

**SUPPRESSION OF THE SLAVE TRADE:  
AMERICAN AND BRITISH NEGOTIATIONS 1814-1834;  
AND A LOUISIANA REACTION**

by

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## CHAPTER I

### INTRODUCTION AND BACKGROUND TO THE NEGOTIATIONS

The intent of the present work is to trace the negotiations and activities in England and the United States between the signing of the Treaty of Ghent in 1814 and the cessation of negotiations for the suppression of the slave trade between the two countries which occurred in 1834. The intent is also to ascertain what reaction these activities had in Louisiana by a study of the public opinions of the area as determined by a study of the local newspapers of the day. Particular attention is paid to the negotiations as found in the Diplomatic Instructions of the Department of State to the representatives in London and the returning correspondence on the matter as found in the Dispatches from the United States Ministers to Great Britain. Correspondence found in the American State Papers: Foreign Relations is also used for the development of the negotiations. The correspondences between the Foreign Secretaries of England and their ministers in the United States on the subject as found in the British and Foreign State Papers and the Parliamentary Papers: Slave Trade are also used.

The paper will trace the opening of negotiations by the English in 1817 carried on in London between Richard Rush, American Minister to London, and Foreign Secretary, Lord Castlereagh, until 1819 when an impasse had been reached in the negotiations. The English felt that more could be accomplished by dealing directly with the American

Secretary of State, John Quincy Adams. In 1819 the negotiations were transferred to Washington, and full powers were given by England to Stratford Canning to complete the arrangements for common action between the two countries for the suppression of the slave trade. Talks between the two countries from 1820 until the basis of agreement had been decided upon in 1824 are the next topic of concern. The next section deals with the actual drawing up of the Convention of 1824 for the Suppression of the Slave Trade and the Senate action on that Convention as well as the Louisiana reaction as was determined from the newspapers of New Orleans and Baton Rouge. Lastly, the thesis deals with the state of the slave trade and actions by America and Britain for the suppression of slavery and the slave trade from the rejection of the treaty as amended by the Senate of the United States in 1824 until the final cessation of negotiations for joint action by the United States in 1834 as well as the reaction to these events in Louisiana.

Throughout all of the talks both official and unofficial, both countries seemed to be very sincere in their efforts to suppress the slave trade. England acted from economic and humanitarian motives but the United States seems to have placed more emphasis on the economic and constitutional motives for her rejection of English overtures for the suppression of the trade. The United States appeared to be very reluctant to come to any official agreement for joint action in this regard primarily as a result of its treatment by England on the impressment issue in the War of 1812 as well as the divergent opinions in the two countries on the slavery question. The motives for this attitude of the United States in the face of its protested interest in such action is a major concern of the paper.

Immediately after the cessation of hostilities between the United States and Great Britain and the signing of the Treaty of Ghent in 1814 the African Slave Trade was a flourishing enterprise. Article 10 of the Treaty of Ghent provided "that 'whereas the traffic in slaves is irreconcilable with the principles of humanity and justice,' the two countries agreed to use their best endeavors in abolishing the trade."<sup>1</sup> Even though the United States had outlawed the slave trade in 1807 and Great Britain had done so a year later, the ships of both powers were still involved in the trade. However, the European powers of Spain, Portugal, and France as well as Brazil were the main traders in human flesh.

Slavery of human beings by other humans is almost as ancient as man himself. An integral part of the institution of slavery are the people who buy and sell human flesh for whatever purpose. Thus the slave trade is almost as ancient as man himself also. The practice and institution of slavery and the slave trade were known in ancient Egypt as well as ancient Greece, Rome and the other ancient empires of the Near East. Throughout these ancient times the Negro race was most often enslaved by the peoples from regions further north in Africa and the Mediterranean regions.<sup>2</sup>

In later times the countries of Europe began enslaving members of the Negro race. The first known instance of such slave trading as

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<sup>1</sup>William Edward Burghardt DuBois, The Suppression of the African Slave Trade to the United States of America, 1638-1870 (New York, 1965), p. 135.

<sup>2</sup>For a full treatment of this topic see W. O. Blake, The History of Slavery and the Slave Trade, Ancient and Modern (Columbus, Ohio, 1860).

was necessary for this institution took place in 1482 when a Portuguese captain by the name of Alonzo Gonzales landed in Guinea and carried off a number of young Africans. These young men were sold at a very advantageous price to the Moorish families in the southern portion of Spain. Six years later he repeated this policy and was followed in the practice by a number of Portuguese merchants. Later they built a fort on the African coast to protect their trade.<sup>3</sup> Thus before the Italian Renaissance the slave trade was established — an activity of western man which was to prove a point of almost major concern for the European and American countries of the nineteenth century.

Of more immediate importance to the present paper was the slave trade from the western coast of Africa to the plantations of the western hemisphere known as the Atlantic Slave Trade. Slavery and its concomitant the slave trade were introduced into colonial America when the first boat load of African slaves arrived in Jamestown in 1619.<sup>4</sup> Since the traffic in human flesh was illegal throughout most of the nineteenth century, there is no means of determining the number of slaves which were brought over to the new world. However, by 1816 it

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<sup>3</sup> From an article on the Slave Trade in Niles' Weekly Register, October 2, 1830.

<sup>4</sup> "The twenty Negroes that were left at Jamestown in 1619 by the captain of a Dutch frigate were the beginning of the involuntary importation of human beings into the mainland that was not to stop for more than two hundred years later... There can be little doubt that the earliest Negroes in Virginia occupied a position similar to that of the white servants in the colony. They were listed as servants in the census enumerations of 1623 and 1624; and as late as 1651 some Negroes whose period of service had expired were being assigned land in much the same way that it was being done for white servants... There was no statutory recognition of slavery in Virginia until 1661..." cf. John Hope Franklin, From Slavery to Freedom: A History of American Negroes (New York, 1952), pp. 70 ff.

was conjectured that in the twenty-five year period immediately preceding, a total in the neighborhood of 1,500,000 had been brought from the west African coast giving an average annual enterprise of about 60,000 slaves being sold into bondage in some part of the western hemisphere.<sup>5</sup>

Living conditions for the slaves on board the trading ships were atrocious. The death rate on the voyages was high, upwards of twenty to twenty-five percent on some voyages.<sup>6</sup>

Checks on the illicit trade were practically nonexistent. Economic and humanitarian impulses led Britain to try every means possible to stop the trade. The form that this check would take was uncertain. The plan which seemed most likely to control the illicit trade involved the establishment of a maritime police force on the West African coast which would have the right to search suspected ships and bring them to ports where mixed tribunals of the involved parties would be established.

European powers and the United States met these proposals of Great Britain coldly. Since England had emerged from the Napoleonic wars as the greatest naval power in the world, the European powers were not certain what England intended to do with this power. England claimed the right of search as her right. Few were willing to extend this position to the strongest naval power in the world in time of peace for any reason.

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<sup>5</sup>Queries of Viscount Castlereagh to the African Society in London, December, 1816, British and Foreign State Papers, VI, 26. Hereafter cited as the British State Papers.

<sup>6</sup>Ibid., p. 36.

Americans were still feeling the sting of the impressment issue with England which had not been settled by the Treaty of Ghent ending the War of 1812. Lord Castlereagh, the English Foreign Secretary, tried to point out to America the distinction between the belligerent right of search and the mutual and controlled right proposed for the suppression of the slave trade. However, the American Senate's memory of impressment was too recent to abide by such nice distinctions. America was still trying to solve the problem of neutral rights with Great Britain and was not going to endanger her position in these negotiations by allowing a right of search in a slave trade convention.

In addition to the impressment issue there were the differing ideas of the two countries regarding the question of slavery. The English antislavery movement was gaining momentum in England, and public pressure was being placed on the English government for the abolition not only of the slave trade but of slavery as well. At a time when the Missouri Compromise of 1820 was a fresh memory in the minds of American statesmen, the American government was very reluctant to sign any international agreement which would aggravate domestic problems.<sup>7</sup>

The major American figure during the early negotiations was John Quincy Adams who had served briefly as American Minister to England until his appointment as Secretary of State in March of 1817. From this time on he took an even greater part in the determination of American foreign policies than before. Adams was not a lover of slavery but did fear the power of the British navy. However, his law training

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<sup>7</sup> Hugh Graham Soulsby, The Right of Search and the Slave Trade in Anglo-American Relations (Baltimore, 1933), p. 9.

showed him a means by which the slave trade could be suppressed without abandoning the American stand on the impressment issue. The United States had declared the slave trade to be an act of piracy on May 15, 1820. If the slave trade could be made piracy in international law by a similar action on the part of the other maritime powers, then the position of the United States would be consistent since the right of search was admitted as a right in the capture of pirates on the high seas. This was the basis for agreement which would lead to the proposed Convention of 1824.

The Convention of 1824 between the United States and Great Britain reached the Senate for approval at an unfortunate time. John Quincy Adams was running for the presidency and some of his powerful opponents were members of the Senate. To rob Adams of this political feather, they attached amendments to the convention which England could not accept.

They excluded American waters from the mutual right of search as well as several other minor changes. England in 1824 could not accept the exclusion of American waters when the right was extended to her own waters around the West Indian islands. The Anglo-American negotiations had reached another impasse.

Americans, however, were not totally adverse to doing something to help the suppression of the slave trade. American war ships had been stationed off the coast of Africa but were largely ineffectual. The American Colonization Society, initially set up in 1816 to offer the colony of Liberia on the West African coast as a place of immigration for free blacks in the United States, also hoped that a prosperous colony of free blacks on this coast would form a barrier to the slave

trade. However, their efforts at colonization and the suppression of the slave trade were also largely ineffectual.

The question of the suppression of the slave trade as far as active negotiations between the United States and England were concerned remained largely nonexistent for several years after the failure of the Convention of 1824. However, in 1833, England again made a move for cooperation. She agreed at this time to accept the conditions laid down by the American Senate in 1824. In the meantime, England had abolished slavery in her colonies. The American Secretary of State, John Forsyth, turned down the British proposal on the grounds that it would infringe on the traditional American rights and freedom of the seas.<sup>8</sup> Since American power in international affairs had increased, Americans were no longer acting primarily from a motive of Anglophobia. Domestic issues would not allow American statesmen to seriously consider the question of cooperation with England in this matter.

Human motivations are always very complex and difficult, if not impossible, to determine with any degree of certitude. This problem is compounded when the motivations in question span a period of seventeen years, three presidential administrations, and the terms of six Secretaries of State. However, the unsettled question of impressment of American seamen and the highly emotional domestic question of slavery seem to be the prime motivations for American refusal to enter into joint action with Great Britain for the suppression of the slave trade. The fact that the Convention of 1824 came before the Senate at a time

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<sup>8</sup>James C. Duran, "A Study of Frustration: Britain, the USA and the African Slave Trade, 1815-1870," in Social Science, XL (October, 1965), 224.

when Americans were in the process of choosing a president -- an election in which Secretary of State John Quincy Adams was a candidate and held largely responsible for the provisions of that Convention -- seems to have played a part in the Senate action which resulted in an amended approval of the treaty. Economic fear that the right of search would result in English interference with American commerce also seems to have played a part in the fate of joint Anglo-American action against the slave trade.

## CHAPTER II

### THE STATUS OF THE SLAVE TRADE IN ANGLO-AMERICAN RELATIONS: 1817-1819

Anglo-American negotiations regarding the African Slave Trade from 1817 through 1819 were carried on almost exclusively in London between Richard Rush, Envoy Extraordinary and Plenipotentiary, and Viscount Castlereagh, Foreign Secretary of Great Britain. Richard Rush was born in Philadelphia on August 29, 1790, entered the College of New Jersey at the age of 14, and was admitted to the Pennsylvania bar in 1810. Before serving as the American minister to England under President James Monroe, he had served as Attorney General of Pennsylvania, Attorney General of the United States, and temporarily as Secretary of State from the inauguration of James Monroe until John Quincy Adams' return from London. He was appointed minister to Great Britain on October 31, 1817. He was a gentleman who moved easily in British society of the period. His sincere regard for the British people, along with his tact and varied intellectual interests, afforded him a wide measure of success.<sup>1</sup>

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<sup>1</sup>Richard Rush later served as Secretary of the Treasury in the administration of John Quincy Adams and minister to France under President Polk from 1847 to 1849. For more information see: Dexter Perkins, "Rush, Richard" in Dictionary of American Biography, ed. Dumas Malone (New York, 1935), XVI, 234. Viscount Castlereagh, whose actual name was Robert Stewart, second Marquis of Londonderry and Viscount Castlereagh, lived from 1769 until 1822. He was educated at St. John's College, Cambridge, and in his earlier life was prominent in Irish

Rush and Castlereagh were both seeking to find a more effective way to enforce their own laws against the slave trade. Joint action by the two countries would have avoided a duplication of expenses and effort. Neither country had a clear-cut design for controlling the slave trade, but a joint police force with each country having authority over the merchant ships of the other seemed to be necessary.

England desired such an agreement through a treaty since a distinction was clearly made between piracy by statute of a country and piracy under international law. A High Court of Admiralty in 1817 held that the slave trade could only become piracy, in the absence of a general convention, when so treated by all civilized nations.<sup>2</sup>

The first nation in the world to outlaw the African slave trade was the United States of America by an act of Congress in 1807. This act was to form a basis of accord between Great Britain and the United States in the ensuing negotiations for international control. The first public statement on the question of international regulation of the

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politics. Appointed Foreign Secretary on February 28, 1812 he held this post until his death in 1822. During the period of these negotiations he was also leader of the House of Commons. cf. John A. Hamilton, "Stewart, Robert," in Dictionary of National Biography, eds. Sir Leslie Stephen and Sir Sidney Lee (London, 1917), XVIII, 1233-1245.

<sup>2</sup>Hammis Taylor, A Treatise on International Public Law (Chicago, 1901), p. 237. Henry Wheaton in 1863 made a clear distinction between piracy under the law of nations and piracy created by municipal statute. The reader may safely assume that this distinction was recognized for at least a few years before 1863. Wheaton's statement in this regard will also clear up the American stand in regard to the trial of those accused of participating in the slave trade. "Piracy, under the law of nations, may be tried and punished in the courts of justice of any nation, by whomsoever and wheresoever committed; but piracy created by municipal statute can only be tried by that state within whose territorial jurisdiction, and on board of whose vessels, the offence thus created was committed." cf. Henry Wheaton, Elements of International Law (Boston, 1863), p. 256.

slave trade was to come on July 9, 1817 in the British House of Commons. On that day it introduced a resolution calling for the abolition of the odious slave trade.

