prevent slaving, he could only extend his will so far. One instance that demonstrates the limits of Thorpe’s power was the trial of Samuel Samo. The court established that Samo, an Englishman, had long resided in the West African Sansoo nation and had long dealt in slaves. Despite this evidence, when Samo was finally brought to the bar, his sentence was commuted and he was let go because of his connections with European merchants and prominent figures of the Sansoo nation.²³ While Thorpe could exercise power past his limits for slave ships, his power ultimately had an upper-limit with the well-connected and established slavers that so long controlled the trade along the shores and rivers of Africa.

The illegality of these captures eventually caught up with Thorpe and the officials in Sierra Leone. Eltis explains that from 1810-12, twenty-four Portuguese ships were captured in areas where they were legally allowed to deal in slaves. This outraged the Portuguese government and forced Secretary of War Lord Castlereagh, to hand down specific orders stopping this practice in fear of starting a war. As a result only six Portuguese ships were captured in 1813-14.²⁴ In 1815, a new treaty with the Portuguese rendered the slave trade illegal, but only in the Northern hemisphere. For officials in Sierra Leone, preventing slaving in the northern hemisphere was not enough and they quickly

²² W.E.F. Ward, *The Royal Navy and the Slavers* (New York, NY: Pantheon Books, 1969), 52.

²³ *The Trials of the Slave Traders: Samuel Samo, Joseph Peters and William Tuffts*, (London, 1813), 36.

²⁴ David Eltis. *Economic Growth and the Ending of the Transatlantic Slave Trade*. 108.

found loopholes in the treaties in order to prevent international law from undermining natural law.²⁵ Thus, in order to pursue and capture Portuguese ships, officials turned to the 1811 Felony Act that had made slaving a felony for British subjects. The Felony Act did not pertain to international slavers. The West African Squadron and Court officials, however, overlooked this technicality. Through 1816 and 1817, officials in Sierra Leone used the Felony Act of 1811 to capture and condemn another 24 ships, despite the British Government's frequent calls to cease adjudicating on Portuguese slavers who traded according to the treaty of 1815.²⁶

The power of the Vice Admiralty court reached its limit in 1817 when the High Admiralty Court in London Overturned the ruling on the *Le Louis* case. In 1816, the *HMS Charlotte* captured the French Schooner the *Le Louis* and brought it to the Vice Admiralty Court where it was condemned as a slave ship. The owners of the *Le Louis* appealed the decision to the High Admiralty Court and the original ruling was overturned and damages were awarded to the owners. The restoration of the *Le Louis* to its owners codified the illegality of British suppression efforts. The ruling further stated that without an agreement between governments, the British could not search foreign ships in times of peace. Furthermore, this resulted in the Spanish and Portuguese governments to seek payment for damages incurred during the last decade in accordance with the precedent set by the *Le Louis*. Rather than pay these outright, parliament refused unless these governments agreed to outlaw the trade and create a joint declaration that gave British ships the right to search

²⁵ However, it is important to note that several accusations, though lacking hard evidence, exist from Robert Thorpe in his *Letter to William Wilberforce*. In this he claims that Governor Macauley, acting in conjunction with the merchant community of Freetown, pursued this policy as part of a price-fixing scheme, where they would underbid in prize cargo auctions to get lower than market prices.

²⁶ David Eltis. *Economic Growth and the Ending of the Transatlantic Slave Trade*, 109.

ships suspected of trading in humans.²⁷ Both governments agreed and signed treaties formally abolished the slave trade. With this agreement the suppression of the slave trade was no longer a British goal, but an international one.

The first decade of suppression proved that overstepping the law in suppression produced results and that Thorpe's extensive knowledge of the law and belief in natural rights, were essential to bringing about the end of the legal slave trade. During this decade slavers transported nearly 140,000 fewer slaves along the entire West African Coast while the number of slaves transported from Sierra Leone dropped from 42,627 to 22,624.²⁸ The battle for suppression and abolition was far from over, and as we will see, suppression efforts during the years of the Mixed Commissions Court were hindered by ineffectual policies and apathetic governments. While the 1810's saw a significant drop in slaving, the 1820's and 1830's, respectively, produced the 3rd and 4th largest decadal numbers of slaves exported in the history of the trade.²⁹

²⁷ David Eltis. *Economic Growth and the Ending of the Transatlantic Slave Trade*, 110.

²⁸ See Fig. 2

²⁹ *Ibid.*, 165.

Chapter 2:

Disease, the Liberated African Question and Legitimate trade

Distinct and often incompatible cultural and economic interests influenced the development of Sierra Leone, and abolitionists needed to overcome these in order to end the slave trade in the nineteenth century. This conflict of interest resulted from the unique community of original settlers, countless nationalities of liberated Africans, and the native communities that populated the interior of the colony. Before the Slave Trade Act of 1807 at least 20 settlers of Freetown and most inland communities continued to openly trade in people.³⁰ Furthermore, a concession to the Slave Trade Act, provided that recaptives could be sold as apprentices, in conditions that resembled slavery. On one hand, many residents of Sierra Leone supported abolition, while on the other, many continued to depend on the trade. Despite being well-suited geographically for the suppression of the slave trade, this geographic proximity made disease a constant threat for Europeans and Africans alike. Consequently, officials regularly died and their replacements had no experience, while also being overworked as their contemporaries succumbed to disease.

This section will show that Sierra Leone in the nineteenth century was inextricably tied to the slave trade. To fully suppress the slave trade officials needed to foster legitimate trade in the region - generally kola nuts, palm oil, gold, ivory, and agriculture produce - in order to ensure that recaptives were fully integrated into society as free laborers, while simultaneously overcoming the constant toll disease took on the populace. Officials on the ground, led by a group of notable politicians and abolitionists in London, known as the African Institution, worked to create legitimate trade. Together, they believed that

³⁰ Christopher Fyfe. *A History of Sierra Leone*, 101-3.

promoting religion and industry, both through education and apprenticeship, would provide a foundation for commerce that would ultimately force an end to the slave trade.³¹

Disease

In Sierra Leone, disease and death proved to be a particularly harsh factor that influenced the effectiveness of the courts. By 1828, Sierra Leone was the most dangerous British colony based solely on death rates. Through expected population increases, the colony should have reached somewhere between 25,000-26,000 people. Yet by 1828, the population was only 17,068, which translates to an annual death rate of 160 per 1,000.³² As a result, British officials often held multiple positions because of the consistent vacancies, and were unable to adequately focus on the responsibilities of the positions. In January 1825, following the death of Commissary Judge E. Gregory, D.M. Hamilton, then acting governor because his predecessors had died from illness, was forced to assume both the roles of governor and commissary Judge. In his letter informing parliament of Gregory's death, Hamilton also requested a leave of absence because of his own illness.³³ Situations like this were common place in the colony and due to the constant shuffling of positions and appointments of new officials, of experience among officials was often lacking.

Discussing West African diseases in the early nineteenth century is problematic because of how little people understood fever. Historian László Máthé-Shires asserts that based on both reports from the time and statistics of the region gathered later, the two

³¹ Christopher Fyfe. *A History of Sierra Leone*, 105.

³² Seymour Drescher, *The Mighty Experiment: Free Labor Versus Slavery in British Emancipation* (New York, NY: Oxford University Press, USA, 2004), 98.

³³ Daniel M. Hamilton to Secretary Canning, January 15th, 1825. CAC 27 (1825), 17.

most common diseases were yellow fever and malaria. Europeans in West Africa understood that marshes and swamps produced the most fever, yet they attributed this to 'bad air' rather than mosquitos. Europeans also divided sickness into many different fevers, when in actuality they had simply documented the different stages of fevers.³⁴ Furthermore, treatment of the disease, which generally consisted of mercury treatment and bloodletting, greatly increased the mortality rate of the infected. By the mid 1830's only two medical treatises existed on the nature of disease in Africa, yet it was not until the third one, published by Alexander Bryson in 1847, that conditions improved. Bryson based his research on the West African Squadron records and determined that these many different fevers were actually stages of the same one and advocated against the mercury treatment and bloodletting.³⁵ Thus, for the most volatile time in suppression of the slave trade, medical treatment was essentially non-existent or contributed to the mortality rate.