The main point of the British demands were stated at that time. The resolution, according to Adams, stated that

some arrangement should be made which would give the different Powers of Europe (and they would even wish to include the United States in such an arrangement) a right to search each others vessels, and contend in support of this principle that the necessity of it applies, as strongly as to the right to search for contraband of war.<sup>3</sup>

Thus, what was to prove the main point of contention between the United States and Great Britain was enunciated from the very beginning.<sup>4</sup>

Great Britain began her overtures to the various powers of the world shortly after this resolution passed the House of Commons. By May of 1818 three such treaties had been completed with Spain, Portugal and the Netherlands. Upon presenting the Spanish treaty to Parliament Lord Castlereagh made several remarks to the effect that it was not sufficient for England alone to shut the doors of her colonies to the slave trade. It would be necessary to include all of the nations of the world involved in such trade to act in a similar manner. He

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<sup>3</sup>John Quincy Adams to Secretary of State, 14 July, 1817, London (Diplomatic Dispatches, Record group 59, vol. 22) microfilm. Hereafter cited as RG 59, v. 22.

<sup>4</sup>Adams, who was born in 1767 in Braintree, Massachusetts, of John Adams, second President of the United States, and Abigail Smith Adams, was educated in France, matriculated at Leyden University, and graduated from Harvard in 1787. He was admitted to the Massachusetts bar on July 15, 1770.

John Quincy Adams, who became minister to the Netherlands in 1794, married Louisa Catherine, daughter of Joshua Johnson, of a Maryland family. He served in the Massachusetts Senate in 1802 and in the United States' Senate from 1803 until 1808, at which time he resigned that post.

stated at this time that "the other islands of the West Indies, 'and the southern provinces of the United States, would become the asylum and depot of it."<sup>5</sup> if such international control were not effected.

Richard Rush was somewhat disturbed by the fact that Castlereagh did not give due credit to the United States "whose legislators led the way, with Europe against them, in this transcendent moral reform."<sup>6</sup> He also took the occasion of an accidental meeting with Lord Castlereagh to state the nature of our laws in this regard — that the United States had forbidden the importation of slaves, and that rigorous penalties of fine and imprisonment had been imposed on offenders. Castlereagh stated that he knew of our laws but intimated that he questioned our ability to enforce them and invited Rush to investigate the provisions of the British treaties with the European powers as a basis for similar action between the United States and Great Britain for "the effectual extirpation of the traffic."<sup>7</sup>

Further outlines of the English proposal were not to come to light until the English treaties were studied by the American statesmen and subsequent talks were held. In the meantime Rush introduced into the problem a caution which would give the United States an additional self-interest motive for subsequent refusals to sign a treaty with Great Britain. Rush forwarded a treatise to Adams on the wealth of the British Empire which alluded to the fact that the

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<sup>5</sup>Rush to Adams, February 18, 1818, London (Diplomatic Dispatches, RG 59, v. 22) microfilm.

<sup>6</sup>Ibid.

<sup>7</sup>Ibid.

abolition of the slave trade would bring a stop to the cultivation of sugar in the English Islands. Rush's statement in this regard is significant since the American sugar industry was only about twenty-three years old at the time. He said:

If the theory, that the abolition of the slave trade will put a stop at a day nor very remote to the cultivation of sugar in the English Islands can be supposed to have any foundation in probability, perhaps it may not be wholly underserving attention in our own prospective countervailing regulations.<sup>8</sup>

Sugar cane had been introduced by Iberville and grown as a crop in Louisiana as early as 1751, but the process for crystallizing sugar was not discovered until 1795 which would make United States' sugar production still in its young stages of growth at the time of these negotiations.

Lord Castlereagh approached Rush again in April of 1818 and clarified several points of the proposed treaty. The right of search was to be reciprocal and limited to only certain armed vessels of each country -- while the exercise of this right was to be strictly forbidden to all others. These armed vessels were to form a type of naval police mainly in African waters, and it was hoped that this would effectively stop the slave traffic.

He further explained that the only basis upon which a captain could be charged with the practice of slave trade would be the actual finding of slaves on board the vessel. The presence of irons or any other presumption of criminal activity would not be sufficient to warrant seizure or detention.

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<sup>8</sup>Rush to Adams, April 10, 1818, London (Diplomatic Dispatches, RG 59, v. 22) microfilm.

Rush was informed at this time that France had also been approached in regard to a similar treaty. France had not concluded a treaty with England. However, because of her recent abolition of slavery, Castlereagh believed that France would do so in the near future.

Rush then assured Lord Castlereagh that the President would seriously consider any distinct proposals of Great Britain, especially since America had long been aware of the evils of such traffic and had legislated against it in their own country.<sup>9</sup>

In regard to these negotiations with other European powers Adams informed Rush that he might suggest in a very tactful manner to Lord Castlereagh that the United States be brought in on the developments more as they were proceeding rather "than by a mere notification of what has been done,"<sup>10</sup> if we were to be brought into concerted action with them.

Lord Castlereagh again approached the topic in June of 1818 and begged Rush to bring this to the serious consideration of the President. He stated that at that time all European powers had either actually forbidden the traffic or would do so in the near future. The only exception to this was Portugal who had reserved the right to continue slave trading south of the equator. However, he did not see how this traffic would be effectively stopped without the mutual right of search,

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<sup>9</sup>Rush to Adams, April 15, 1818, London (Diplomatic Dispatches, RG 59, v. 22) microfilm.

<sup>10</sup>Adams to Rush, 30 May, 1818, Washington (National Archives, Records of the Department of State, Diplomatic Instructions, All Countries, 8:200) microfilm. Hereafter cited as Diplomatic Instructions.

"with a Power of detaining the vessels of either State with Slaves actually on board."<sup>11</sup> He continued by stating that his government was willing to listen to any suggestions that the Americans might have to further regulate and avoid abuse of the practice.

In a conversation shortly after this Castlereagh suggested that he send Rush copies of the treaties concluded between England and the other European powers in this regard, and stated that it was his intention to suggest a treaty along similar grounds with the United States. Rush informed Lord Castlereagh at that point that "the detached and distant situation of the United States if not other causes"<sup>12</sup> might necessitate some alterations in the provisions of such a treaty even though the broad principles upon which these treaties were based were acceptable to the United States. Castlereagh again assured Rush that the British government was willing to listen to any United States' proposals.<sup>13</sup>

After studying the English treaties, Adams stated that in addition to his objection to the mutual right of search that it would be viewed in a still more aggravated light, if, as in the Treaty with the Netherlands, connected with a formal admission that even vessels under convoy of Ships of War of their own Nation, should be liable to search by the Ships of War of another.<sup>14</sup>

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<sup>11</sup>Castlereagh to Rush, June 20, 1818, Foreign Office (Diplomatic Dispatches, RG 59, v. 22) microfilm.

<sup>12</sup>Rush to Adams, June 26, 1818, London (Diplomatic Dispatches, RG 59, v. 22) microfilm.

<sup>13</sup>Ibid.

<sup>14</sup>Adams to Rush and Gallatin, Nov. 2, 1818, Washington (Diplomatic Instructions, 8:256) microfilm.

Just before Christmas of 1818 Mr. Rush forwarded to Lord Castlereagh a communication informing him of a new American law passed in April of 1818 prohibiting the landing of slaves by any country's ships in the United States. At this time he also stipulated two objections that the United States had to the provisions of the treaties forwarded to the United States. The first of these objections was to the establishment of mixed courts for the purpose of trying those accused of participating in the slave trade. Since the United States had no colonies on the coast of Africa or the West Indies, our judges would be acting out of American territory. It was the considered opinion that at best it would involve a questionable interpretation of the American Constitution to allow this. In addition to this fact the Constitution provided that a judge holds his position only during good behavior and was subject to impeachment for wrong conduct. Foreign judges judging American citizens in these mixed courts would not be subject to impeachment and thus we would be restricting the protection of the law to American citizens.<sup>15</sup>

The other objection stipulated in this communication regarded the fate of the slaves involved in such a capture. Should the tribunal decide that they were to be sent to the United States, America could not guarantee their status as freemen since these regulations in regard to the Negro were local laws and not federal ones.<sup>16</sup>

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<sup>15</sup> Adams to Rush and Gallatin, Nov. 2, 1818, Dept. of State. American State Papers, Foreign Relations, V, 72-73. Hereafter cited as American State Papers.

<sup>16</sup> Rush to Castlereagh, December 21, 1818, London (Diplomatic Dispatches, RG 59, V. 23) microfilm.

Shortly after this Mr. Rush was visited by Mr. William Wilberforce of the House of Commons expressing his regret at the United States' refusal of the English proposals. Wilberforce, a leader of the antislavery group in England, feared that Russia and France might follow America's lead in this and thus cause the continuation of the African slave trade. He stated that the Russian emperor "was prepared to give his consent to the plan for rendering the slave trade an offence against the law of nations, and placing it upon a footing with piracy ..."<sup>17</sup> Rush then informed him of the history of America's legislation against the slave trade and stated that if all countries did likewise the trade would stop.

Rush was again approached on the subject by Mr. Wilberforce — this time in the company of the Marquis of Lansdowne, the leading Whig in the House of Peers. Their main point of inquiry regarded the right of search clauses of the proposed treaty. Rush was very explicit in his opinion that the United States would not accept such a stipulation. He went on to explain:

There were already so many painful recollections connected with the searching of their vessels upon the high seas by the naval officers of great Britain [sic], that the revival of the practice under whatever circumstances, or for whatever purposes attempted, might naturally be expected to meet with universal and strong repugnance throughout our country.<sup>18</sup>

It was about this same time that Mr. Rush was given an appointment at the Foreign Office on the wrong day and was ushered into a

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<sup>17</sup> Rush to Adams, January 30, 1819, London (Diplomatic Dispatches, RG 59, V. 23) microfilm.

<sup>18</sup> Rush to Adams, March 5, 1819, London (Diplomatic Dispatches, RG 59, v. 23) microfilm.

meeting of the big four powers of Europe by mistake. He was later to learn that the subject of that meeting was the slave trade. This led him to state:

Perhaps I should not hazard too much in inferring, that about the same disposition must have existed to recognize a community of interest and feeling with us on this question as were manifested by the same allies in 1814, when they left us to take care, single-handed, of our maritime rights.<sup>19</sup>

In a subsequent conversation with Lord Castlereagh on the subject the Foreign Secretary stated that he wished the United States could get over its constitutional scruples regarding the mixed courts and he believed then the two governments would come to some agreement.<sup>20</sup>

John Quincy Adams in his reply to Rush's dispatches on these points was somewhat more blunt than Rush was to Lord Castlereagh. He stated in a letter to Rush:

The most noble Marquis [Lansdowne], it seems together with Mr. Wilberforce, is laying seige to us, with that steam battery, the slave trade. As the interference of these Gentlemen in this affair is an altogether extra official and not remarkably delicate, I think you would do well, to suggest to them that if the British Government will begin by stipulating, never, from this day forth to the end of time, to take by force a white man from an American Merchant vessel on the high seas (unless as a prisoner of war) we will listen to proposals to let them search American vessels for black men in time of peace. And that so long as their humanity for white freemen stops short of such an engagement, for fear it should unman their Navy, they may spare themselves the trouble of applying to us to unman our Independence by trusting them to search our ships for black slaves to emancipate. I am not partial to the tribe of Empires, whose infallible remedies are always worse than the disease.<sup>21</sup>

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<sup>19</sup>Ibid.

<sup>20</sup>Rush to Adams, March 22, 1819, London (Diplomatic Dispatches, RG 59, v. 23) microfilm.

<sup>21</sup>Adams to Rush, 2nd May, 1819, Washington (The Adams Papers (Part II), Boston, 1955) microfilm. Hereafter cited as The Adams Papers.

It should be kept in mind that during this same period negotiations were still going on with Great Britain regarding the impressment of American seamen in the War of 1812.

Thus, the main point of American rejection was laid out in clear terms. As long as the sore spot of the impressment of American seamen lingered in Anglo-American relations there was really little hope of a common agreement in regard to the proposed treaty.

In November of 1819 Castlereagh decided to open negotiations once again on the subject but stated to Mr. Rush that due to the failure of negotiations to this point and the fact that Great Britain had appointed Mr. Stratford Canning as minister to America that further negotiations would be carried on in Washington.<sup>22</sup>

New powers given to the President by Congress in March of 1819 were to provide a new bargaining point in these further negotiations. Congress had authorized the President to use armed vessels to cruise in waters off the coast of Africa; "and other new provisions are introduced for intercepting and punishing such delinquent citizens as may be found . . ."<sup>23</sup>

Thus after two years of negotiations the points of difference boiled down to two — the reciprocal right of search and the questionable constitutionality of the proposed mixed courts. As things evolved, these became the main points of contention backed up by the less important one of the disposition of the slaves involved in capture.

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<sup>22</sup>Castlereagh to Rush, 11 November, 1819, Foreign Office (Diplomatic Dispatches, RG 59, v. 24) microfilm.

<sup>23</sup>Rush to Castlereagh, November 16, 1819, London (Diplomatic Dispatches, RG 59, v. 24) microfilm.

### CHAPTER III

#### THE STATUS OF THE SLAVE TRADE IN ANGLO-AMERICAN RELATIONS: 1820-1823

Between the years 1817-1819 the United States and Great Britain had held numerous talks concerning a joint agreement on the abolition of the African Slave Trade. All of the proposals had been made by Great Britain; the United States had rejected all. The British proposals called for the mutual and reciprocal right of search of merchant vessels suspected of participating in the slave trade, adjudication of these cases by a mixed tribunal made up of judges from each country, and the fate of the slaves involved to be determined by the capturing country.

The United States found constitutional and legal problems with the second and third parts of the proposals. American hatred and fear of English acts of impressment in the War of 1812 led to a rejection of the first point of the English proposal. These same grounds of rejection were to plague American relations with England during the next five years, and the Executive Department conceded the right of search only on the basis of its severe limitation and at the prodding of the Foreign Affairs Committee of the House of Representatives.<sup>1</sup>

Prior to 1820 the negotiations had been carried on in London

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<sup>1</sup>The writer finds no evidence that Southern fears for their institution of slavery were more basic as a cause for these rejections.

between Lord Castlereagh and Richard Rush. In 1820 Stratford Canning was named Envoy Extraordinary and Minister Plenipotentiary to the United States. The negotiations took place in Washington until the actual drawing up of a convention between the two countries began in January of 1824 when they were transferred back to London.

Stratford Canning's opposite official in Washington was to be Secretary of State, John Quincy Adams. From 1809 until 1814 he served as minister to St. Petersburg. During his absence from the country his appointment to the Supreme Court was confirmed by the Senate in February of 1811. He refused this post. In 1814 he became a member of the commission to meet with the English to end the War of 1812 which resulted in the Treaty of Ghent, signed on December 21, 1814. From there he became minister to Great Britain where he served until his appointment as Secretary of State by James Monroe in March of 1817, assuming the duties of that office on September 22, 1817. He occupied this post until his election as the sixth President of the United States in 1825.<sup>2</sup>

During his service on the commission which drew up the Treaty of Ghent and his subsequent service as minister to Great Britain, John Quincy Adams became intimately acquainted with the problem of the English impressment of seamen from American ships which was one of the causes for the War of 1812. He was forced to leave this important question unanswered by the Treaty of Ghent and it was to play an important part in the Anglo-American negotiations for the suppression of the

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<sup>2</sup>Worthington Chauncey Ford, "Adams, John Quincy," in Dictionary of American Biography, ed. Dumas Malone (New York, 1935), I, 84-93.

slave trade.

He never acquired a love for the British. His nationalism often took the form of Anglophobia, which he, in part, received from his father. His relations with the English at Ghent and during his subsequent stay in London did nothing to ease Adams' hatred of the English. His Anglophobia was to severely affect the negotiations for a slave trade convention.

Bradford Perkins characterizes this aspect of John Quincy Adams as follows:

. . . the London Times declared: "Mr. Adams may be considered as pledged by principle, and want of principle, to the most bitter and durable hatred of Great Britain." Above all Adams looked forward to the day when America would cease to be a cockboat in the wake of H.M.S. Britannia.<sup>3</sup>

Lord Castlereagh sent Stratford Canning to the United States in 1820 with instructions to work for the acceptance of England's previous proposals by the United States. If he failed in this, he was to seek American counter proposals for the effective control of the African slave trade. In the event that the two countries could come to some common agreement, Canning was to be invested with full powers to secure the agreement. Castlereagh impressed upon Canning that His Majesty's government considered this an important measure.

In his first meeting with Mr. Adams on the subject he was faced with the traditional opposition of the United States which had caused the failure of talks in London between Richard Rush and Lord Castlereagh; namely, the American Constitution would not allow the United

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<sup>3</sup>Bradford Perkins, Castlereagh and Adams: England and the United States 1812-1823 (Los Angeles, 1964), p. 42.

States to agree to the proposed mixed tribunals and the opposition of this government to the right of search because of its "supposed" connection with the question of impressment.<sup>4</sup>

The connection of the right of search and the impressment question, still unanswered since Ghent in 1814, continued to be brought forth throughout these talks between the United States and Great Britain. This, however, was not just Adams' personal Anglophobia showing forth because other members of the Cabinet and the Legislature also feared the connection.

In a Cabinet meeting held on December 23, 1820 the proposals as set forth by Mr. Canning were presented by the Secretary of State. The proposals were the same as had been presented to Mr. Rush more than a year before. With regard to the proposal for mixed courts the Cabinet was unanimous in its opinion that we could accept no such tribunals. With regard to the right of search, however, the feelings were mixed. Mr. Smith Thompson, the Secretary of the Navy, did not feel that the United States should continue to oppose the measure. He felt that this would cast doubt on our sincerity in opposing the slave traffic. He also feared that the British Government would use this to discredit America with the other European powers. If the arrangements could be such that the vessels involved could be brought to American ports for adjudication, he was inclined to allow the right of search.

Mr. John C. Calhoun, the Secretary of War, on the other hand, felt just the opposite. He felt that England's motives were self-

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<sup>4</sup>Canning to Castlereagh, October 28, 1820, Washington, British State Papers, VIII, 394.

interest and ambition. Since her own people could not take part in the slave trade, it was to her own advantage to prevent others from doing so. All of her colonial, commercial and shipping interests were deeply affected by it. Her protestations of benevolence were only ostensible in his view. He also feared that the United States would appear as an English satellite in this regard, a point more distressing to us since we had led the way by abolishing the slave trade in 1807.

Adams, as expected, agreed with Mr. Calhoun in most of his points but did give the British credit for being motivated by feelings of humanity.

President James Monroe dismissed the discussion of motivation as irrelevant and stated that he was not in favor of allowing the right of search. He felt that this would strengthen the American cause in any further discussions on the question of impressment. This alone, he felt, was a decisive reason for continuing to reject this proposal.<sup>5</sup>

In his communication to Stratford Canning on the administration's decision, Adams insisted that no American citizen would be tried for any offense against the laws of his own country "without the intervention of a grand jury to accuse and of a jury of trial to decide upon the charge."<sup>6</sup>

It was in this same letter that the Secretary of State put forth the first proposal of the United States for control of the slave

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<sup>5</sup>John Quincy Adams Diary, December 23, 1820 (The Adams Papers, reel 34) microfilm. Hereafter cited as Adams Diary.

<sup>6</sup>Adams to Canning, December 30, 1820, Dept. of State. American State Papers, V, 76.

trade. Because of an act of Congress passed in March of 1819 giving the President authority to have armed vessels cruise off the coast of Africa for the purpose of controlling the slave trade, Adams suggested that the American and British ships sail together and give each other any assistance that they could to the desired end without jeopardizing their own duties. This type of procedure could be accomplished simply by giving orders to the respective ship Captains and would not necessitate any kind of formal agreement.

Canning, communicating this proposal to his Government, continued to press the problem in talks with the Secretary of State. Adams, feeling that Great Britain had not properly understood the force of the American rejection of the British proposals, alerted Richard Rush in London and instructed him to let it be known, if approached on the subject, that "the right of mutual search, can on our part, under no circumstances whatsoever be admitted."<sup>7</sup>

Based on the information available to the House of Representatives, which must be conjectural for an illicit trade, it was estimated that between fifty and eighty thousand Africans a year were carried off into slavery. Based on a study of the English treaties with Spain, Portugal, and the Netherlands, and the proposals made by Great Britain to the United States, a report of the House Committee studying the slave trade was submitted and accepted on February 9, 1821. In this report the Committee stated that concerted action would be helpful to suppress the trade and that the expense of the suggested naval operations

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<sup>7</sup> Adams to Rush, 6 February, 1821, Washington (Diplomatic Instructions, 9:68) microfilm.

was not prohibitive. They also saw no serious difficulties with regard to the right of search because of the limited right conceded. The disposal of the slaves involved would be taken care of according to a law of March, 1819, which provided for their being sent back to specified ports in Africa. The final outcome was that the Committee recommended to the President that he

. . . enter into such arrangements as he may deem suitable and proper, with one or more of the maritime powers of Europe, for the effectual abolition of the African slave trade.<sup>8</sup>

By March 1821, apparently the President and his advisors had not yet agreed with all of the points of the House recommendation. Canning informed Castlereagh at that time that Adams had "declared explicitly that nothing, as he believed, could induce the President to admit the proposed right of search."<sup>9</sup> Something was to change the administration's mind on the point before serious negotiations were to get underway.

The British accepted the American proposal for joint action off the African coast but expressed the opinion that this joint action was extremely inadequate to accomplish the desired end. England, however, was not satisfied with this and continued to seek for measures more in line with their proposals. The fact of the House Committee report gave them new hope that they would be successful.

In all of these considerations it must be kept in mind that

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<sup>8</sup> Report of House Committee, February 9, 1821, American State Papers, V, 93.

<sup>9</sup> Canning to Castlereagh, 8th March, 1821, Washington, British State Papers, IX, 62.

both countries were seeking to enforce their own laws. Slave trading was not, at that time, a crime in international law. Indeed, if it were, things would have been much simpler. Keeping this in mind, it is easier to understand the lashing Adams, in effect, gave Canning in August of 1821 when he wrote that according to the treaties which England had already signed with Spain, Portugal and the Netherlands and that they continued to suggest we follow

. . . that the Citizens of The United States, engaged in commerce upon the High Seas, should be liable under certain circumstances, in time of Peace, to have their Vessels searched, and, with their Persons, seized and carried away by the Naval Officers of a Foreign Power; subjected to the decision of a Tribunal in a Foreign Land, without benefit of the intervention of a Jury of Accusation, or of a Jury of Trial, by a Court of Judges and Umpires, half of whom would be Foreigners, and all irresponsible to the Supreme Authorities of the United States. To such modes of Trial, and by such forms of Process, were the Citizens of the Union to be subjected, under charges for offences against the Laws of their Country!<sup>10</sup>

In this same letter he took up an argument stated earlier by President Monroe. We considered the British acts of impressment to be against the Law of Nations in time of war. We were not now to go against our legal stand in time of peace when the principle was admitted. He also took special issue against the point in those treaties which gave the right of search even when a merchant vessel was in the presence of ships-of-war of her own nation.

In Canning's reply to this letter he made a distinction between the belligerent right of search and the mutually reciprocal right of search proposed by Great Britain. He seemed to be dwelling on the point

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<sup>10</sup> Adams to Canning, 15th August, 1821, Dept. of State British State Papers, IX, 80-81.

of reciprocity both in regards to the tribunals and the right of search. He implied that the United States was not taking adequate appraisal of the mutuality of these proposals.<sup>11</sup>

Throughout the time during which Castlereagh was Foreign Secretary he had tried and succeeded to a large extent in treating the United States as an equal in diplomatic affairs. It seems doubtful that the Americans accepted this equality even though this was a point that they desired desperately at this point in our national growth. Throughout their negotiations with Great Britain regarding the slave trade the United States constantly threw up objections which smack of our fear of being taken advantage of by the naval power of Great Britain. Granted America had reason for fear, and hatred, of England from the treatment they had received from her in the War of 1812 but the United States did not recognize the about-face in English foreign policy following this war.

Lord Castlereagh provided a breakthrough in the negotiations when, in a conversation with Richard Rush in London, he pointed to each state constituting its own courts for adjudication of the cases which should be brought to it. He also suggested that Great Britain and the United States together approach France in an effort to get her to enforce her laws against the slave trade.<sup>12</sup>

By 1822 apparently the actions of American and English ships off the coast of Africa were having their effects. The flags of these

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<sup>11</sup> Canning to Adams, 27th August, 1821, Washington Ibid., pp. 78-79.

<sup>12</sup> Memorandum of conversation between Castlereagh and Rush, April, 1822 Ibid., X, 247.

countries were no longer being used in the slave trade but that of France was being used extensively.

The United States declined the offer of joint action with Great Britain at the Court of France but, as America was to do later in 1823 with the Monroe Doctrine, they struck out on their own. The American minister to Paris, Mr. Albert Gallatin, was instructed to approach the Paris officials on his own in this regard.

Except for the concession by Great Britain there had been little change in the actual course of negotiations toward a formal agreement since 1817 when England first proposed such a move to Richard Rush in London. One suggestion, which was made but apparently never seriously considered, was made by the French minister in Washington. This proposal, which was apparently done without instructions from home, would seem to have done away with one of the main objections to the right of search. It suggested that each party appoint Commissioners, vested with proper authority, and have them on board each other's cruisers to do the searching.<sup>13</sup>

In July of 1822 the United States was still adamant in its refusal to allow the right of search. Mr. Canning informed Castlereagh that the United States would not act with Great Britain in urging action by France on the slave trade issue. He also stated that, in his opinion, the Americans would take no other measures against the trade than to engage a number of cruisers off the coast of west Africa.<sup>14</sup>

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<sup>13</sup>Canning to Castlereagh, 8 May, 1822, Washington, Ibid., p. 249.

<sup>14</sup>Ibid., 16 July, 1822, p. 253.

Shortly after this Lord Castlereagh broke down and on August 12, 1822 he took his life by cutting his throat with a small knife. Many Americans, in their Anglophobia, found it impossible to mourn his passing but

. . . John Quincy Adams and Richard Rush, the two Americans who knew Londonderry best through their service at the Court of St. James, regretted his passing and doubted that any successor would be so devoted to good relations.<sup>15</sup>

The Americans had some ground for fear for the new Foreign Secretary, Mr. George Canning, cousin of the minister to the United States, Stratford Canning, had quarreled with the Marquess of Londonderry on numerous occasions and had even fought a duel with him in 1809 in which neither was seriously injured.<sup>16</sup>

In Mr. George Canning's first instruction to Stratford Canning on the slave trade he stated that it was unfortunate that the United States could not see a distinction between the belligerent right of search and the regulated right of search proposed by England. In fact,

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<sup>15</sup>Perkins, Castlereagh and Adams, p. 303.

<sup>16</sup>The new Foreign Secretary was born in 1770 and entered the House of Commons in January of 1794. He served as Undersecretary for Foreign Affairs from 1796 until 1799 when he was made Commissioner of the Board of Control. He served as Paymaster-general from 1800 to 1801 and as Treasurer of the Navy beginning in 1804. At the age of 37 he became Foreign Minister and served in that post for two and a half years. He retired from public life in 1809 after his duel with Londonderry but returned to Parliament from 1810 until 1812. In 1814 he left England for Lisbon and on his way there was appointed minister to Portugal. In 1816 he became President of the Board of Control and in 1822 had just accepted the post of Governor-General of India. However, before he could leave England to take up his new duties, Castlereagh destroyed himself. George Canning was appointed Foreign Secretary — a post which he accepted. cf. Thomas Edward Kebbel, "Canning, George," in Dictionary of National Biography, eds. Sir Leslie Stephen and Sir Sidney Lee (London, 1917), III, 872-883.

he saw this regulated right as acting in favor of the American view rather than against it. He went on to state that

Great Britain desires no other than that any of her Subjects, who so far defy the Laws, and dishonour the character of their Country, as to engage in a trade of blood, proscribed not more by the Acts of the Legislature, than by the National feeling, — should be detected and brought to justice, even by Foreign hands.<sup>17</sup>

Stratford Canning brought the matter to the official attention of Secretary Adams in a letter on January 29, 1823. Here he stated his hopes that the Americans would either see their way clear to accept the British proposals or suggest counter-proposals more effective than the joint sailing of vessels off the coast of Africa which both had accepted by this time. Although English and American flags were no longer being used in the slave traffic, there was still a large traffic being carried on. He also requested again joint Anglo-American action at the court of France. There was strong reason to suspect that American and English ships were using French colors to carry on the trade.<sup>18</sup>

The first major breakthrough on the American side of the negotiations came in March of 1823 when Adams reminded S. Canning that according to American laws slave trading was a crime on the part of the person of an American citizen no matter whether he sailed on an American vessel or a foreign one. He went on to make a proposal to the British which would provide a common basis for further talks.