The high rate of disease and death left Freetown with a bad reputation among older, more experienced Government officials, who then refused to go out of concerns for their welfare. As a result, two-thirds of the European officials were under the age of thirty and consequently inexperienced. This lack of experience led many of the original Nova Scotian and Maroon settlers, who fared much better with disease, to feel that they should be given bigger roles in government than inexperienced Europeans. In 1830, a plan to substitute all government officials with original settlers and Africans was proposed, however never

³⁴ László Máthé-Shires, "Imperial Nightmares: The British Image of 'the Deadly Climate' of West Africa, C. 1840-74", *European Review of History: Revue europeenne d'histoire* 8, no. 2 (01 June 2010): 140.

³⁵ *Ibid.*, 147-9.

realized.³⁶ Despite being a colony based entirely around abolition, racism was still inextricably linked to daily life, despite the disadvantages of relying on Europeans.

The Liberated African Question

After 1808, recaptives quickly came to outnumber the original settlers of Freetown. Through the nineteenth century over 90,000 former slaves would be liberated by the courts in Sierra Leone.³⁷ To manage this near constant influx of people, the colonial government created a Superintendent of Recaptives who they tasked with keeping a registry of recaptives landed, doling out apprenticeships, and assigning living quarters.³⁸ While the colonial government intended to protect recaptives after their arrival, their constantly increasing numbers made accurate registration and accountability difficult. Due to the difficulty in keeping accurate registries, many recaptives were kidnapped and sold back into slavery, without officials ever finding out. Furthermore, many recaptives simply left the colony to return to their home, so officials often were not aware if a recaptive left or was kidnapped. As such, knowing the exact number of kidnapped recaptives is impossible, but in 1830 the colonial government hanged ten kidnappers, one being a recaptive school teacher who tried to sell one of his students and another was an American trader.³⁹ John McCormack, a wealthy merchant in the colony, stated that “...the Mandingoes associate with the liberated Africans... and they have kidnapped children in the street, at night...”⁴⁰

³⁶ Christopher Fyfe. *A History of Sierra Leone*, 175.

³⁷ Suzanne Schwarz, “Reconstructing the Life Histories of Liberated Africans: Sierra Leone in the Early Nineteenth Century”, *History in Africa: A Journal of Method* 39 (January 2012): 2.

³⁸ Christopher Fyfe. *A History of Sierra Leone*, 103.

³⁹ *Ibid.*, 183.

⁴⁰ John McCormack. 1830. “Report for the Select Committee on the Settlements of Sierra Leone and Fernando Po.” PP, *Slave Trade Papers*, X. (Ireland: Irish University Press, 1968), 61.

The first attempted solution proposed to combat the kidnapping involved a series of elaborate licenses for canoes. In the end though, these licenses were overly complicated and did little to help, so instead the colonial government opted for public executions.⁴¹ These kidnappings show that the slave trade in Sierra Leone was not unique to a specific group of people, but rather that the slave trade was inextricably tied to the economy of the area and prevention was not as simple as declaring an end to the trade in writing.

The ultimate goal of the colonial government was to educate recaptives in both religion and industry in order to end their reliance on British aid and to create an incentive for inland groups to choose the legitimate trade of Freetown over the much more lucrative slave trade. The funds for this came from British tax money, and each year Parliament created a new budget in order to provide each captive with six months of government support. For the first decade of suppression, some male captives were assigned to the colonial militia and were used for various public works projects.⁴² Suzanne Schwarz explains that children were often given out as apprentices to the older settlers and European merchants, where they served for seven years without pay or the ability to leave the apprenticeship if they desired.⁴³ While the older captives were generally allowed to work, the younger ones who were apprenticed faced conditions alarmingly similar to slavery and the fight against this practice became the cause, and downfall, of Gov. Thomas Thompson (1808-11).

⁴¹ Christopher Fyfe. *A History of Sierra Leone*, 181.

⁴² *Ibid.*, 38.

⁴³ Suzanne Schwarz, "Reconstructing the Life Histories of Liberated Africans: Sierra Leone in the Early Nineteenth Century," 16.

MP William Wilberforce recommended Thompson to serve as the first colonial governor of Sierra Leone. As governor, Thompson answered to the African Institution, and despite a mutual belief in abolition Thompson soon discovered that he and institution members held different definitions of what it meant to be free. Upon Thompson's arrival in Freetown, he did not understand how intertwined slavery was with the colony, though he soon discovered that settlers often bought recaptives to serve as apprentices for a period of several years. Although the former government called this practice an apprenticeship, Thompson believed that it was simply slavery. In a dispatch to Lord Castlereagh, the Secretary of War, Thompson described that masters were often "... brutal, violent, and inhuman towards all such unfortunate persons as are placed within their power."⁴⁴ Furthermore, historian Michael Turner demonstrates that these apprentices were barred from leaving their masters and the previous government had requested that neighboring towns and villages return any runaway recaptives. Thompson's first actions as governor were to free the apprentices, provide them with jobs, and to notify the African Institution and Wilberforce about the likeness of apprenticeship to slavery. However, Thompson did not know apprenticing had been agreed to in the Slave Trade Act as a concession to those who opposed suppression. In order to create support for the Act, abolitionists conceded on apprenticeship, because many MPs did not believe that Africans were able to take care of themselves. Thompson soon learned that his constituents did not object to the close

⁴⁴ HHC, U DTH/1/23, Annual Report of Natives of Africa received, enlisted, entered, apprenticed, or otherwise disposed of by the Governor of His Majesty's Colony of Sierra Leone, with Observations thereupon, in pursuance of His Majesty's Order in Council of March 16th, 1808, in: Drafts of despatches to Lord Castlereagh from Thomas Perronet Thompson, 27 July 1808-4 February 1810. qtd in Suzanne Schwarz, "Reconstructing the Life Histories of Liberated Africans: Sierra Leone in the Early Nineteenth Century," 192.

resemblance between slavery and apprenticing, which undercut his ability to change the practice. Ultimately, Thompson was ordered to allow the apprenticeships to continue⁴⁵

Thompson's personal beliefs overrode his legal duties and he continued to utilize his powers as senior Justice of the Peace in the Vice-Admiralty Courts to liberate apprentices in the colony and to provide them with wage based employment. However, once word reached the African Institution that Thompson continued to challenge apprenticeship, he was relieved of the governorship and replaced, and all of his work was eventually reversed. Thompson returned to England and continued his crusade against the apprenticing system, particularly in the British West Indies. The practice of apprenticing continued into the mid 1830's.⁴⁶ While Thompson acted nobly, his actions show that suppression and abolition required an incremental approach consisting of small steps and concessions, rather than one sweeping piece of legislation.

The Superintendent for recaptives, rather than apprenticing recaptives, sent many into the interior of the colony to populate existing settlements or to create their own. However, Christopher Fyfe argues that these new villages received little assistance from the colonial government until 1818, when Gov. Charles MacCarthy, convinced of the importance of religious education, enlisted the help of the Anglican Church Missionary Society (CMS) to educate the recaptives in both religion and agriculture. Recaptives under CMS direction were organized around a church and schoolhouse, with European style houses and enough agricultural potential for survival, though not enough for export.⁴⁷ The

⁴⁵ Michael Turner, "The Limits of Abolition: Government, Saints and the 'african Question', C. 1780-1820," 340.

⁴⁶ *Ibid.*, 334.