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<sup>17</sup>Mr. Secy. Canning to S. Canning, October 11, 1822, Foreign Office British State Papers, X, 254-255.

<sup>18</sup>S. Canning to Adams, 29 January, 1823, Washington American State Papers, V, 327.

I am directed by the President of the United States to propose on their part the adoption, by Great Britain, of the principle of this act, and to offer a mutual stipulation to annex the penalties of piracy to the offence of participating in the slave trade by the citizens or subjects of the respective parties. This proposal is made as a substitute for that of conceding a mutual right of search, and of a trial by mixed commission which would be rendered useless by it.<sup>19</sup>

In answer to this letter, S. Canning suggested that the adjudication of these cases be handled in the ordinary way by admitting the jurisdiction of a court of admiralty of the captor as he supposed to be the common practices in piracy cases. He reiterated the sentiments of George Canning as expressed in his first instruction to his minister in Washington.

He went on to state that it was not the severity of the penalty involved which would stop the traffic but detection and prosecution. He informed Mr. Adams that there were American ships involved in the trade which had not been detected by the American cruisers. He further stated that Great Britain was willing to limit the number of vessels involved, specify parts of the ocean where it could be done, and that such action would be carried on under other regulations of mutual consent. He also stated again the distinction between the belligerent right of search and what was here proposed.<sup>20</sup>

These proposals involved several concessions to American feelings from those previously agreed to with Spain, Portugal and the Netherlands.

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<sup>19</sup> Adams to S. Canning, 31st March, 1823, Dept. of State Ibid., p. 328.

<sup>20</sup> S. Canning to Adams, 8th April, 1823, Washington Ibid., p. 329.

Adams, however, took issue with several of Mr. Canning's statements and presented the American stand in an extremely clear way. In regard to the adjudication by courts of admiralty he stated that "it was precisely because the jurisdiction was foreign that the objection was taken to the trial by mixed commissioners. . . ."21 He further remarked that this was not the ordinary way of handling cases of piracy in time of peace, and further that this principle was "solemnly recognized by the decision of a British court of admiralty."<sup>22</sup> There was a profound difference between piracy by the Law of Nations, of which this was not a part, and piracy by statute of a given country he said. He lashed out at Mr. Canning when he stated

. . . for, although Great Britain, as you remark, may be willing to abandon those of her subjects who defy the laws and tarnish the character of their country by participating in this trade to the dispensation of justice even by foreign hands, the United States are bound to remember that the power which enables a court to try the guilty authorizes them also to pronounce upon the fate of the innocent, and that the very question of guilt or innocence is that which the protecting care of their Constitution has reserved for the citizens of this Union to the exclusive decision of their own countrymen.<sup>23</sup>

Until all countries recognized the slave trade as piracy, it was not part of the Law of Nations, and the United States would retain jurisdiction over such cases. We would, however, accept a provision for captured persons to be turned over to their own countries for trial.

By the middle of 1823 the main lines of agreement had been reached. If the right of search were conceded by the United States, it

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<sup>21</sup> Adams to S. Canning, 24 June, 1823, Dept. of State Ibid., p. 330.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid., p. 331.

was to be confined to certain waters, restricted to specific vessels of war, and the actions of the boarding officer were to be closely regulated. Persons caught in such activity were to be turned over to their own country for trial; the slaves involved were to be taken care of according to the country to which the ship belonged.

Mr. Stratford Canning left the United States in June of 1823 to conclude a formal convention in London where Mr. Richard Rush would be the negotiator for the United States. Upon his departure Adams said of Mr. Canning:

He is, of all foreign Ministers with whom I have had occasion to treat, the man who has most severely tried my temper. . . He has, however, a great respect for his word, and there is nothing false about him. This is an excellent quality for a negotiator. Mr. Canning is a man of forms, studious of courtesy, and tenacious of private morals. As a diplomatic man, his great want is suppleness, and his great virtue is sincerity.<sup>24</sup>

Mr. Adams instructed Richard Rush concerning all that had occurred between himself and Mr. S. Canning. Rush's instructions included several points which Adams insisted were necessary before a treaty was drawn up by the two countries. First, that even if the slave trade were to become part of the Law of Nations, thereby making the slave ship seizable by any country, the defendants were to be tried by courts of the country to which the slave ship belonged. Rush was given a proposed draft of a convention to be brought forward only if Great Britain agreed to declare the slave trade piracy by statute.

Adams brought up a point which had bothered both him and Rush as early as the first overture by Great Britain in 1818; namely, that

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<sup>24</sup>Adams Diary, June 24, 1823, microfilm.

we were constantly being informed of European proceedings after the fact. He stated:

From the general policy of avoiding to intermeddle in European affairs, we have acquiesced [sic] in this course of proceeding; but to carry fully into effect the late Resolution of the House of Representatives, and to pursue the discussion hereafter with Great Britain herself, whether upon the proposals or upon ours, it is obviously proper that communication should be made to us of the progress of European Negotiations for accomplishing the common purpose, while it is in deliberation. If we are to cooperate in the result it is just that we should be consulted, at least, with regard to the means which we are invited to adopt.<sup>25</sup>

The main points of agreement had been outlined. America had finally agreed to a more effective means of suppressing the slave trade through some type of joint action. However, these agreements were not yet binding on either party. Particulars of the type of joint action had also to be agreed upon. Full powers and instructions had been given to Richard Rush to conclude a treaty with Great Britain containing the stated safeguards to American rights on the high seas. The drawing up of the treaty began in January of 1824.

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<sup>25</sup>Adams to Rush, 24 June, 1823, Washington (Diplomatic Instructions 9:358) microfilm.

## CHAPTER IV

### THE CONVENTION OF 1824

The British plenipotentiaries for the convention were Stratford Canning and Mr. William Huskisson who was a member of the British cabinet as President of the Board of Trade and Treasurer of the Navy. Rush characterized Mr. W. Huskisson as "generally regarded as a man of liberal principles and conciliating temper."<sup>1</sup>

Richard Rush followed his instructions from Adams meticulously. The British plenipotentiaries agreed completely to the principle of declaring the slave trade piracy if agreement could be reached on all parts of the proposed plan.

With this preliminary taken care of they entered into active negotiations on January 23, 1824. There were a total of seven conferences which ended on March 13, 1824 with the signing of the Convention.

The British offered only five major objections to the proposal as outlined by John Quincy Adams. Their first objection involved what they supposed to be a loophole for citizens or subjects sailing under the flag of a third party. Rush pointed out that he considered this covered by the wording of the second article which stated "or for the account of their subjects or citizens. . . ." They agreed to this

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<sup>1</sup> Rush to Adams, 23 January, 1824, London American State Papers, V, 316.

conclusion.

Their second objection involved the trial of those suspected. They asked if — since both considered the trade as piracy — shouldn't those taken from a third party ship be tried by the captor? Since an affirmative answer to this would violate one of the primary provisions of the proposal the British withdrew their objection to this point.

If the condemnation of a vessel as partaking in the slave trade came before the condemnation of the persons, would not there arise a ticklish situation making the people on board automatically guilty? Would not the people involved be condemning themselves in their testimony? In such a case, Rush answered, the commander of the capturing vessel could be called to testify against the vessel thus eliminating the necessity of questioning the crew in the first place. Even if this were not possible, the presence of slaves on board — the only basis for detention — would be sufficient to prove guilt. They acceded to this third point also.

Fourthly, the fifth article of the proposal forbade the removal of any person or cargo from the detained vessel — a point surely inserted by Adams because of the impressment issue. Considering the inhuman conditions on board these vessels for the slaves, Canning and Huskisson stated, humanitarian reasons would necessitate the removal of some of the slaves to preserve their health and even their lives. Rush interpreted the word person to apply only to the crew and not to the slaves. He saw no objection, under suitable regulations, to the removal of some of the slaves for humanitarian reasons.

Lastly, they asked that some provisions be made for the detention of the crew of the slave ship be provided for on their own vessel

since such outlaws could get desperate and attempt escape if no such provision were made. Rush acceded to this point.<sup>2</sup>

Rush, in the final agreement, maintained all of the essential points of the American proposal. As he stated to Secretary of State John Quincy Adams:

The essential principles of our plan, as gathered from my best attention to it, in connexion [sic] with your instructions, I considered to be: 1st. That this nation was to declare the slave trade piracy by act of Parliament. 2d. That the captured vessel was to be sent to her own country for trial before its tribunals, and never before those of the capturing power. 3d. That no individual belonging to the crew was ever to be taken out of the accused vessel. 4th. That the capturing officer should be laid under the most effective responsibility for his conduct, in all respects. 5th. That no merchant vessel under the protection or in the presence of a ship-of-war of her own nation was ever to be visited by a ship-of-war of the other nation.<sup>3</sup>

All of these points were preserved in the Convention. On March 31, 1824 the British Parliament declared the slave trade piracy. Shortly after this she ratified the treaty and sent it to America by special packet. By the first week of May it was presented to the United States Senate for approval.

The main topic under discussion in the Senate during that first week of May was the tariff; and, therefore, it was several days before actual discussions on the Slave Trade Convention began. In the meantime John Quincy Adams was visited by Senator Rufus King of New York on May 3rd who talked with Adams regarding several topics and told Adams that, at that time, no opposition to the Convention was contemplated in the

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<sup>2</sup>Rush to Adams, 15 March, 1824, Ibid., pp. 316-317.

<sup>3</sup>Ibid., p. 318.

Senate.<sup>4</sup> However it was not long before opposition became apparent.

By the seventh of May, maneuvers were already under way to prevent approval of the treaty by the Senate. On that day Adams was visited by Mr. George Shay and Mr. Mosher who told him "that there was much uneasiness and excitement in the public mind, upon this convention recently concluded with Great Britain, in which it was said the mutual right of search at sea had been conceded."<sup>5</sup> In the same entry in his diary Adams stated that he was informed that a meeting had been called in Baltimore, the purpose of which was to pressure the Senate into rejecting the treaty. Adams answered several questions posed by these two gentlemen and then went on to state what he believed to be the reasons for this opposition:

The causes of this are two. The first a statement made by George Canning in Parliament that in this convention the right of search was mutually conceded — and this statement made by him as a gilding to the pill, of a Bill to make the Slave trade piracy, the sine qua non, and preliminary to concession of the mutual right of capture, and consequent right of visitation and search, which Bill he was then to introduce and carry through Parliament is the first and as yet the only knowledge which our People have of this Convention it having been circulated by paragraphs in all our newspapers. The second is the keen and eager look out of my political opponents, at this moment, for anything that may serve as a missile weapon against me. They have thus snatched at this jesuitical statement of Canning, and without seeing the Convention endeavor to raise a popular clamour against me for conceding the right of search."<sup>6</sup>

In this same entry in his diary Adams stated that he had informed the British minister, Mr. Addington, that there would probably be some opposition to the convention in the Senate. Addington said that he had

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<sup>4</sup>Adams Diary, May 3, 1824, microfilm.

<sup>5</sup>Ibid., May 7, 1824.

<sup>6</sup>Ibid.

thought so, and that it would come from General Andrew Jackson of Tennessee and Mr. Macon of North Carolina. Adams had also spoken to Rufus King of New York and James Barbour of Virginia about the convention. King approved it but "Barbour, a cautious [sic] man seemed very coolly disposed towards it."<sup>7</sup>

Adams' political opponents raised a storm over his concession of the right of search. This opposition was led by William Crawford.

President Monroe was

a little uneasy at the opposition in Senate to the ratification of the Slave Trade Piracy Convention. He said he thought it very important; not only in itself but as indicating to the European Holy allies, an understanding upon that great interest between the United States and Great Britain.<sup>8</sup>

The thirteenth of May brought the first proposed amendment to the convention by the Senate. The amendment, proposed by James Barbour of the Committee on Foreign Relations, added that the Convention could be broken off by either party with a six month notification.

May fourteenth brought another visit to Adams from King who figured that it would be necessary to include the limitation amendment. He stated his opposition to the amendment and added that

. . . there was no reasoning with fear. The members from some of the Southern States, had taken a panic at the late Speeches in the British Parliament, looking to the abolition of Slavery, and were exceedingly adverse to forming any concert with the British Government whatever, in reference to the subject of slavery.<sup>9</sup>

Opposition to the measures continued and settled on two ostensible

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<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid., May 14, 1824.

motives. One, that America had conceded the right of search; and two, the jealousy of the Southern members against the British views concerning Negro Slavery. "The Caucus and the Presidential Election also furnished other, though unavowed, motives for opposition."<sup>10</sup>

On May 21, 1824 Adams received confirmation that electioneering was an important factor in the fate of the convention.

. . . Col. [John] Taylor, who had told me that the opposition to the Convention in the Senate, was entirely a Presidential electioneering manoeuvre [sic]. Van Buren and [John] Holmes of Maine its prime instigators, and almost all its supporters are dead set Crawford men. His colleague however, Governor Barbour, he said had behaved with great magnanimity and honestly supported the convention.<sup>11</sup>

By this time hope was held by officialdom in Washington for the success of the Convention. At this point President Monroe decided to send a special message to Congress urging acceptance on the part of the Senate. After referring to the act of Congress declaring the slave trade piracy and the resolutions of the House of Representatives on the subject, and calling attention to the strict provisions of the treaty to prevent abuse of the right of search, Monroe based his appeal on the broader grounds of protecting his foreign policy. He stated

Other considerations of high importance urge the adoption of this convention. We have, at this moment, pending with Great Britain, sundry other negotiations, intimately connected with the welfare, and even the peace of our Union. In one of them, nearly a third part of the territory of the State of Maine is in contestation. . . . and in the fifth, the whole system of South American concerns, connected with a general recognition of South American independence, may again, from hour to hour, become, as it has already been, an object of concerted operations of the

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<sup>10</sup> Ibid., May 18, 1824.

<sup>11</sup> Ibid., May 21, 1824.

highest interest to both nations, and to the peace of the world.