⁴⁷ Christopher Fyfe "Four Sierra Leone Recaptives", *The Journal of African History* 2, no. 1 (March 1961): 77.

work of the CMS was instrumental in providing the vulnerable recaptives with the means to regain their autonomy and security. Originally the Wesleyan ministers and the CMS were the prime educators of the recaptives, but, like many of the Europeans, they often succumbed to disease. As a consequence, their terms were shortened from seven years to three, or if possible, they were replaced with recaptive or settler educators.⁴⁸

Rev. Samuel Crowther, one of the most successful recaptives educated by the CMS, later became the first Anglican Bishop of West Africa. When he was 12 years old, slavers raided Crowther's home in the Yoruba country -- around modern day Nigeria -- and sold him and many of his community into slavery. Crowther changed hands several times, before being rescued by the West African Squadron and being liberated at Freetown in 1822. After landing in Freetown, Crowther and thirty other recaptives were sent to Bathurst, a CMS outpost for recaptives seven miles from Freetown. Upon landing "[he] met with many of [his] own countrymen, of the tribe called the Egbas, from the Yorub Province." There Crowther learned to read and write and in 1826 he was baptized and entered as a student in Fourah Bay College in Sierra Leone. With this, Crowther was given his own class to teach in Freetown as well.⁴⁹ Later Crowther would write to Rev. William Jowett that "The day of my capture was considered to me a blessed day..."⁵⁰ For Crowther, his enslavement and liberation was a defining moment in his life because it enabled him to convert to Christianity and provided him the opportunity to educate other Africans. Stories like Crowther's and eyewitness accounts from Europeans provided evidence for

⁴⁸ Christopher Fyfe. *A History of Sierra Leone*, 181.

⁴⁹ Samuel Crowther, *The African Slave Boy a Memoir of the Rev. Samuel Crowther* (n.p.: Wertheim & Macintosh, 1852), 24-29.

⁵⁰ Worger, William H., Nancy L. Clark, and Edward A. Alpers. "Samuel Crowther Escapes Slavery (1821-22)." In *Africa and the West: a Documentary History*. 2nd ed. Vol. 1, *From the Slave Trade to Conquest, 1441-1905*. (Oxford: Oxford University Press, USA, 2010), 110.

disgruntled British taxpayers that suppression was a worthy goal and that Africans possessed all the same industrious attributes as Europeans.⁵¹ With the initial guidance of the CMS, and later a shared desire to protect what slavery had nearly stolen from them, many recaptives created both societies and reputations for themselves, which could have demonstrated that Africans deserved freedom over bondage. Though in practice, this was not the case.

Legitimate Trade

Because much of the area surrounding the city was infertile, the survival of Freetown depended on inland trade for at least two-thirds of its food supply. Historian Winston McGowan explains that Colonial officials believed that exclusively developing trade with the Fula People to the east, in the Futa Jallon region, would be the most beneficial because they traded heavily in cattle, rice, and luxury goods such as gold and ivory. Nevertheless, trade with the Fula inadvertently promoted slavery, as they used slave labor in the production of these goods. Moreover, slaves in Africa were exclusively traded for goods, thus traders often bought European goods in Freetown and returned to the hinterlands where they could exchange these goods for slaves.⁵²

The success of legitimate commerce depended on the thousands of recaptives becoming self-sufficient through both trade and production to incentivize inland communities to trade at Freetown instead of slave markets. John McCormack argued that

⁵¹ Robert Clarke. *Sierra Leone. A description of the Manners and Customs of the Liberated Africans; with Observations upon the Natural History of the Colony and a Notice of the Native Tribes.* (London: African Publication Society, 1969), 38.

⁵² Winston McGowan, "The Establishment of Long Distance Trade between Sierra Leone and Its Hinterland," 25.

this could be achieved if Sierra Leone focused on becoming a commercial colony rather than an agricultural colony. When asked about the relationship between the colony and the surrounding native communities, McCormack responded that proper conduct towards these groups “...would have put a complete stop to the slave trade in the neighborhood.”⁵³ This necessitated creating and protecting trade agreements and routes with inland communities. However, this proved more difficult than expected because of ongoing disputes among communities and their continued reliance on the slave trade.

Many of the routes that officials relied on for trading with the Fula had been used by slave traders since the sixteenth century, resulting in both slave traders and legitimate traders using the same routes. According to historian Allen Howard, Fula traders used slaves to transport goods to and from the market, and if demand was high, bought and sold slaves with other inland traders along the way. These roads also existed in a complex network of both overland routes and river systems that were impossible to police with the Navy’s limited resources. When one slave factory was being watched, slavers simply redirected along these routes to move slaves to other areas, where there was not a squadron presence.⁵⁴ Thus, by trading with the Fula and by using existent trade routes, legitimate commerce coexisted with the slave trade instead of subverting it.

The British encountered several problems in the 1810s by exclusively pursuing trade with Futa Jullon. The biggest problem they faced was making legitimate trade more profitable than slavery. Until the 1820’s, Freetown was only sporadically stocked with

⁵³ John McCormack. 1830. “Report for the Select Committee on the Settlements of Sierra Leone and Fernando Po.” PP, *Slave Trade Papers*, X, 72.

⁵⁴ Allen Howard, “Nineteenth-Century Coastal Slave Trading and the British Abolition Campaign in Sierra Leone”, *Slavery and Abolition* 27, no. 1 (April 2006): 28.

European goods while slave markets to the North in Portuguese Bissau were inundated with European goods. As such, Fula traders preferred Bissau because of the added benefit of the slave trade and the guarantee of European wares. Furthermore, when Fula traders attempted to trade in Sierra Leone, they had to venture through Mandinka-owned Moria territory. The Mandinka, one of West Africa's largest Muslim ethnic groups, owned the territory that connected Sierra Leone to Africa's interior and historically operated as intermediaries between the two regions, which allowed them to control the flow of goods to their rivals. In order to protect their role as intermediary, the Mandinka regularly attacked traders from the inland regions, rather than risk their enemies having direct access to European weapons and goods.⁵⁵ As a result, Fula traders were often not willing to accept the risk involved with legitimate trade.

These problems were briefly overcome during Charles MacCarthy's term as governor from 1814-1824. MacCarthy, through his contacts in England and the Macaulay and Babbington Company, increased the flow of European goods to Freetown, which, as McGowan explains, gave Freetown the reputation as having the best European goods. Furthermore, MacCarthy instituted recaptive reforms, giving captives the autonomy that they required to be more industrious. As a result, captives were able to purchase meat and other luxury goods, which led to more Fula traders seeking out Freetown. By 1823 trade in gold and cattle increased so considerably, that Fula traders even sought out Freetown during the dangerous rainy months. Furthermore, officials discovered sources of high quality timber that would become a staple of Sierra Leone's exports. However, despite

⁵⁵ Winston McGowan, "The Establishment of Long Distance Trade between Sierra Leone and Its Hinterland," 23-9.

the good nature of the relationships that developed between Freetown and the Fula, British officials could not fully convince Fulas to cease trading in slaves.⁵⁶ Ultimately, the relationship ensured the survival and prosperity of the colony, but unfortunately, abolitionists saw little progress in preventing the Fula from trafficking slaves.

Suppression also relied heavily on the ability of government officials to develop trust with other inland communities besides the Fula, in order to limit the inland slave trade. This proved difficult for the British as they failed to understand the culture of the peoples they were attempting to win over and many communities developed an animosity towards the British because of suppression. For example, Asante King Osei Bonsu, explained that the slave trade with both Europeans and Muslims became a staple of his economy and without it, he would not be able to buy European goods. Furthermore, he argued that when he conquered a neighboring group “...Unless I kill or sell them, they will grow strong and kill my people.”⁵⁷ Bonsu did not believe suppression developed from humanitarian purposes, rather he believed it to be a pretense for British encroachment on his territory and a way to weaken his power in the region.

The success of suppression depended on far more than the Slave Trade Act. In order for suppression to be successful the economy of West Africa needed to be completely changed and recaptives needed a route to integrate themselves into a society that was foreign to their own. Trust with the inland communities needed to be developed, yet for abolitionists this did not come easy.

⁵⁶ Winston McGowan, “The Establishment of Long Distance Trade between Sierra Leone and Its Hinterland,” 38.

⁵⁷ Worger, William H., Nancy L. Clark, and Edward A. Alpers. “The Asante King questions British Motives in ending the slave trade (1820).” In *Africa and the West: a Documentary History*, 110-11.

Chapter 3:

The Court of the Mixed Commissions and the Rise in Slavery in Sierra Leone. (1818-1835)

Between 1818 and 1835, efforts to suppress the slave trade had the opposite effect of increasing slaving because of two forces: a. the demand and price for slaves rose; and b. ineffectual treaties prevented authorities from punishing slavers or even destroying their ships. During this twenty year span, slavers alternated between flying Portuguese, Dutch, Spanish, or French flags depending on which gave them the best chance of evading capture by the West African squadron. Increased rates of slaving through the 1820s and the worsening conditions for both slaves and sailors alike, disheartened abolitionists and many lost faith in suppression. During these two decades, slave trading returned to pre-suppression levels, despite the support of the main slaving powers to help end the trade. Rather than engage in extra-legal methods for suppression during this period, British officials respected international treaties and tolerated foreign government's blatant disregard for their treaty obligations. This section will show that by the 1830s, British officials in Sierra Leone began to realize that the current policies in place were not effective in ending the slave trade. Officials during this period proposed completely relocating the courts, reformulating the West African Squadron's tactics, and seeking out more effective treaties with European powers. However, none of these solutions produced any significant results until the late 1830s.

As a result of the *Le Louis* case, the British, Spanish (1817), Dutch (1818), Portuguese (1817), and later Brazilian (1827) governments signed a series of treaties to abolish the international trade in slaves. In 1817 and 1818 these treaties established Mixed

Commissions Courts between the governments. The treaties created Anglo-Portuguese, Anglo-Spanish, Anglo-Dutch, and Anglo-Brazilian mixed courts in Freetown and similar courts in Rio de Janeiro, Havana, and Surinam. The courts in Freetown, however, were the most important and oversaw the most cases. Under the treaties, all four powers acquired the right to search any ship flying the flag of the others, yet only the British exercised this power, as the other countries possessed significantly smaller navies and refused to commit naval patrols along the coast. Each country sent a commissary judge and a commissioner of arbitration to sit on the court, while the territorial government provided a registrar. The courts held trial without appeal and in the event of a guilty verdict, the colonial government sold the ship at prize auction and the respective governments split the proceedings. However, the courts did not have jurisdiction over the crews of the ships. Consequently, the crews would be turned over to their respective government for criminal proceedings. Yet Leslie Bethell explains that in many instances, the crew never faced criminal charges.⁵⁸ The treaties required a trial within 20 days and a verdict within two months. To streamline the process and to avoid disputes, lawmakers issued commissioners a set of questions to ask while adjudicating. If the commissioners could not agree on a case, they drew lots to determine which commissioner of arbitration decided the case. This practice meant deciding the fate of slaves on chance.⁵⁹

The weakness of these treaties and the inability of many state actors to adequately promote suppression, became the most significant factor that contributed to the inability of

⁵⁸ Leslie Bethell. "The Mixed Commissions for the Suppression of the Transatlantic Slave Trade in the Nineteenth Century," 80.

⁵⁹ Farid Shaikh. "Judicial Diplomacy: British Officials and the Mixed Commissions Court." In *Slavery Diplomacy and Empire: Britain and the Suppression of the Slave Trade, 1807-1975*, edited by Keith Hamilton and Patrick Salmon. (Portland: Sussex Academic Press, 2009), 47.

suppression efforts to prevent the trade. The treaty with Portugal declared the slave trade legal south of the equator and stipulated that slaves could only be carried to Portuguese colonial holdings. After 1822 and Brazilian independence, Portuguese slaving became illegal because they no longer possessed colonial holdings. In practice, however, Portuguese slaving changed little. In May, 1824 HMS *Victor* captured the Portuguese Schooner the *Maria Piquena*, north of the equator with several slaves on board. The crew of the *Victor* took possession of her with relative ease and upon searching the ship found incriminating letters that implicated the Portuguese President of Prince's Island in slave trading north of the equator, against treaty regulations. The letters detailed the price of the slaves, past debts regarding slaves, and that the slaves were purchased illegally.⁶⁰ This was not an isolated incident, but a regular trend. In 1830, the British Consul at St. Jago, Cape de Verdes, reported that "M.A. Martins, a resident of Boa Vista, had obtained permission, from the Portuguese Government, to import, from the settlements of Bissau and Cacheo... 150 slaves..." in direct violation of the treaty with Britain.⁶¹ Even after Portugal criminalized the trade south of the equator in 1835, slavers under the Portuguese flag flourished, while British officials continued to discover Portuguese officials condoning the slave trade.

Until the 1830's, the courts needed undeniable evidence that a ship engaged in the slave trade, which usually required slaves to be on board at the time of capture. The treaties also required that condemned ships be sold, with the proceeds being split between the British and the country the ship hailed from. Yet, no restrictions existed regarding who

⁶⁰ Copies and extracts of letters relating to the Portuguese Schooner Boat *Maria Piquena*, April 27th, 1824, CAC, 24 (1824), 59.

⁶¹ Alex Findlay and William Smith, commissioners at Freetown, to Aberdeen, June 14, 1830. CAC, 33 (1830), 71.

bought prize vessels. When Theophilus Conneau, a notorious Florentine slave trader, found himself without a ship or a crew, he visited a prize auction in Freetown and “Availing [him]self of the nonchalance of the Government officers, [he] fitted [his] schooner in perfect order to take in a cargo of slaves immediately on... leaving port.” Since the courts did not have jurisdiction over the slavers, Conneau recruited “prisoners from prizes and men of all nations...” from the inns and streets of Freetown to serve as his crew.⁶²

Conneau’s actions were common during this period and, as a result, the same men and the same ships constantly returned to the trade even after capture and condemnation. Despite commissioners in Freetown having full knowledge of this practice, there simply was not a solution without writing a new treaty, which non-British powers stubbornly refused.

George Jackson (1829-30), a commissioner in the mixed court, explained that neither Spain, Portugal, nor the Netherlands followed through with the punishments required by the treaties. The ease with which slavers avoided punishment, Jackson continued, gave them an extensive knowledge of the squadron’s tactics and inadvertently created a class of “Men, best calculated from past-experience and local knowledge, to carry on [slave trading] with success, and to avoid the vigilance of the ships of war employed to prevent it...”⁶³

Suppression efforts did not offer any real deterrent against the slave trade, until the Breaking Up Clauses and Equipment Clauses became more widespread in the late 1830’s and early 40’s. However, during the 1820’s and 1830’s, the slave trade continued to be a low risk, high reward business. After expenses, a captain and crew could expect 200 slaves

⁶² Theophilus Conneau, *A Slaver’s Log Book the Original Manuscript: Or 20 Years’ Residence in Africa* (Englewood Cliffs, NJ: Prentice-Hall, 1976), 95

⁶³ George Jackson to Aberdeen, November 29, 1828. CAC, 26 (1829), 2.

to net over \$40,000 in profits.⁶⁴ Henry Macaulay, a commissioner in Freetown, relayed that one of the most successful and notorious slave traders along the West Coast of Africa and specifically the Gallinas, Pedro Blanco is said to have amassed over 1 million sterling in just ten years. Furthermore, even the wages of the lowest paid slave traders rivaled successful merchants.⁶⁵ Eltis demonstrates that Slavers required only 1 in 3 slave ships to sell a full cargo of slaves in order to sustain profit. While the West African Squadron generally intercepted 1 in 5 slave ships.⁶⁶ Therein lies the disheartening truth, with little expectation of punishment or financial loss, what was to stop slavers from continuing in their trade?

In a deposition before Parliament in 1830, Captain Isaac Spence (1815-29), a 14 year veteran of the West African Squadron, offered a rather prescient view in regards to stopping the slave trade. When asked for any suggestions to stop the traffic Spence argued that “...the present system has totally failed...” in fact “...this horrid traffic is on the increase...” and any decrease in slaving resulted “...from the difficulty of procuring those poor victims [slaves] by the native chiefs...” The biggest problem, Spence argued, is the reliance on the bounty system. Spence explained that the West African Squadron would often wait until a ship was loaded with slaves before capturing the slavers, to ensure they were awarded the largest possible bounty. Spence proposed that the squadron should anchor ships at slave factories and prevent the slaves from being loaded, rather than submit slaves to the grueling journey to Freetown. Furthermore, after the equipment clauses, sailors did not receive a bounty if they captured slave ships without slaves on

⁶⁴ Theophilus Conneau, *A Slaver's Log Book the Original Manuscript: Or 20 Years' Residence in Africa* (Englewood Cliffs, NJ: Prentice-Hall, 1976), v.

⁶⁵ Mr. Macaulay to Viscount Palmerston, November 18th, 1836. CAC, 50 (1836), 8.