It cannot be disguised, that the rejection of this convention cannot fail to have a very injurious influence on the good understanding between the two governments on all these points. That it would place the Executive administration under embarrassment, and subject it, the Congress, and the nation, to the charge of insincerity . . . must be obvious. To invite all nations with the statute of piracy in our hands, to adopt its principles as the law of nations, and yet to deny to all the common right of search for the pirate, whom it would be impossible to detect without entering and searching the vessel, would expose us, not simply, to the charge of inconsistency.<sup>12</sup>

Also on May 21, 1824 the Senate officially added the first amendment to the convention by a vote of 34 to 2. This amendment stated that either party could renounce the convention giving six months notice beforehand.<sup>13</sup>

May 22, 1824 determined the fate of the Convention. On that day six votes were taken in the Senate before final amended approval was given to the Convention. First of all, upon motion of Mr. Barbour to accept the convention, an amendment to the motion was proposed by Mr. Nathan Macon (N.C.) who asked that consideration be postponed until the following December. However, this motion along with its amendment was defeated. Next Mr. Josiah S. Johnston (La.) proposed that American waters be excluded from the conceded right of search. The Senate vote (23 to 20) on this motion struck the appropriate words from the Convention. Mr. Johnston then proposed that the waters of the West Indies also be excluded from the mutual right of search. By vote of the Senate (29 to 14) these words were left in the convention. Mr. Johnston

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<sup>12</sup>Journal of the Executive Proceedings of the Senate of the United States of America, 1789-1906. 36 vols. (New York, 1969) reprint, III, 380-383.

<sup>13</sup>Ibid., 383.

then proposed that the provisions of the treaty not extend to citizens on board a vessel not of his own country as embodied in Article 2 along with the rest of the article be struck from the treaty. By a Senate vote of 27 to 16 this provision remained in the convention. Another vote to exclude only the above portion of Article 2 rather than the entire article was also defeated. Finally the convention was approved, as amended, by a Senate vote of 29 to 13.<sup>14</sup>

The Convention had finally been approved by the Senate "but in such a mutilated form that both friends and opponents did not expect Great Britain to accept the remnants."<sup>15</sup> Senators who led the opposition to the treaty used as their main argument that the pretext of searching for slaves was really being used by England as a means to impress seamen. This reason lacks substance since the treaty contained adequate safeguards against such actions on the part of England as well as the fact that it was necessary to supplement the legal prohibition of the slave trade — a point more than adequately proved prior to Senate action on the treaty and recognized by the House of Representatives in its recommendation to the President that he enter into some agreement with European countries for the effective suppression of the slave trade. The House Resolutions had even recognized that a limited and regulated right of search would be necessary to achieve these ends. Nor would the fear of abolition be a real motive for the opposition since only five of the thirteen senators who finally

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<sup>14</sup>Ibid., 385-386.

<sup>15</sup>W. Stull Holt, Treaties Defeated by the Senate (Gloucester, Mass., 1964), p. 45.

voted against the treaty were from the Southern States.<sup>16</sup>

John Quincy Adams believed that the primary reason for the Senate action regarding the Convention was political maneuvering. However, his view as seen through his diary is subject to the charge of prejudice. Others involved in this action with less prejudice agreed with him, however. Senator Rufus King told him that it was clearly disclosed to everyone's observation that it was an electioneering scheme against him. This statement was not just polite sympathy towards Adams because exactly the same idea was expressed to his son and a close friend. Senator Taylor also expressed this opinion in stating that Mr. Crawford had made it a bitter party matter. Senator Johnson of Kentucky stated that the presidential election furnished the real but unavowed reason for opposition to the Convention. Mr. Mercer, member of the House of Representatives who had led opposition to the convention there, stated in a letter to Stratford Canning that the real motivation was connected with the presidential election. Even Martin Van Buren considered the opposition purely a party matter.<sup>17</sup>

In a dispatch to George Canning marked secret and confidential British Charge Addington expressed his opinion of the matter. His opinion certainly could not be said to be influenced by political motives. In this long dispatch he stated three measures which would account for the Senate's actions. First was the disinclination to concede the right of search; secondly, apprehension of ulterior motives

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<sup>16</sup> Ibid., p. 46.

<sup>17</sup> Ibid.

on the part of Great Britain; and thirdly and principally, Party spirit.

In regard to the third point Addington added:

To this may be attributed the whole opposition which has been made to the measure. [He then explained the political situation.]

The arrival of the Convention had scarcely been announced before the opponents of Mr. Adams began to sound the alarm on his concession to Great Britain of the right of search, and this point they are evidently resolved to make a lever for discrediting him with the nation, and thereby crushing his hopes of attaining the Presidential Chair. . . .

I have entered thus at length into explanations on this subject, because I conceive it to be of the most serious importance to the relations existing between Great Britain and the United States that His Majesty's Ministers should be fully acquainted with the real causes of the opposition made by a portion of this Government to a measure which originated in another branch of it . . .

The preceding hypothesis as to the real causes of the opposition to the Convention is not lightly entertained. It is founded on constant communication with many of the best informed Gentlemen in Congress as well as on personal observation.

I am assured that almost the whole opposition made to the measure in the Senate, is conducted by the adherents of the Secretary of the Treasury. Mr. Adams is also evidently under the same impression.<sup>18</sup>

In addition to this the thirteen votes against the treaty all came from Crawford men, and the seven additional votes which helped pass the crucial amendment were anti-Adams men even if not active Crawford people. This was also used against Adams in the subsequent campaign.<sup>19</sup> Thus the motive for the passage of the treaty in its amended form seems to have been largely the presidential campaign and electioneering maneuvers rather than the real merits of the treaty itself.

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<sup>18</sup> Addington to Canning, May 21, 1824, Public Record Office, Foreign Office 5, vol. 185. Library of Congress Photostats as quoted in Ibid., pp. 48-49.

<sup>19</sup> Ibid., p. 49.

The amended treaty was rejected by England. As England's Foreign Secretary, George Canning, was to state when he declined the Convention in its amended form, the exception of American waters implied

the existence on one side and not on the other of a just ground either of suspicion of misconduct, or for apprehension of an abuse of authority.<sup>20</sup>

America's ability to adequately control the slave trade had been questioned on several occasions both by the English and segments of American society. American laws were adequate to the task, but force must be given to a law in order to obtain the desired result.

The laws against piracy had better be repealed, or at least so amended that some other punishment than that of death shall be inflicted for the offence. Perez, lately convicted at New York, has been pardoned by the president of the United States, and so turned loose to commit new offences. It will be recollected too, that the first person found guilty under the act for preventing the slave trade, was pardoned — how then can others be executed with justice?<sup>21</sup>

By 1824 the Monroe Administration had made several about-faces in its stand on the right of search, but had not conceded an inch on the point of the courts set up to try those accused of participating in the slave trade.

The Anglophobia of Adams and many others in the United States had stymied negotiations for several years. But the House Committee recognized the distinction between the belligerent right of search and the carefully regulated mutual right called for by the British in an effort to stop the traffic in human lives. The British were motivated

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<sup>20</sup>Mr. George Canning to Mr. Rush, August 27, 1824, Foreign Office, American State Papers, V, 365.

<sup>21</sup>Niles' Weekly Register, June 12, 1824.

in part by humanitarian reasons while the United States sought the same end for legal reasons. It is because of this differing motivation that the United States insisted far more upon legal checks to English power.

Only ten years earlier America had emerged from the War of 1812 when her big foe then recognized her as an equal by signing the Slave Trade Convention of 1824. English impressment of American seamen in that war was a slowly healing sore in relations between the two countries. By this time President Monroe had voiced his famous "Doctrine" and America had snubbed her nose at the "big" powers of the world.

Past experiences with His Majesty's might had made the United States very aware that America's position was not extremely strong but then again this was the Era of Good Feelings. In American relations with Great Britain this title surely fits. This amended acceptance of the slave trade agreement was surely to strain relations. It was America's proposal; England had acceded on three important points; England had mobilized her Parliament into declaring the slave trade piracy; had ratified the Convention and rushed it, by special packet, to the United States. There she held that ship for more than three weeks waiting for an American answer.

Domestic politics ruined the Convention. The still sensitive issue of the right of search was the ostensible reason for our rejection. It was a rejection for in fact this was what the Senate's actions amounted to. Yes, the United States approved it but then added amendments that the British surely would not accept.

Political bickerings and the opposition of William H. Crawford and his followers, in an effort to discredit John Quincy Adams,

discredited themselves and strained relations with Great Britain.

Once news reached London that the Senate had approved the Slave Trade Convention with reservations which England could not bring herself to admit, the talk began again in an effort to conclude some agreement. In an informal discussion with Richard Rush, Mr. George Canning gave the impression that Great Britain would be willing to interpret the word "America" in such a way as to restrict operations to the coast of the southern portion of North America as proximate to the British West Indies and to exclude the coast of the middle and northern states. Rush immediately rejected this view as being objectionable from every point of view.<sup>22</sup>

Addington informed Adams in November that Great Britain was willing to accede to all of the American amendments to the Convention except "the erasure of the word 'America,' to the first article. . . ."<sup>23</sup> To exclude this word from the Convention would, in the opinion of the British government, destroy the equality which was the main principle upon which the treaty was drawn up and signed by both parties.

However, Mr. Adams informed Addington that the President felt that in view of the Senate's actions the best results would be achieved if the whole subject were taken under advisement by Congress. In view of this fact Adams could not give an immediate reply to the British as to what the United States was going to do to bring an agreement between

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<sup>22</sup>Rush to Adams, August 30, 1824, London as quoted in Niles' Weekly Register, December 18, 1824.

<sup>23</sup>Addington to Adams, Washington, 6th November, 1824 as quoted in Ibid.

between the two countries to fruition.<sup>24</sup>

Throughout the rest of 1824 and the beginning of 1825 Addington continued to wait for an answer from the American government. Finally on March 2, 1825, shortly before Adams left the office of Secretary of State to assume the Presidency, Addington again approached Adams on the question of the Slave Trade Convention. Apparently he never received an answer from Adams on this point. Addington would have to wait until the new Secretary of State, Henry Clay, took office to find out what the new administration was going to do with this problem.

Henry Clay entered the office of Secretary of State with no particular love for England. It was a time when relations were beginning to be strained. Because of his immediate past experience as Speaker of the House, Henry Clay had perhaps a greater understanding of popular opinion in the slave holding regions of the United States than his predecessor.

Henry Clay had been a "war hawk" in favor of war with England in 1812 and, like Adams, had dealt directly with them on many of the questions which had plagued the Convention when he served as one of the negotiators at Ghent in 1814. Because of his differences with Adams at Ghent and their differing political views in the subsequent ten years, they became strange bedfellows in dealing with England. Neither had much love for America's "mother country" but differed widely on the reasons for their Anglophobia. Henry Clay had also played a major role in the Missouri Compromise of 1820 and was well aware of the growing

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<sup>24</sup>Adams to Addington, Washington, 4th December, 1824 as quoted in Ibid.

division in the country over the question of Negro slavery.<sup>25</sup>

Clay gave a final rejection to the cooperative measures with these words:

I am instructed by the President [John Quincy Adams] to accompany these frank and friendly explanations by the expression of his sincere regret that, from the views which are entertained by the Senate of the United States, it would seem to be unnecessary and inexpedient any longer to continue the negotiations respecting the slave convention, with any hope that it can be made to assume a form satisfactory to both parties.<sup>26</sup>

Addington, however, refused to close the door on the question. He continued to take every means at his disposal to effect the end of this traffic in human flesh which had been the purpose of the Convention.<sup>27</sup>

At the commencement of the first session of Congress in 1825 John Quincy Adams laid all of the correspondence regarding the slave trade before Congress. The object of submitting it to the legislature was to give its members an opportunity to express their opinion on the matter. Congress did not. In view of the fact that Congress took no action regarding the question of the slave trade Adams came to the conclusion that no concerted action could be taken in this regard. Therefore he instructed his Secretary of State of close negotiations with Great Britain on this point.<sup>28</sup>

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<sup>25</sup> E. Merton Coulter, "Clay, Henry," in Dictionary of American Biography, ed. Dumas Malone (New York, 1935), IV, 173-179.

<sup>26</sup> Clay to Addington, Dept. of State, April 6, 1825. American State Papers, V, 783.

<sup>27</sup> Addington to Clay, Washington, 9th April, 1825. British State Papers, XII, 857.

<sup>28</sup> Clay to Rufus King, Dept. of State, 10 May, 1825. (Diplomatic Instructions, 10:315) microfilm.

Given the circumstances of communication of information in 1824 most of the news received by the people of Louisiana on the subject of the Slave Trade Convention was sporadic and second hand. The first instance of information arrived after the Senate action on the subject, and was a notice that Mr. Canning was about to introduce into Parliament a bill to declare the slave trade piracy.<sup>29</sup> Comment in The Courier on the 28th of May led the citizens to wonder why England was in such a rush to declare the trade piracy since they read

that the only chance of the measure being carried into beneficial operation in the present year, was the act reaching America before the close of the session of Congress.<sup>30</sup>

Editorial comment on the merits of the Convention or any part of it are largely lacking in the New Orleans' papers. Yet, despite the lack of such comment, one may infer the feelings of the editor from what he chose to copy from his sources of information without commenting on them.

In June of 1824 the editor of The Courier did state that no comment had been made on the merits of the Convention because the provisions of the treaty were not known to him at that time. Yet he goes on to state that "We have no apprehension, that any rights or interests of fair trade, or free navigation, have been compromitted [sic] by it."<sup>31</sup> His main concern in this statement is with trade and navigation rather than any mention of a possible attack on the institution of slavery, even indirect, which many people in Washington ascribed as the

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<sup>29</sup>The Courier (New Orleans). May 25, 1824.

<sup>30</sup>Ibid., May 28, 1824.

<sup>31</sup>Ibid., June 5, 1824.

reason for opposition on the part of Southern Senators to the Slave Trade Convention.

Several days later the same editor included in his paper an article from the National Intelligencer of Washington praising the Convention. Here he stated that the object of the Convention was not the concession of a right of search but the suppression of piracy committed by the African slave traders. He went on to state that the right of search for pirates was given by the nature of the crime of piracy and that "the object of the convention is rather to restrict and regulate the right of search, already given by the character of the crime, than to concede it."<sup>32</sup>

The editor of the Louisiana Gazette of New Orleans took a different view of the Convention. However, like the editor of The Courier, he made no mention of the Convention being an indirect attack on the institution of slavery in the Southern states. His main objection was that the United States had conceded the right of search. He stated.