⁶⁶ David Eltis. *Economic Growth and the Ending of the Transatlantic Slave Trade*, 99-100.

board and, as a result, they did little to prevent slaves from being loaded. Thus Spence recommended eliminating the bounty system all together and using the extra money to increase the West African Squadron and to bribe the native chiefs to end their slave trades.⁶⁷ In the end, however, parliament did not enact any of Spence's suggestions and the tactics of the squadron remained unchanged until Captain Joseph Denman in the 1840's.

Despite the constant problems with the Portuguese, British diplomacy made progress with the Spanish through the Equipment Clause and Breaking Up Clause of 1835. In a testament before parliament, Palmerston relayed that with the Equipment Clause, "particular gratings, a quantity of casks greater than necessary for the use of the crew, particular shackles, a plank prepared for slave deck, cooking utensils, [and] more provisions than the crew would require..." could be considered enough evidence to prove the ship intended to transport slaves. The Breaking Up Clause allowed for the courts to destroy condemned ships rather than sell them back to the slavers. While these certainly made the job easier for the West African Squadron and the mixed courts, Spanish slavers remained apathetic to the new clauses. The slavers simply adapted. Rather than use larger gratings for the deck that would provide slaves with more air, they instead opted for normal sized grates to avoid suspicion. Furthermore, they kept their irons and other articles in such a fashion that they could easily dispose of them.⁶⁸ Every success by the abolitionists seemed to be immediately countered by the slavers, and generally to the detriment of the slaves themselves.

⁶⁷ Captain Isaac Spence. 1830. "Report for the Select Committee on the Settlements of Sierra Leone and Fernando Po." PP, *Slave Trade Papers*, X, 80.

⁶⁸ Viscount Palmerston. 1847-48. "First, Second, Third, and Fourth Reports from the Select Committee on the Slave Trade with Minutes of Evidence Appendix and Index." PP. *The Slave Trade Papers*, 4th ser. XXII. (Irish University Press. Ireland, 1968), 10.

During this period, the vast majority of slavers operated under the Portuguese or Brazilian flags because their treaties with Great Britain only illegalized the trade north of the equator. As such, the West African Squadron largely focused its strength along the Equator, in the Bight of Benin and the Bight of Biafra, in the hopes that a ship sailed north of the equator, thus making it a lawful prize. This strategy created three significant problems for suppression efforts. First, because the squadron was so small, slavers easily hid in the complex waterways around Sierra Leone and the windward coast, with full knowledge that the West African Squadron was occupied thousands of miles to the south along the equator. Alexander Findlay and William Smith, two British commissioners, relayed in their annual report to Parliament that slavers ventured up the Rio Pongo and Rio Nunez with near impunity because the Navy was occupied elsewhere. In fact, slavers became so bold as to venture within 30 miles of Sierra Leone, likely to trade in kidnapped recaptives from Freetown. As noted in Chapter two, trade and agriculture increased dramatically during Charles MacCarthy's term as governor. Yet, by the late 1820's this boom had largely returned to normal. While this earlier boom made progress towards cultivating relations with the surrounding communities, it still offered little incentive for natives or even recaptives to cease trading slaves. The result, the commissioners argued, was that "those rivers thus bec[a]me monopolized by the illicit traffickers."⁶⁹ Rather than trade in legitimate goods with the English, the natives instead capitalized on the incredible profits that came with selling slaves and effectively cut the English merchants out. Findlay

⁶⁹ Findlay and Smith to Aberdeen, June 15th, 1830. CAC, 33 (1830), 7.

and Smith further explained that the present situation in the region “[offers] little likelihood of the slave trade ever being completely suppressed.”⁷⁰

The second issue with the trade south of the equator arose when slavers discovered they could deny the legitimacy of the capture by arguing the West African Squadron overtook them south of the equator. Slavers often offered this argument and courts officials struggled to disprove it. This significantly increased the time required for the courts to come to a verdict, largely because foreign commissioners argued for their countrymen, while British commissioners argued against. This long, drawn out process, increased the chances for disease to kill those aboard the ship. In 1826, acting Governor Kenneth Macaulay described the case of the Portuguese ship, the *Perpetuo Defensor* where 74 of 199 recaptives died while the courts deliberated on the lawfulness of the capture.⁷¹ In the same year, the slaves aboard the *Activo*, under similar conditions, rebelled from their captors and managed to swim to shore where they were captured in Freetown. British officials initially refused to return the slaves to their captors because of the precedent set by the *Somerset* case. However, the capture was eventually declared unlawful and it was decided that freeing the slaves violated the treaty with the Portugal. As a result, the courts ruled a 10,000 *d* demurrage to the owner, both for time wasted and the lost slaves.⁷²

The third issue involved the well-being of the recaptives and the efficacy of the West African Squadron. Captain William Jardin explained to Parliament that because of currents and wind patterns, sailing south to north along Africa took much longer than sailing north

⁷⁰ *Ibid.*, 14.

⁷¹ Acting Governor Macauley to Bathurst, July 9th, 1826. CAC, 26 (1829), 3.

⁷² Robinson, Wetherell, and Tindall, from His Majesty’s law office, to Secretary Canning, January 26th, 1827. CAC, 26 (1829), 6-7.

to south. The time and distance from the equator to Freetown strained the already undermanned West African Squadron. When a slaver was captured, the British captain assembled a prize crew of his own men who then took the ship to Sierra Leone. Though, because of the incredible distance, it was nearly impossible for the captain to replenish his crew in a timely fashion.⁷³ As such, ships often left the most prolific slaving areas unguarded for extended periods of time while they returned to Sierra Leone. Furthermore, high mortality rates for the recaptives was a constant problem on the journey to Sierra Leone. A particularly startling case was the *Umbelina*. The squadron captured her near Lagos on January 15th, 1829 with 377 slaves on board, but because of the distance and weather patterns, she did not reach Sierra Leone until March 13th. When she reached Freetown, 194 recaptives had died and then another 20 died while waiting for adjudication.⁷⁴

Recaptives faced conditions only marginally better on Royal Navy ships than on slave ships, and their treatment continued to decline at the hands of desperate slavers. According to Robert Burroughs, after liberation, British sailors often forced the recaptives back below deck and beat them to maintain order.⁷⁵ A particularly horrifying account of the terrible conditions on prize ships was from Rev. Pascoe Hill's diary, which he later published in London. Hill described the scene of a hot and humid night, as 400 recaptives were forced back into the hold of the ship, which was "...12 yards in length, 7 in breadth and only 3.5 feet in height..." and as the crew closed the hatch into the hold, recaptives

⁷³ William Jardin. 1830. "Report for the Select Committee on the Settlements of Sierra Leone and Fernando Po." PP, *Slave Trade Papers*, X, 26.

⁷⁴ Findlay and Smith to Aberdeen, May 15th 1830. CAC, 33 (1830), 65.

⁷⁵ Robert Burroughs "Eyes On the Prize: Journeys in Slave Ships Taken as Prizes by the Royal Navy", *Slavery and Abolition* 31, no. 1 (March 2010): 102.

desperately pushed against the only grating that allowed fresh air in. That night, Hill wrote, “The cries, the heat, - I may say, without exaggeration, the smoke of their torment, - which ascended, can be compared to nothing Earthly.” In the morning, Hill described the scene as they opened the hold:

Fifty-four crushed and mangled corpses lifted up from the slave-deck have been brought to the gangway and thrown overboard. Some were emaciated from disease; hands still grasping each other’s throats, and tongues protruding from their mouths. They had been trampled to death for the most part, in the madness and torment of suffocation from crowd and heat... Some, still quivering were laid on the deck to die.⁷⁶

One can only imagine the pain these people must have felt, being pushed back into the hold they thought they were liberated from. Though the West African Squadron was certainly the lesser of two evils and was, in the end, instrumental to the end of slavery, many people died well after they were liberated, in the same condition they thought they had been freed from.

These three problems resulted in an inquiry in 1828 regarding the benefits of moving the mixed commissions to the Spanish Island of Fernando Po, several miles from modern day Cameroon. Fyfe demonstrates that Officers in the West African Squadron nearly unanimously supported moving the mixed courts to Freetown to avoid disease and simply to make their job easier.⁷⁷ Captain Bullen (1824-1827), in a deposition to Parliament, explained that, “[He] lost many more men at Sierra Leone than on any other part of the coast; I think I lost seventy-six or seventy-seven men, the greater part were in

⁷⁶ Pascoe Grenfall Hill, *Fifty Days On Board a Slave-Vessel in the Mozambique Channel* (London: Charles Gilpin, 1848; repr., Baltimore: Black Classic Press, 1993), 24.

⁷⁷ Christopher Fyfe. *A History of Sierra Leone*, 178.

prizes, at Sierra Leone..."⁷⁸ This surely lowered morale amongst the crew because they risked illness and death waiting for the courts to come to a decision. In the worst cases, the final verdict declared the seizure illegal, thereby returning the ship, cargo, and slaves to their former master, making the sacrifices of the sailors for nothing.

On the other hand, European merchants and settlers, most notably John McCormack, depended on the courts and the British presence for their well-being. In a deposition to parliament, McCormack argued that without the courts and the protective European presence any religious and commercial progress would be destroyed "by the hordes of liberated Africans... [a return of] the slave trade... [and] murder and rapine, [that] would reign triumphant."⁷⁹ In the end Spain refused to sell Fernando Po and the plan never materialized. However, the damage had already been done. Many investors in England believed that parliament planned on relocating the courts and withdrew investments and ceased shipping goods to Sierra Leone. Property values fell, building ceased and many settlers and recaptives were put out of work. Merchants and struggling recaptives left the colony in search of better trade, and many never returned.⁸⁰

The problems during this period struck a significant blow to the morale of the abolitionists. Inefficient treaties and apathetic foreign governments essentially let the slave trade run unimpeded along the coast, while the undermanned and poorly directed West African squadron constantly played catchup with the slavers and offered the slaves little better treatment after their liberation. These problems are most apparent in the plan to

⁷⁸ Captain Bullen. 1830. "Report for the Select Committee on the Settlements of Sierra Leone and Fernando Po." PP, *Slave Trade Papers*, X, 9.

⁷⁹ John McCormack. 1830. "Report for the Select Committee on the Settlements of Sierra Leone and Fernando Po." PP, *Slave Trade Papers*, X, 69.

⁸⁰ Christopher Fyfe. *A History of Sierra Leone*, 175.

move the courts to Fernando Po, which did not alleviate any problems, but instead reduced legitimate trade and employment in the colony. Nevertheless, abolitionists succeeded in producing better treaties in 1835 that allowed for the capture of ships equipped for the slave trade and enabled officials at Freetown to destroy condemned vessels. The setbacks of this period were remedied by a revival of extra-legal methods to enforce suppression in the decades to come, whereby slavery was attacked at its source, regardless of international law.

Chapter 4:

Changing Strategy and laying the Ground Work for Final Suppression (1836-1850)

Suppression and abolition efforts came to a head in the late 1830's and 1840's with a revival of the extra-legal action. Rather than watch idly as Portuguese and Brazilian traders continued to trade, while their respective governments remained apathetic to prosecuting convicted slavers, British officials in Parliament and Africa instead sought suppression without regards to the law. This led to a revival of the Vice-Admiralty court as the prime judicial agent and a departure from the mixed commission courts. This period signifies a return to the extra-legal methods, which caused a significant drop in slaving and eventually led to near complete abolition of the slave trade in the decades to come.

During the nineteenth century, the Portuguese government changed hands often, sometimes peacefully and other times, violently. As a result, their policy on the slave trade rarely followed a consistent trend and ships routinely traded under their flag. In 1835, Lieutenant Mercer, of the West African Squadron "found thirty-two Portuguese vessels of all classes" trading along one stretch of coast line along St. Paul de Loando.⁸¹ In 1835 alone, four Portuguese slave ships, employed by the notorious slave trader De Souza, had papers furnished by the provisional government of Prince's Island. In a letter to Palmerston on this subject, Consul-General W. Harding Read relayed that Portuguese Councilors of the Provincial Government claimed, "they are without instructions whatever, regarding the slave trade, from the Portuguese Government." Consul Read then summed up what most who desired an end to the trade thought, "I can however, discern a decided apathy and

⁸¹ Lieutenant Mercer to Admiral Campbell September 6th, 1835. CBC (1835), 40; St. Paul de Loando is present day Angola.

indifference amongst the Portuguese in general towards any active measures for the suppression of this inhuman traffic.”⁸²

In 1834, with British and French assistance, a constitutional government was established in Portugal that ended an eight year period of political turbulence. British officials pressured Lisbon to enact legislation imposing harsher penalties on the slave trade. Portuguese officials refused in fear of a violent backlash in their colonial holdings in Angola and Mozambique because of their reliance on the slave trade. Finally, in 1836, after two years of pressure from parliament to combat Portuguese indifference, Lisbon finally proposed an abolition bill enacting much harder penalties on Portuguese slave traders.⁸³ This quickly proved to be nothing more than a ruse, as the trade continued with little sign of abating. Any optimism from abolitionists that this bill would end the Portuguese trade faded quickly.

British officials soon discovered that Portuguese officials rarely enforced their new policies and in most cases openly ignored them. From 1835-38, British commissioner Henry Macaulay explained that the mixed court in Sierra Leone adjudicated on 37 Portuguese slaves ships furnished with passports from the government of the Cape Verde Islands. Much to the disappointment of British officials, many of these passports belonged to notorious slavers and prominent residents of the Cape Verde Islands. As such, the British Consul in the Cape Verde Islands requested a manifest of every passport issued during the period in question. Governor-General Marinho, of the Cape Verde Islands, denied the legitimacy of many of these passports and provided a list that omitted “more than 20 of the

⁸² W. Harding Read to Viscount Palmerston, August 7th 1835. CBC (1835), 34.

⁸³ Leslie Bethell, “Britain, Portugal and the Suppression of the Brazilian Slave Trade: The Origins of Lord Palmerston's Act of 1839”, *The English Historical Review* 80, no. 317 (Oct. 1965): 768.

37 vessels” that had been found with official Portuguese passports. Yet, Macaulay claimed that all the passports had been signed by the secretary of the government and Governor Marinho. McCauley concluded that Marinho created a fake list to protect himself and those who owned the slave vessels.⁸⁴ Declaring the passports as counterfeit enabled Governor Marinho to avoid bringing up formal charges with the implicated residents of the Cape Verde Islands.

In 1839, off the coast of Prince’s Island, the HMS *Wolverine* intercepted the Portuguese schooner *Passos*, furnished with a Portuguese passport and with a cargo of 87 slaves. Commander Tucker of the *Wolverine* declared the *Passos* unfit to sail and immediately landed it on Prince’s Island. Once on shore, Commander Tucker discovered that “Every encouragement and assistance are afforded by the Government authorities of these islands to the persons engaged in this illicit commerce.”⁸⁵ Tucker found that Portuguese officials signed off on authenticated papers found on board the *Passos*, which declared the ships intentions to trade in slaves. Furthermore, Tucker learned that the colonial government of Prince’s Island had appointed a notorious slave ship owner, Antonio Dionizio Furtado, as the customs house official. Upon further investigation, he discovered that Furtado signed off on the *Passos* as well.⁸⁶

As a result of Portuguese official’s flagrant disregard by for the act of 1836, the British Consul in Lisbon repeatedly attempted to create a stronger treaty with the Portuguese government, with little success. ⁸⁷ By 1839 the British anti-slave trade treaty

⁸⁴ Macaulay and Doherty to Palmerston, December 31st, 1839. CAC, 46 (1840) 189-199).

⁸⁵ Macaulay to Palmerston, May 22nd 1840. CAC, 46 (1840), 171.

⁸⁶ Macaulay to Palmerston, May 13th 1839. CAC, 46 (1840), 172.