Have we not in part yielded a qualified right of search in time of peace too — take whatever new ground of justification you please — call it piracy, if you will? — might not some liberal allowance be made for those who had opposed any qualified right of search? Will even this qualification be found ultimately to comport with the sound interests and jealous feelings of the citizens of the United States?<sup>33</sup>

Thus there was divided opinion in New Orleans over the right of search question as embodied in the Slave Trade Convention of 1824. Yet the division was over the merits of the conceded limited right of search and not over any feeling in regard to the slave trade. Now does it

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<sup>32</sup> Ibid., June 9, 1824.

<sup>33</sup> Louisiana Gazette (New Orleans). July 10, 1824.

seem that the convention was interpreted by the newspapers of Louisiana as even an indirect attack on the institution of slavery.<sup>34</sup>

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<sup>34</sup>Since the amendment which ultimately caused the "defeat" of the convention was introduced by Senator Josiah S. Johnston of Louisiana, his papers were also searched for evidence as to his motivations for the amendment and the general feeling of Louisiana on the entire question. Unfortunately none of his correspondences mentioned his actions on the Slave Trade Convention. The originals of his papers are in the possession of the Pennsylvania Historical Society but microfilm copies were available to the writer from the Howard-Tilden Memorial Library of Tulane University.

## CHAPTER V

### THE STATUS OF THE ANTI-SLAVE TRADE MOVEMENT: 1824-1834

After seven years of negotiations between the United States and Great Britain no plan for joint action for the suppression of the international slave trade had been reached. Although America had declined to join England in a crusade to halt the slave trade, she continued to grapple with the problem of the black man, free and slave, in her own society. At a time when the cotton gin had brought about a new demand for slaves, America abolished the international slave trade. Nothing, however, was done by the Federal government to stop the domestic slave trade or to curtail or stop the institution of slavery itself.

One of the domestic problems of the time was the free blacks whom white America would not assimilate into its society. Most members of this group were looked upon as the lowest in society. They were uneducated and fit only for menial tasks in the view of many early nineteenth century white Americans. Fear of the free blacks as a threat to the white laboring class led to an increased interest in the removal of this element from American society.

Opposition to the institution of slavery grew rapidly in the early nineteenth century. As opposition to slavery grew in America and as the value of the slave as property decreased, larger and larger numbers of free blacks made their way into the "free states" of the North. As the numbers of free blacks increased in these northern states,

more and more people there became interested in a colonization project. The free Negro could not be introduced into the common stock of the population and thus could not partake in the common purposes of these states. Many people had immigrated to the free states to get away from the "evils attendant upon a black population" but were followed there by the free blacks.<sup>1</sup> One of the states which had a particularly high population of free blacks was Ohio where there was even talk of having the state exclude free blacks from its territory.<sup>2</sup> But such a move would be no more constitutional than for the southern slavery states to exclude the free Negro from their midst. Such situations led to a greater interest in the idea of colonizing free blacks on the African continent.

One group sought by every means possible to rid America of this element of its society. This was the American Colonization Society founded in December of 1816 by such people as "Henry Clay, Bushrod Washington (Nephew of George Washington), John Randolph of Roanoke, and Francis Scott Key." Their purpose was to supply transportation for free Negroes to the coast of Africa where a colony known as Liberia had been established for them and to help them become independent citizens of that state. The colony was largely supported, at least initially, by the Colonization Society.<sup>3</sup>

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<sup>1</sup>Niles' Weekly Register, February 2, 1828. See also Ibid., January 12, 1828.

<sup>2</sup>Ibid.

<sup>3</sup>Peter Duignan, The United States and the African Slave Trade, 1619-1862 (Stanford, 1963), p. 20.

In an effort to appeal to as many segments of the country as possible, the Society was careful to explain that the purpose of the group was the colonization of free Negroes and not slaves. From about 1825 on one of the strongest supporters of government aid to the society was Henry Clay. Disputes exist as to the motives for Clay's activities in the society. However, whether he worked for the society from any benevolent feelings for the free Negroes, from a desire to see American society rid of this element, or whether he used the Society to make himself popular in the North as part of his political ambition, is beside the point. He was an active member who contributed to the society, sought aid for it from numerous private sources, as well as direct government aid.

Henry Clay held a number of executive positions in the Colonization Society and was President from 1836 to 1849.

On June 20, 1832, Clay delivered a long speech defending colonization as a national benefit. The brimming galleries and lobbies heard him assert that "The evil of a free black population is not restricted to particular states, but extends to, and is felt by, all." He agreed with southern politicians that the "General Government has no constitutional power . . . in regard to African slavery," but colonization was a separate matter.<sup>4</sup>

During this period antislavery and antislave trade groups sprang up in the northern states in America as well as in Great Britain. These groups were responsible in large part for a growing public opinion in both countries against these institutions. The editor of the Niles' Weekly Register, Ezechial Niles, constantly publicized the efforts of the American Colonization Society and the success, limited

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<sup>4</sup>P. J. Staudenraus, The African Colonization Movement 1816-1865 (New York, 1961), p. 186.

though it may be, of the Liberian colony for free American blacks. Each time a boat load of settlers reached Liberia safely glowing reports were printed in his paper. With each new success the possible benefits of the colony to America were placed before his readers.

In 1825 he stated that rich staple crops of coffee, cotton and rice were being produced in Liberia. He also hoped that the success of the venture would command the respect of adjacent tribes on the African coast, "forbid the slave trade and [that the colony would] enter into treaties with the European and American nations."<sup>5</sup>

Prominent figures in the Colonization Society were also approached by abolitionist groups to give their support to emancipation. One such group approached Henry Clay in 1825. At that time he was asked for his support of a plan for the gradual abolition of slavery in the United States. In a pamphlet which accompanied this request the plan for gradual abolition was laid out.

One of the basic points of this anti-slavery movement was that the freedom of the slaves must be connected with colonization, thus the appeal to Henry Clay. To protect the movement from violent reactions from the slave holders it was also advocated that the present slave holders were to suffer no loss of money or property in the process.

To accomplish these aims it was proposed that the initial contributions from interested parties be used to purchase two sections of congressional lands preferably along the southern Tennessee border in Alabama or Mississippi and that fifty to one hundred slaves be placed there in a system of united labor. A school of industry was to

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<sup>5</sup> Niles' Weekly Register, July 2, 1825.

accompany the agricultural output of the "community." The slave was to work this land for a period of five years during which time the profits would be used to purchase his freedom from his former owner, to establish himself as a free person in society, and to aid in the establishment of other such "communities" in other parts of the country. By establishing such a system the slave holder would not lose the purchase value of his slaves and the freed black people would not be thrown unprepared into a free society. The project failed in its major plans. However, Henry Clay did actively seek government aid for the colonization of free blacks in Africa. A plan which also failed.<sup>6</sup>

By 1826 it had become evident that the colonization venture would not be successful in removing the free black population from American soil. However, a secondary aim was adopted — to check the growth of this population. It was also stated that this movement would provide a means whereby those who came to oppose slavery could rid themselves of their slaves without throwing them unprepared into the free world of American society. Thus the Society broadened its aims from merely a means of "exporting" free blacks to Africa and moved into the area of a voluntary emancipation group. The editor of the Niles' Weekly Register, as spokesman for the group, admitted that the ignorance of the freed slaves and their lack of hope in rising in the public estimation led them to their extremely low status in American society. He openly advocated the emigration of young girls as a means of limiting the growth of free blacks in this country. He estimated that an

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<sup>6</sup>Frances Wright to H. Clay, Baltimore, July 28, 1825 (Henry Clay Papers, V. 801-806) microfilm.

annual emigration of 15,000 of them would accomplish this aim. By this means he hoped to check and ultimately exterminate this element of northern society in the matter of a few generations. By doing this he would thus "make room for a free white laboring population, able and willing to defend the soil that they cultivate."<sup>7</sup>

Glowing reports from the Liberian colony and an active imagination led him to foresee the colony of free blacks spreading into the interior of the African continent and establishing a powerful nation there much as the European settlers had done in North America in the formation of the United States. He also hoped that this would at least help to break up the external slave trade on the African coast. He did understand that despite the possible good effects of the colony, the aim of the Colonization Society — to decrease the population of free blacks in North America — would not be accomplished through the Liberian colony.<sup>8</sup>

The seeking of government aid for the colonization movement was not unopposed in America. Many found constitutional grounds to oppose such governmental expenditures. The grounds for such moves were that the central government could no more support any such move than it could abolish the institution of slavery. This right was reserved to the states and so the federal government could not support any colonization move. Again there were segments of America who would see such a move as only an indirect attack on the sacred institution of slavery which they were bound to protect at all costs.<sup>9</sup>

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<sup>7</sup>Niles' Weekly Register, March 11, 1826.

<sup>8</sup>Ibid., June 17, 1826.

<sup>9</sup>Ibid.

One of the groups most active in the promotion of the colonization movement was the Society of Friends (Quakers). They often gave liberal contributions to the cause and outfitted a number of vessels for the purpose of transporting blacks to Africa. Numerous slave holders offered to free their servants if the Society would provide passage for them to Africa, and numerous appeals were made for financial aid in the enterprise. The colonial agent in Liberia in 1827 reported the prosperity of the colony and spoke of the friendly relations growing between the members of the free colony and the neighboring tribes. Commercial relations had been established between the two groups, and he spoke in glowing terms of the effects that civilization was having on these native tribes — "an influence which is, with God's blessing, to ameliorize and exalt their own condition, and to lead on to the establishment of a civilized population in that quarter, at no great distance of time."<sup>10</sup>

By 1828 the colony of Liberia had progressed commercially to the point where it could almost support itself and was on the verge of exporting some of its produce such as sugar, cotton, coffee, rice and various dyes. The organizers and promoters of the colony were well pleased. In addition to the commercial success of the enterprise some promoters noted developments which they prized even more:

They [the colonists] already begin to perceive that it is civilization and the blessings of religion, which gives superiority to man over his fellow man. They had supposed it was the white skin; but now they see, in their neighborhood, men of their own color, enjoying all of those advantages hitherto deemed peculiar to the former. This has elicited a spirit of inquiry,

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<sup>10</sup> Ibid., September 15, 1827.

which must tend to their benefit.<sup>11</sup>

However, such sentiments toward the Negro were reserved for those who had availed themselves of the opportunity of immigrating to the African colony. The free blacks in the United States remained in the lowest ranks of society -- a glorified servitude at best.<sup>12</sup>

American public opinion on the matter of colonization and the slave trade built up slowly. At first the outcries against the trade were as one crying in the wilderness. As time went on, more and more international events took place which precipitated a harder line on the part of American statesmen against any joint action with a European power, particularly Great Britain.

English newspapers and other modes of popularization of the British antislavery groups constantly publicized slave captures off the African coast.

The last number of the *Edinburg Review* [sic] accuses the French government of still conniving at the equipment and escape of French slave vessels. It calculates that "about 40,000 wretched Africans were carried away in a short period by the connivance of the most Christian king's government, notwithstanding [sic] his laws and treaties." and supposes that of these forty thousand, about 9,000 must have perished miserably on the voyage.<sup>13</sup>

Throughout this entire period the slave trade continued at a brisk pace. A very conservative estimate would place the annual values of the traffic in excess of \$120 million. Although most slave ships

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<sup>11</sup>Jno. B. Nicholson to Henry Clay, quoted in *ibid.*, April 5, 1828.

<sup>12</sup>For typical statements of the whites' attitude toward the free blacks see *ibid.* for the following dates: May 10, 1828; January 17 and February 7, 1829; and December 10, 1831.

<sup>13</sup>*Ibid.*, March 5, 1825.

carried only a few hundred slaves others used every available inch of the ships to "pack" their cargoes. In 1826 the French captured a slaver off the African coast "with from 700 to 1,000 on board — stowed like herrings in a barrel."<sup>14</sup>

Members of the Colonization Society and people friendly to its activities were constantly publicizing the captures of slave ships and the atrocities associated with the trade. During the period 1824-1834 the flags of France and Spain were used most often by the slavers as offering them the greatest protection. However, with the withdrawal of the American naval squadron from the West African coast in 1824, that flag began to be used more and more frequently as time went on.

It was often very difficult to determine the true nationality of many of these ships since the captains seldom carried only one country's flag and registration papers. Very often in the process of the chase of a suspected slaver the captain would run up several flags until it found one that would cause the captain of the warship to give up the chase — which would be determined by the laws and treaties in force at the time and location of the chase.<sup>15</sup>

Even when such tactics failed to prevent the ship from being stopped, the captain would often sell the ship to an American sailor for one dollar and thus avoid being condemned by a foreign vessel because the United States had no international agreements to suppress the trade. Even if taken into court in such a situation, the legal complications

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<sup>14</sup> Ibid., May 13, 1826.

<sup>15</sup> Daniel Pratt Mannix, Black Cargoes: A History of the Atlantic Slave Trade, 1518-1865 (New York, 1962), p. 201.

involved often led to the case being dropped.<sup>16</sup>

Once it became known that the American flag offered almost fool-proof protection for the slaver many of them began carrying a single American passenger "whose only function was taking command of the vessel if it were boarded by an English cruiser. This man was called the capitano de bandiero, or captain of the flag."<sup>17</sup>

All of the ships used in the slave trade during this period were not foreign ships merely using the American flag, however. A number of them were American vessels. These American ships used either their American flag or the flag of a foreign country, usually that of Spain, to carry on the trade. England was frequently getting notices from her colony of Sierra Leone on the African coast of slave ship activities, a number of which mentioned American vessels. In April of 1825 British commissioners in Sierra Leone by the names of D. M. Hamilton and J. Reffell wrote to Canning that

. . . three Vessels for Slaves, presumptively Americans, were then on the coast, . . . one of these, a Baltimore built Schooner, called the General Winder, Hill, Master, last from St. Thomas, carried 10 guns and a numerous Crew; — Hill and most of his Crew being Americans. These three Vessels, it is known, have their outward bound Cargoes on shore.<sup>18</sup>

Slave cargoes were usually left on shore until shortly before departure and then quickly loaded. This procedure was followed to avoid being taken by ships-of-war on patrol off the African coast. The Masters of the slave ships would usually wait for favorable winds and

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<sup>16</sup>Ibid.

<sup>17</sup>Ibid., p. 202.

<sup>18</sup>His Majesty's Commrs. to Mr. Secy. Canning, Sierra Leone, April 10, 1825, British State Papers, XIII, 38.

an open coast, then quickly load their cargo and take off with a good wind. The only proof that could be used to condemn an American involved in the slave trade was the actual presence of slaves on board the vessel — hence, the precaution.

When news of American slavers reached newspapers in the United States, as it frequently did, there was an outcry against this desecration of the American flag, particularly in those papers associated with an antislave trade editor, or the abolitionist press. One of the most frequent complaints that these editors used was the fact that even though the United States had condemned the trade it did not adequately enforce its laws.

Whenever slavers were captured by American naval vessels, they generally did not receive the full penalty for piracy which had been attached to the trade by the Slave Trade Act of 1820.

This trade is piracy and punishable with death, by the laws of the United States. The pardoning power has been abused in respect to it. For every good reason, it ought to be understood that certain death will follow the conviction of an American citizen in one of our courts of justice.<sup>19</sup>

Even though Great Britain continued to patrol the coast of Africa for violators of the slave trade, the traffic in human lives continued at a brisk pace particularly under the French, Spanish, and Dutch flags even though it was fairly certain that not all of these vessels belonged to these three countries. Entering the trade in ever increasing numbers were the vessels of Brazil. Most of the slaves were destined for plantations in Brazil and the West Indies.

Foreign nations from time to time did station vessels off the

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<sup>19</sup> Niles' Weekly Register, October 1, 1825.

coast of Africa to enforce their laws against the slave trade. In October of 1826 the French government stationed eight ships in that area for this purpose.<sup>20</sup>

During this period a growing sentiment for the complete abolition of slavery in the British West Indies was making itself felt in England. More and more petitions for the abolition of slavery in that area reached Parliament. British public opinion, spurred on by the abolitionist groups there, was growing in opposition to the trade. England renewed her efforts to control the trade. However, even when treaties existed between governments for the suppression of the trade, great difficulties attended the execution of these laws.<sup>21</sup>

In 1828 it was hoped that the day was not too distant when slave trading would be considered piracy by all civilized nations. With this prospect in view it would seem that Adams' vision of the trade being considered piracy in international law would soon be a reality. But this view was not to prove effective in bringing about the joint action of the United States with foreign powers for the suppression of the slave trade. The time for such ideas and motivations for American

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<sup>20</sup>Ibid., October 14, 1826. Atrocity stories were common in the early nineteenth century much as they are today. For accounts of some of the atrocities associated with the slave trade, see the Niles' Weekly Register for the following dates: May 13, July 1, and December 9, of 1826; March 20, 1830; August 25, 1832; May 7, July 2, and March 5, of 1825.

<sup>21</sup>For a fuller treatment of the effects of public opinion on the slave trade issue, see Jerome Reich, "The Slave Trade at the Congress of Vienna — a Study in English Public Opinion," in Journal of Negro History, LIII (April, 1968), 129-143. For an account of the difficulties in executing these laws, see Walter Rodney, West Africa and the Atlantic Slave Trade (Nairobi, 1967), pp. 23-24.

actions in this regard was gone even if many Americans still looked forward to complete suppression of the trade.

On a number of occasions resolutions were introduced into the House of Representatives seeking to have the President renew efforts to obtain joint action with the English. These actions, however, were not very likely to succeed because of events which occurred in international affairs. England herself was the cause of much of America's reluctance to join. On a number of occasions the British deliberately searched American ships even though the United States had never conceded this right to her naval forces. It was common knowledge that a large number of American ships were involved in the trade, and that America was taking few measures to enforce its own laws in this regard. Nevertheless, America took offence at each act of search carried out by Great Britain. The United States was loath to have her inability or unwillingness to enforce her own laws exposed by foreigners.<sup>22</sup>

As popular opinion in England increased against slavery, comments began to appear condemning the United States for its poor enforcement of laws on the slave trade and its continued countenance of slavery within its borders. Strangely enough this brought about outcries by the editor of the Niles' Weekly Register who himself was so antislavery in his views. He stated:

And yet, Englishmen, who forced their infernal traffic on their American colonies, now the United States, against the entreaties and remonstrances of the people, have the scoundrelism to jeer us because we hold slaves. Such are the ethicks [sic] of a highwayman, when he knocks a man down and bids him to 'stand! The curse

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<sup>22</sup> DuBois, Suppression of the Slave Trade, p. 141.

of slavery in the United States lies at 'Father Bull's' own door.<sup>23</sup>

But no matter where the blame for the institution of slavery lay in the 1830's, whether it was England's fault for beginning the institution or whether it was the United States' fault for the continuation of the practice, the fact remained that the institution was present and that the United States had not entered any substantial international agreements for the suppression of the trade.

By 1833 the British antislavery movement was gaining ground in Parliament which was being flooded with petitions for the abolition of slavery in the West Indies. America's representative in London at that time reported that

Although it cannot be denied that this consummation has been looked to with intense solicitude by a large portion of the community, it is not less evident that much pains [sic] have been taken to impart to the public sentiment on this topic a degree of intensity amounting almost to morbidness; first, by misrepresenting the real state of things, and then by an appeal to the passions and to misunderstood principles of philanthropy.<sup>24</sup>

Many of the petitions which made their way to Parliament were from petitions prepared in London by zealots for the cause and sent to all parts of England for signatures. The total effect of this mobilization of public opinion and the success of the large number of petitions presented to Parliament was such that "the only questions left for discussion or doubt are those of mode and time."<sup>25</sup>

Naturally the plan for emancipation was opposed by the West

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<sup>23</sup> Niles' Weekly Register, September 29, 1832.

<sup>24</sup> Vail to Livingston, London, 29th May, 1833 (Diplomatic Dispatches, RG 59, v. 40) microfilm.

<sup>25</sup> Ibid.

Indies planters, the merchants engaged in the colonial trade, and the agents of the colonies. It was believed that emancipation would seriously harm trade between England and the West Indies, and since these islands supplied about one-half of the sugar consumed in Europe this was a serious consideration.

The Bill for the Abolition of Slavery in the British West Indies remained before the House of Commons for several months and was widely debated in that body. However, on the seventh of August, 1833 the bill was read for the third time and passed. It was then sent to the House of Lords for deliberation by that body.<sup>26</sup> After deliberation by the House of Lords "On August 29, [1834] the Abolition of Slavery Bill became law."<sup>27</sup> However, abolition in the British Empire was not to be an immediate process but a gradual one.

It was proposed that the legal status of Slavery should cease within a year; but that, to ease the shock to their owners, all existing slaves over six years old should continue to serve as unpaid "apprentices" for three-quarters of the working day for twelve years, while the planters would be compensated for the loss of a quarter of their unpaid labour by a loan of £15 million from the British Treasury.<sup>28</sup>

Despite the reluctance of the United States' government to enter into effective international agreements for the suppression of the slave trade, public opinion in this country as well as in England led to a renewal of diplomatic negotiations between the two countries on this subject in 1827. In the spring of that year Viscount Dudley replaced

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<sup>26</sup> Niles' Weekly Register, September 21, 1833.

<sup>27</sup> Reginald Coupland, The British Anti-Slavery Movement (London, 1933), p. 142.

<sup>28</sup> Ibid., pp. 140-141.

George Canning as Foreign Secretary for Great Britain. The American representative at the Court of St. James at that time was Albert Gallatin, a native of Switzerland and former member of the House of Representatives from 1794-1801.

Having successfully aided in the election of Thomas Jefferson in 1801, Gallatin was appointed Secretary of the Treasury in that year and served in that capacity until 1814.

After ten years of Gallatin's administration the debt had been reduced to \$45,000,000 [from \$80,000,000], in spite of the Barbary wars, the purchase of Louisiana, and the commercial losses from embargoes and non-intercourse.<sup>29</sup>

In 1814 he became a member of the negotiating team at Ghent and in 1815 labored with Adams and Clay for a favorable commercial treaty with England. In 1816 he was appointed Minister to Paris where he served until 1823. His next public office was that of Minister to Great Britain in 1826 where he again worked for a favorable commercial treaty with that country until November of 1827.

In regard to the new English government of 1827, Gallatin was apprehensive of the stand that that government would take toward the United States. Like two of his predecessors, Adams and Rush, he recognized that the government of Lord Castlereagh was more friendly toward the United States than any had been before or after him.

Gallatin had little direct dealings with the English government on the questions of slavery or the slave trade. However, during his tenure in London, American ships had captured a number of ships participating in the slave trade. A number of the slaves involved in these

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<sup>29</sup>David S. Muzzey, "Gallatin, Abraham Alfonse Albert," in Dictionary of American Biography, ed. Dumas Malone (New York, 1935), VII, 107.

captures were from territories in the interior of Africa and the American government was desirous of returning these people to their native villages and requested that England assure safe passage for them through her coastal possessions to their homes in the interior of Africa.

English officials, however, were not overly enthusiastic about the project and requested that they be allowed to study the project before assuring passage. They later expressed doubts about the project and felt it to be impractical to begin with.<sup>30</sup>

In problems dealing indirectly with the slave trade Gallatin dealt more fully with the English. In June of 1827 Gallatin complained to Henry Clay of the arbitrary manner in which England applied her own laws to vessels on the high seas. Since she did this as if her laws were international law, Gallatin complained of her maritime pretensions which were disavowed by the rest of the civilized world — particularly of her pretended right to impress "her subjects" into English naval service from aboard foreign vessels on the high seas. The smoldering contention of the English avowed right of impressment, unsettled since the War of 1812, emblazened again.

In numerous conferences, both official and unofficial, regarding the Commercial Treaty which was Gallatin's primary concern there, the question of impressment was brought up by Gallatin. He saw a slim chance for an agreement on that issue with the new British Government. In the fall of 1827 Gallatin approached Mr. W. Huskisson of the House of Commons on the question of impressment but was put off on the grounds

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<sup>30</sup> Gallatin to Viscount Dudley, June 1, 1827 and Dudley to Gallatin, July 7, 1827, Parliamentary Papers: Slave Trade (92 vols. Shannon, Ireland, 1969 reprint), XI, 289. Hereafter cited as Parliamentary Papers.

that the present government was too weak to fight the power of the navy and the Tories on this point.<sup>31</sup>

After Gallatin's departure W. B. Lawrence, who was Chargé d'Affaires for the legation, had more luck with the impressment issue and in April of 1828 he was able to inform Clay that Viscount Dudley had promised to bring that issue to the attention of the Duke of Wellington, then in charge of the English government.

It was reported in 1832 that Martin Van Buren, acting minister to Great Britain,<sup>32</sup> had been commissioned to negotiate with Great Britain on the question of impressment and the editor of the Niles' Weekly Register spoke out vehemently. He considered impressment a dead letter at the time and concluded that "the proposition to negotiate about impressment would seem partially to admit the "right" as claimed by the British — which we regard as altogether inadmissible, and will not agree to consider."<sup>33</sup>

While diplomatic talks in England centered on commercial agreements and the impressment issue, events in Washington still reflected the interest of the United States and Great Britain in an agreement to effectually suppress the slave trade.

In 1831 shortly before the adjournment of Congress a resolution was passed in the House of Representatives by a majority of 118 to 32

<sup>31</sup>Gallatin to Clay, May 4, June 5, July 28, and September 28, of 1827, London (Diplomatic Dispatches, RG 59, v. 34) microfilm.

<sup>32</sup>Martin Van Buren took up residence in London before his official confirmation by the Senate. This confirmation was never given by the Senate of the United States.

<sup>33</sup>Niles' Weekly Register, February 11, 1832.

requesting that the President renew such negotiations with the several maritime powers of Europe and America as may ultimately lead to the effectual abolition of the African slave trade. They also called upon the President to do his utmost to have the trade declared piracy under the law of nations by consent of the civilized world.<sup>34</sup> This information was accordingly passed on by Sir Charles Richard Vaughan, envoy-extraordinary and minister-plenipotentiary to the United States, to Lord Palmerston, the English Foreign Secretary at the time.<sup>35</sup>

Vaughan continued by stating that it was his opinion that Adams was "by no means friendly to the conclusion" of the Convention of 1824 for the suppression of the slave trade. As a result of the resolution by the House of Representatives he expected the United States to make some overture on the question of the slave trade. He, therefore, outlined all that had passed on that question between the two countries for Lord Palmerston, and assured him that he had watched for any opportunity since his appointment to Washington in 1825 to act on the full

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<sup>34</sup>C. R. Vaughan, Esq. to Viscount Palmerston, Washington, March 28, 1831, Parliamentary Papers, XIII, 192.

<sup>35</sup>In 1831 the English minister to the United States was Sir Charles Vaughan who had been educated at Rugby and Merton College Oxford and had been appointed private secretary to Henry Bathurst, third Earl of Bathurst, secretary of foreign affairs, and began his public career in the diplomatic service of Great Britain. On January 5, 1810 he became secretary of legation in Spain and on April 5, 1820 was appointed secretary at the English embassy in Paris. From that post he became minister-plenipotentiary to the confederated states of Switzerland on February 8, 1823. In 1825 he was appointed envoy-extraordinary and minister-plenipotentiary to the United States and on March 23 of the same year was made privy councillor. For more information on Vaughan see: Charles Alexander Harris, "Vaughan, Sir Charles Richard," in Dictionary of National Biography, eds. Sir Leslie Stephens and Sir Sidney Lee (London, 1917), XX, 161.

Vaughan's superior in London was Henry John Temple, third Viscount Palmerston who was educated at Edinburgh and Cambridge (St. John's

powers given him in this regard. However, he had "not perceived the slightest inclination, in two successive administrations, to renew the negotiations."<sup>36</sup>

A few months later the acting American minister in London, Martin Van Buren, had a conversation with Lord Palmerston on the question of the slave trade and found Palmerston well disposed to promote the negotiations for the suppression of the slave trade. Palmerston then inquired if the United States might be persuaded to concede the right of search in a qualified form and limited to particular stations. Van Buren answered that he thought not. The right of search was still so repugnant to the American people that he thought nothing could induce the President to grant this right. Both agreed to give more thought to the subject in an effort to come to some common agreement which would lead to the cessation of the slave trade.<sup>37</sup>

The subject was then dropped in subsequent talks between Van Buren and Palmerston never to be discussed again during the period when Van Buren was in London. The English, however, had not forgotten the

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College) and who had served as Secretary of War in 1809. He was a bit of a dandy and had served as a part of Canning's administration. This service in the administration of George Canning had molded the political opinions of Palmerston particularly in foreign affairs. He never belonged strictly to any party. When Lord Gray formed his administration in 1830, Lord Palmerston became the Secretary of State for Foreign Affairs and held that office almost continuously for eleven years. For more information on Lord Palmerston see: Stanley Lane-Poole, "Temple, Henry John, third Viscount Palmerston," in Dictionary of National Biography, eds. Sir Leslie Stephen and Sir Sidney Lee (London, 1917), XIX 496-513.