⁸⁷ Leslie Bethell, “Britain, Portugal and the Suppression of the Brazilian Slave Trade: The Origins of Lord Palmerston’s Act of 1839,” 769-773.

with Portugal finally expired, though Portugal had no intentions of creating a new one. Bethell explains that after many failures to reach a new agreement, Palmerston finally submitted to his distrust of the Portuguese government and abolition again entered the extra-legal realm with the Palmerston Act of 1839.⁸⁸ Originally the Act was opposed by the Duke of Wellington because of its blatant disregard for international law. However, Officials eventually acknowledged that violating international law was the only effective way to stop the trade. This act ordered the squadron to treat any Portuguese slave ship as a pirate vessel that was to be condemned summarily and at the discretion of the captain. Furthermore, Palmerston authorized British ships to intercept and capture any stateless ship trading in slaves for adjudication before the Vice-Admiralty courts.⁸⁹

The implementation of Palmerston's Act of 1839, led to the most captures by the West African Squadron in the history of suppression. No longer could slavers hide under the Portuguese flag while engaging in the illicit commerce.⁹⁰ Nevertheless, slavers continued to carry out their trade, and as seen in earlier decades, slavers simply adopted new methods. Along the Cape Verde Islands, slavers began bringing slaves in much smaller quantities and in very fast ships to the islands, where, under Portuguese protection, larger ships loaded the slaves and took them across the Atlantic. Rather than clandestinely help slavers, Portuguese and Spanish officials began openly helping slavers. The Spanish Consul at the Cape Verdes, for example, signaled to slavers when the West African Squadron was present and allowed the slave ships to enter port without being arrested. "The connivance of the Governor of the Cape Verdes" Michael Melville, registrar to the mixed court, wrote to

⁸⁸ *Ibid.*, 775

⁸⁹ *Ibid.*, 778

⁹⁰ *Ibid.*, 783

Foreign Secretary Aberdeen in 1841, "...is, unfortunately, not to be doubted; it even appears that Government Schooner[s] were employed in 1840 in that very occupation of conveying slaves from the mainland to the islands."⁹¹ The years of Palmerston's Act provided the squadron with more power; but, it also allowed Portuguese officials to be more blatant because they no longer needed to maintain a guise of lawfulness.

The Palmerston Act had one significant weakness, which became the final refuge for slavers. Bethell posits that the Act allowed for the West African Squadron to capture and condemn Portuguese vessels and stateless vessels, but the Act did not hold the captain or crew liable to any crime. Thus, in many cases, slavers of other nationalities tried to pass off as Portuguese to avoid punishment. In many cases, however, British courts easily proved their real nationality.⁹² The *Paz*, Captured under a Portuguese flag in 1841, claimed Portuguese ownership. Yet, without an official passport, commissioners declared her Spanish because the owner hailed from Spain. However, the case of the *Paz* represented the larger issues that challenged suppression. While searching the captain's quarters, British officials found logs that showed the *Paz* had successfully carried slaves across the Atlantic four times since 1839, until finally being captured on her fifth expedition. Despite the additional strength of the squadron during this period, they still only captured one in five slave ships. Furthermore, officials discovered a paper "purporting" to be an extract from the register of merchant vessels in Lisbon, signed by the Consul-General in Havana.⁹³

⁹¹ Michael Melville to Aberdeen, December 31st, 1841. CAC, 42 (1842), 5.

⁹² Leslie Bethell. "The Mixed Commissions for the Suppression of the Transatlantic Slave Trade in the Nineteenth Century," 91.

⁹³ Lewis and Melville to Aberdeen, November 25th, 1841. CAC, 42 (1842), 22.

Despite the increased efficiency of the squadron, slavers nevertheless continued the trade with the help of government officials and thus, often escaped.

Finally in 1842, after considerable English pressure and the disruption of Portugal's legitimate and slave commerce, the Portuguese acquiesced and agreed to the anti-slave trade treaty the British proposed before Palmerston's Act. This new treaty added considerable punishment for those caught trading, and this time the Portuguese upheld the treaty. Furthermore, this new treaty called for the creation of Anglo-Portuguese Mixed Commissions in Loanda and Boa Vista. Together, both courts adjudicated on less than a dozen ships. This led to the official liquidation of the mixed courts in Sierra Leone because slavers preferred not to fly a flag in order to be brought before the Vice-Admiralty Court so they could avoid criminal punishment. This worked well for the British because the Vice-Admiralty Courts proved far more efficient, as contention between foreign and British commissioners never inhibited the ruling.⁹⁴

Abolitionist officer and commander of the northern division of the Squadron, Joseph Denman (1839-41), in the spirit of his predecessors, took an extra-legal approach to suppression. Rather than patrol the rivers searching for slavers, Denman, in 1840, took his ships up the Gallinas to negotiate the release of two Britons held captive. Denman went further than simply negotiating their release; however, and demanded the King of the Gallinas to sign a treaty abolishing the trade in the area. After several threats of violence, the King relented, turned over the captives, and did not intervene when Denman razed the Spanish slave factories along the coast. Denman acted completely against international law

⁹⁴ Leslie Bethell. "The Mixed Commissions for the Suppression of the Transatlantic Slave Trade in the Nineteenth Century," 91.

by razing the Spanish factories. Over the course of three days Denman and crew thoroughly destroyed every slave building along the river.⁹⁵ Furthermore, the treaty Denman signed with the King created “so considerable a feud” Melville explained “between [the natives] and the Slave-dealers, that the reformation of similar establishments...was rendered highly improbable.”⁹⁶

Denman’s expedition in 1840 proved that creating treaties with the local communities effectively prevented slaving in their areas. In 1841, officials looked towards the Cape Mount area of Liberia and signed joint treaties with King Fanatoro and Prince Grey of the Vai and the head men of Cape Mount to abolish slavery in exchange for annual payments from the British.⁹⁷ However, in 1845, civil war broke out between these groups and, fearing for their lives, legitimate European traders began to go elsewhere. Svend Holsoe argues that as a result of the war, slavers returned to Cape Mount to seek out captives from either side. With no other means to trade, many natives naturally returned to selling slaves or doing business with slave traders.⁹⁸ Despite, several attempts from both the natives and officials in Sierra Leone to reintroduce legitimate trade, the slave trade appeared to take root in the Gallinas again. However, using Denman as an example, Commodore William Jones of the West African Squadron, ordered a blockade of the Gallinas that forced the trade out.⁹⁹

Both Denman and Palmerston’s extra-legal methods produced an unprecedented drop in slaving. While Palmerston’s allowed the squadron free reign south of the equator,

⁹⁵ Christopher Lloyd. *The Navy and the Slave Trade: The suppression of the African slave trade in the Nineteenth Century*, 95-6.

⁹⁶ Michael Melville to Aberdeen, December 31st, 1841. CAC, 42 (1842), 5.

⁹⁷ Engagement with King Fanatoro and the Chiefs of Cape Mount, January 2nd, 1846. CAC, 50 (1846). 19

⁹⁸ Svend E. Holsoe. "Theodore Canot at Cape Mount, 1841-1847." *Liberian Studies Journal* (December 1971): 6.

⁹⁹ Commodore Jones to Commander York, March 21st 1846. CAC, 50 (1846), 50.

Denman's action struck a considerable blow to the source of slaving around Sierra Leone and specifically the Gallinas. In 1840, before Denman destroyed the factories, the courts adjudicated on 42 ships and just two years later, in 1842, the courts adjudicated on only 18 ships. Melville wrote in his annual dispatch to parliament, that Denman's actions, "However questionable in territories over which Great Britain claims no right to Sovereignty....this method of suppression, [produced]... that decrease which has been so remarkable during the past year."¹⁰⁰ However, in the years following Denman's raid, slavers attempted to sue Denman in the Court of the Exchequer for damages, which Christopher Lloyd argued, exceeded £370,000. When the Spanish initially brought up the charges, parliament agreed Denman acted illegally and called for the immediate cessation of British ships destroying factories and blockading rivers.¹⁰¹

In 1845 the Anglo-Brazilian treaty regarding the slave trade expired under increased tensions between the two governments. With Palmerston gone, Foreign Secretary Lord Aberdeen, who originally opposed Palmerston's Act of 1839, was forced to contend with an unwilling Brazilian Government. Aberdeen briefly considered extending the Palmerston Act. Instead, parliament decided that the first article of the treaty with Brazil from 1826 remained in force. As a result, parliament created the Aberdeen Act of 1845, which gave British ships legal protection to capture and arrest any ships slaving under a Brazilian flag. Furthermore, Aberdeen significantly increased the power of the courts to allow for slavers to be tried as criminals under British law. Again, a period of

¹⁰⁰ Melville and Hook to Aberdeen, December 31st, 1842. CAC, 48 (1843), 5.

¹⁰¹ Christopher Lloyd. *The Navy and the Slave Trade: The suppression of the African slave trade in the Nineteenth Century*, 95.

incredible success began, where the West African Squadron captured and condemned 350 slaver ships.

In 1848, after a long deliberation about Denman's actions in the Gallinas, parliament finally agreed that Denman acted lawfully. Consequently, parliament retracted its earlier opinion and called for a return to destroying slave factories along the interior of Africa's waterways.¹⁰² In the same year, in a deposition to parliament Denman advocated for a strategy to increase the effectiveness of the West African Squadron. Denman argued that slave factories needed to be secured at all times, with a focus on establishing treaties with native communities and the constant breaking up of slave factories. To accomplish this, the West African Squadron needed at least "six small steamboats and 24 of the fastest sailing cruisers." Furthermore, Denman argued that any ship in the squadron possessed the right to intercept any ship carrying slaves regardless of its flag. This is because Denman believed any ship carrying slaves could be traced back to Spain, Portugal or Brazil. Though, more importantly, Denman ordered that the primary concern of the squadron was to prevent slaves from being loaded, rather than engaging in pursuit of a slaver.¹⁰³ The squadron effectively fought the trade when the West African Squadron was able to act how they saw fit, rather than abiding by laws that were created with little understanding of the situation in Africa.

From 1846-1850 the slavers almost exclusively carried out the trade under a Brazilian flag or no flag at all and as such, the Vice-Admiralty Court, adjudicated on all

¹⁰² Christopher Lloyd. *The Navy and the Slave Trade: The suppression of the African slave trade in the Nineteenth Century*, 95-99.

¹⁰³ Joseph Denman. 1847-48. "First, Second, Third, and Fourth Reports from the Select Committee on the Slave Trade with Minutes of Evidence Appendix and Index." PP. *The Slave Trade Papers*, XXII, 28-9.

captures during this period except for one, a Spanish vessel.¹⁰⁴ However, despite Denman's strategies being used along the coast, and Aberdeen's Act being used in court, the Brazilian slavers did not fully stop. This changed in 1850, after Foreign Secretary Palmerston gave his "Don Pacifico" speech, in which he declared the superiority of Britain and advocated for a strong-arm approach to foreign policy. The resounding support for Palmerston that resulted from this speech inspired Admiral Barrington Reynolds, the commander-in-chief of the West African Squadron, to attack the slavers at their source -- Brazilian ports in South America. The squadron first struck at Macaé, 150 miles north of Rio de Janeiro, capturing four slave ships. One was sent back to court in Africa, two more were burned, and the last was scuttled by her crew. Palmerston declared that the Aberdeen's Act allowed this high handed approach because he knew Brazil's dependence on British commerce would prevent them from starting a war. Fearing a protracted war with Great Britain, Brazil finally outlawed slavery in 1850, just a month after Admiral Reynolds' attack.¹⁰⁵ With these final acts of high-handed suppression, the commerce in human cargo began its final, and precipitous drop into the second half of the nineteenth century.

After the end of the Brazilian trade, American slavers and stateless ships took over, though only in very small numbers. After the outbreak of the American Civil War in 1861, Lincoln finally consented to a right of search treaty with the British and the creation of Anglo-American Courts of Mixed Commissions at Freetown, the Cape and New York. This change in policy by the American government effectively ended the trade and the Anglo-American courts never saw a single case. The courts in Freetown adjudicated on their last

¹⁰⁴ Leslie Bethell. "The Mixed Commissions for the Suppression of the Transatlantic Slave Trade in the Nineteenth Century," 92

¹⁰⁵ Hugh Thomas. *The Slave Trade: The story of the Atlantic slave trade*, 743.

case in 1864, over the Spanish ship *America*, and the last case any Mixed Commission Courts saw was in 1866, in the Anglo-Portuguese court in Luanda. In 1871 the British government finally dissolved the mixed court in Freetown, after having presided over only seven cases since 1845.¹⁰⁶

¹⁰⁶ Leslie Bethell. "The Mixed Commissions for the Suppression of the Transatlantic Slave Trade in the Nineteenth Century," 91-2.

Conclusion

In 1807 optimists believed the Slave Trade Act would be the deathblow to the slave trade in the Atlantic. In less than a decade abolitionists learned that the economies of many European and African states depended on the trade so heavily that suppression required much more than treaties for it to end. Robert Thorpe, in the Vice-Admiralty Courts, provided a precedent for those who followed him, that suppression required changing the rules and pushing the limits of the law in protection of the natural laws of man. The work of the Thorpe could not bring about the end of the slave trade alone. With the West African Squadron, officials acted to the best of their abilities, though in the end international law, and simply a lack of resources, proved that suppression could not be realized without a lengthy and determined struggle.

Sierra Leone, and on a larger scale, West Africa depended so heavily on slavery that simply liberating slaves was not enough to effect an end to the trade. Recaptives needed the opportunity to pursue education and a way to escape the apprenticing systems in order to build societies of their own that did not rely on the slave trade. British officials attempted to create legitimate commerce with the inland communities, though without the anti-slavery treaties and a trusting relationship with native leaders suppression would remain unrealized.

Through the 1820s-30s hope for the success of suppression declined as foreign slavers carried on their commerce with relative impunity. Unable to destroy slave ships or punish slavers resulted in many slavers returning to the trade after being captured, and as

such, no deterrent existed that outweighed the immense profits guaranteed to slavers for successful slave voyage. Sailing under Portuguese, Spanish, or Brazilian flags, slavers navigated the loose and weak treaties among governments to trade with the least risk possible. Yet, nearing the end of one of the worst decades of slaving, when suppression seemed unreachable, several men revived ideas of the past and challenged slaving at its root cause. As Lord Chief Justice Robert Denman wrote, "In a word, the object is the final extinction of the slave trade, which it is plain that nothing without direct physical force can suppress..."¹⁰⁷

The eventual suppression of the trade resulted from the actions of those who believed ending the slave trade and slavery superseded the laws of government. Palmerston's act of 1839, which caused the Portuguese to criminalize slaving, and followed by Denman's attack on the slave factories in the Gallinas, ultimately destroyed slaving at its roots. As a result of these actions, officials finally saw the first significant decrease in the trade in over two decades. With the final push of Aberdeen's act of 1845, and later the West African Squadron's attack on Brazilian slavers in their home ports, the end of suppression became a realizable goal.

The suppression of the slave trade, from its beginning in 1807, to the dissolution of the courts at Freetown in 1871, can be defined by the minority of people who believed ending slavery superseded both international and domestic law. Without the efforts of these people and others like them, the slave trade most likely would have continued on an international scale well into the nineteenth century. The full suppression of the Atlantic

¹⁰⁷ Robert. "A Letter from Lord Denman to Lord Brougham on the Final Extinction of the Slave Trade. London," in *Lord Denman on the Slave Trade*. 2nd ed. (London: J. Hatchard and Son, 1848), 80.

slave trade, at least any slaving under the protection of a government, was finally realized through the precedent established by extra-legal action.

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Abbreviations:

CAC: Class A. Correspondence with the British commissioners, at Sierra Leone, the Havannah, Rio de Janeiro, and Surinam, relating to the slave trade. Presented to Both Houses of Parliament. *CAC*, 1824. Vol. 24; *CAC*, 1825. Vol. 27; *CAC*, 1829. Vol. 26; *CAC*, 1830. Vol. 33; *CAC*, 1836. Vol. 50; *CAC*, 1840. Vol. 46; *CAC*, 1842. Vol. 42; *CAC*, 1843. Vol. 48; *CAC*, 1846. Vol. 50.

CBC: Class B. Correspondence with the British commissioners, at Sierra Leone, the Havannah, Rio de Janeiro, and Surinam, relating to the slave trade. Presented to Both Houses of Parliament. 1835.

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