<sup>36</sup>Vaughan to Palmerston, Washington, March 28, 1831, Parliamentary Papers, XIII, 193.

<sup>37</sup>M. Van Buren to Edward Livingston, 14th October, 1831, London (Diplomatic Dispatches, RG 59, v. 38) microfilm.

matter for in 1833 talks were renewed again.

When the talks were renewed in 1833, America did not have a minister at the Court of St. James. Mr. Alfred Vail was in charge of the legation as *Chargé d'Affaires* from July 13, 1832 until April of 1836. Vail was born in Lorient, France, the son of a New York merchant who served as American commercial agent in Lorient from 1803 until 1815.<sup>38</sup>

In a conversation which Vail had with Lord Palmerston in February of 1833 he was informed that England had delayed approaching the United States on the slave trade issue because they were in the process of concluding amendments to the treaty with France which would contain articles which he hoped the United States could bring itself to accept also. The object of these amendments to the French treaty was to regulate the reciprocal right of search in such a way that every objection which the United States might have would be removed. He promised that as soon as the matter with France was concluded the English government would communicate with the United States government on this matter.<sup>39</sup>

Vail continued to keep Edward Livingston<sup>40</sup> informed of every event in London which might directly or indirectly relate to the slave trade as he expected England to open negotiations on the issue at any

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<sup>38</sup> Carl W. Mitman, "Vail, Alfred," in Dictionary of American Biography, ed. Dumas Malone (New York, 1935), XIX, 136.

<sup>39</sup> A. Vail to Ed. Livingston, London, 27th February, 1833 (Diplomatic Dispatches, RG 59, v. 40), microfilm.

<sup>40</sup> Edward Livingston, who served as Secretary of State under Andrew Jackson from May 24, 1831 until May 29, 1833, was born at Clermont, New York, graduated from the College of New Jersey (Princeton) in 1781 and was admitted to the New York bar in 1785. Livingston was elected to Congress in 1794 and supported Jefferson in the election of 1801. Beginning in 1801 he served two offices in his home state

time. In a debate in the House of Commons on the 25th of April, 1833 a member of that house reported that the naval service of Great Britain was becoming more popular among the seamen and that it would be unnecessary to resort to the objectionable system of impressment in the future. The same member called for a select committee to be appointed to inquire into the matter. Vail felt that the issue of impressment would never again obtain popular support in England, and that this would be a good time to renew negotiations on that subject as the likelihood of obtaining favorable results seemed very good.<sup>41</sup>

Because the French treaty relating to the slave trade had been laid before Parliament shortly before, Vail took the opportunity to trace the history of negotiations between the two countries on that issue and the motives for refusal to conclude a convention on this matter. Then he continued by pointing out the sections of the French treaty which he felt might lead the United States to accede to the treaty with England which she had promised to propose to the American government.

In this article [1st of 1831 Convention with France], the right of search is, by a more definite geographical restriction, confined to part of the Western coast of Africa and the adjoining

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simultaneously; namely, U. S. Attorney for the District of New York and the Mayor of that city. Because of financial difficulties, he moved to New Orleans in February of 1804 and practiced law there. Many people associated him with the "Burr Conspiracy" because it was public knowledge that he owed Aaron Burr a sum of money. Any actual connection with the conspiracy was never proven. He was the individual largely responsible for joining the forces of General Andrew Jackson and the pirate Jean Laffite and his brothers in the Battle of New Orleans. In 1820 he was elected to the Louisiana Legislature and served in the House and Senate of that state. cf. William S. Carpenter, "Livingston, Edward," in Dictionary of American Biography, ed. Dumas Malone (New York, 1935), XI, 309-312.

<sup>41</sup>Vail to Livingston, London, 3rd March, 1833 (Diplomatic Dispatches, RG 59, v. 40) microfilm.

portions of the ocean, and to a zone of twenty leagues along the shores of Madagascar, Cuba, Porto-rico [sic] and Brazil, thus exempting the waters of the United States, and of the British Possessions, from the implied suspicion of being made the channel of the unlawful traffic, and from the supervision which such suspicions might authorise [sic], and giving up the principle insisted upon by Mr. Canning in 1825, as a sine qua non [sic] to the conclusion of a treaty.<sup>42</sup>

There were a number of other improvements in this treaty as seen by Vail. In the first place the number of cruisers invested with the power of mutual right of search was to be determined yearly by a special convention. Secondly, the names of cruisers and commanders involved in the right of search were to be made known to each other together with all changes which might have to be made. In the third place each cruiser with the right of search was to be given special authorization for the purpose by both governments. Fourthly, the cruisers of each were to aid and assist others wherever and whenever this was practical. Trial for suspected violators of the slave trade laws were to be held by the laws and tribunals of their own country.<sup>43</sup>

Thus the Convention which Great Briatin had signed with France in 1831 removed all of the objections which the United States had to the granting of the mutual right of search in 1824. Blame for continued refusal could hardly be placed on England.

In May of 1833 Vail informed Livingston that Lord Palmerston had again brought up the subject of the slave trade and asked Vail if he thought that England would have any success if she brought the subject, as outlined in the French treaty, to the attention of the United States. Vail then informed Palmerston that he had received no specific

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<sup>42</sup>Vail to Livingston, London, 14th May, 1833, ibid.

<sup>43</sup>Ibid.

instructions on the topic, but that it was his own opinion that, if the government were willing to act in concert at all then the restrictions and limitations of the Anglo-French treaty would overcome the American objections so that they might prove acceptable to the President. He really did not give the English too much hope for success. He stated that the present Convention made no provision for the condemnation of the trade as piracy, hence there might be some objections on this point, particularly in any agreement with France by whom the principle in question did not appear to have been recognized.

Palmerston then informed Vail that this had purposely been avoided because the convention was to leave subjects of each nation to be tried by their own tribunals. This had enabled the mixed commissions to be abandoned, so the power of determining the punishment to be inflicted on subjects was left to each power. Palmerston then assured Vail that England had pursued this trade with sufficient vigor that there would be little doubt of her adequate punishment of offenders. France, on the other hand, had not, and it was a known fact that many of her subjects were involved in the trade; therefore, if she didn't come through with adequate punishment, the Convention would be a dead letter.<sup>44</sup>

Edward Livingston became the American Minister to France in 1833 and was replaced in the State Department by Louis McLane.<sup>45</sup>

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<sup>44</sup>Vail to Livingston, London, 29th May, 1833 ibid.

<sup>45</sup>Alfred Vail addressed his letters to "Louis M'Lane." The Secretary of State is also referred to in this way in the Parliamentary Papers: Slave Trade. The Dictionary of American Biography gives his name as Louis McLane and this is the form that will be used in the text of this paper.

Louis McLane was born in 1786 in Smyrna, Delaware and served

Arguments continued in the English Parliament over the question of impressment, and public opinion was even more pronounced against the practice. In a conversation in London Vail confirmed his earlier opinion that even if impressment were to be resorted to by England at some future time, it would not be practiced with the atrocity that had characterized it before.<sup>46</sup>

Toward the end of 1833 Vail was approached by Lord Palmerston who sought to open negotiations with the United States to solve the long overdue issue of impressment. Since Vail had no authority to negotiate on this point, he informed McLane of the English move on this point.<sup>47</sup>

Having been instructed by Lord Palmerston to approach the American government on the question of the slave trade convention, Sir Charles Vaughan informed him in December of 1833 that the question of accession to the recent convention between France and Great Britain had been deferred until the meeting of Congress since it involved a concession of the mutual and restricted right of search which had been

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in the navy for a year before entering Newark College in 1801 but never received a degree. He was admitted to the bar in 1807 and was elected to the House of Representatives in 1817 as a Jeffersonian Republican. In 1827 he became a Senator and throughout his legislative career always championed the cause of the Bank of the United States. He not only opposed slavery but also denied that the government could do anything to hinder its spread on constitutional grounds.

Hoping for an appointment to the Supreme Court, he accepted the job as minister to England in 1829 and in 1831 returned to the United States to serve as Secretary of the Treasury in the Jackson cabinet. In 1833 he was appointed Secretary of State. In 1834 when it was obvious that there was little hope of a bench appointment, he resigned that post.

<sup>46</sup>Vail to M'Lane, London, 29th August, 1833 (Diplomatic Dispatches, RG 59, v. 41) microfilm.

<sup>47</sup>Vail to M'Lane, London, 6th December, 1833 ibid.

refused in 1824. The Secretary of State was awaiting the opinion of the Senate on the question. Vaughan suggested that the British press the American government on the question. Mr. McLane had spoken to Vaughan of the excited feelings of the southern states on any question dealing directly or indirectly with the institution of slavery. He also spoke of efforts to get up Antislavery Societies in the North and that this had roused the jealousy of the slave holders throughout the Union. He also observed that the "Executive at Washington appears to shrink from bringing forward, in any shape, a question" which dealt with the abolition of the slave trade for fear of alarming the southern states.<sup>48</sup>

In reply to a request by Louis McLane as to the exact nature of the accession to the right of search that England requested the United States to join, Vaughan answered:

A reciprocal right of search, therefore, is to be conceded by the United States, limited as to place, and subject to specified restrictions. It is to be employed only in repressing the Slave Trade, and to be exercised under a written and specific authority, conferred on the Commander of the visiting ship by the Government of the country to which the ship visited may belong. It cannot, therefore, imply any pretense of jurisdiction by the ships of war of one Country over the flag of the other.<sup>49</sup>

In answer to this stipulation the United States said that they could not accede because of the inclusion of the American waters which had been the reason for this country's refusal to accept the Convention

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<sup>48</sup>Vaughan to Palmerston, Washington, 12th December, 1833, Parliamentary Papers, XIV, 84.

<sup>49</sup>Vaughan to American Minister of Foreign Affairs, Washington, 25th December, 1833, ibid., p. 86.

of 1824. Hopes for the future were extended in this answer, however.<sup>50</sup>

On this point Palmerston instructed Vaughan not to insist on the inclusion of American waters as this had not been part of the convention with France that the English were asking the United States to join, and for Vaughan to re-introduce the idea to the Americans. To add pressure to the Americans to accede to the convention, Vaughan asked the French minister in Washington to mention the slave trade issue to the American government again.<sup>51</sup>

In 1834 Louis McLane resigned his position as Secretary of State. John Forsyth<sup>52</sup> of Georgia was appointed to the position and took up the duties of that office on July 1, 1834.

John Forsyth, as Secretary of State, closed the final hope of England and the United States on the question of any mutual action by the two countries for the suppression of the slave trade. In his letter of October 4, 1834 he informed Sir Charles Vaughan of the decision of the United States "not to make the United States a party to any Convention on the subject of the slave trade."<sup>53</sup>

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<sup>50</sup>M'Lane to Vaughan, Washington, 24th March, 1834, ibid.

<sup>51</sup>Palmerston to Vaughan, Foreign Office, 7th July, 1834, ibid., p. 88.

<sup>52</sup>John Forysth served as Secretary of State from 1834 until the end of Martin Van Buren's term as president in 1841. He had served as a Representative, Senator, and as minister to Spain from 1819 until 1823 and had been instrumental in the ceding of Florida to the United States. In 1823 he returned to the House and served in that capacity until 1827 when he began a two year term as Governor of Georgia. In 1829 he returned to the United States Senate where he served until his appointment as Secretary of State.

<sup>53</sup>Am. Minister for Foreign Affairs to Sir C. Vaughan, Dept. of State, 4th Oct., 1834, Parliamentary Papers, XIV, 91.

In this letter he cited America's reasons for refusal. America did not have any territory in the areas spoken of in the convention, and he would not have the citizens of this country brought all the way to the United States for adjudication when citizens of France and England would merely have to be brought to a nearby port. As he stated it:

Acquitted individuals might be compensated, yet the commercial enterprise of their country be obstructed or paralysed while the tribunals were deciding their innocence or guilt.<sup>54</sup>

He went on to state that he believed that a faithful exertion of its own means of detection and punishment were the best way to take care of this problem and to perform the duties of this government toward its own citizens and the interests of the world at large.

Shortly before this formal break in negotiations with England, Great Britain had abolished the institution of slavery in her West Indies possessions and throughout the British Empire. This abolition of slavery on the part of England brought about numerous reactions in the United States as this closely touched an ancient institution in the Southern portion of the United States.

Unlike the reaction to the Slave Trade Convention of 1824 which the editors of Louisiana newspapers looked upon as more of a threat to the free trade and navigation of American ships, the possibility, and later the actuality, of the English abolition of slavery in the West Indies were viewed by the Louisiana editors as a threat to the peace and security of the United States. Petitions for the abolition of West Indian slavery were opposed by the planters of that area in 1833. It may be safely presumed that they would have opposed these same measures

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<sup>54</sup>Ibid.

in the years before 1833. When news reached New Orleans in May of 1824 that these petitions were flowing into Parliament from all parts of England, the southern editors reacted adversely to this possibility. Viewing the lack of a black population in England as a reason for the misguided fanaticism of Englishmen for the abolition of slavery led the editor of the Louisiana Gazette to state in 1824 that

Whilst we admire the philanthropy of such radicals, we cannot but smile at their simplicity. Persuaded of the propriety of the measure which they advocate, they are ready to overleap every obstacle in the road of its accomplishment. Could those honest, well-meaning yeomen and bumpkins, witness the actual state of things, inevitably consequent upon an alloy, in society, of a black population, it would cure them of many of their crude fancies, and mitigate much of their maniacal zeal. They would perceive that to matters on the broad platform of immutable right, and the eternal fitness of things, is a task not to be performed with the ease and expedition which they imagine. They would find that in getting rid of slavery, they had not got clear of half the evil which its introduction has entailed upon us.<sup>55</sup>

Bringing the matter closer to home for his readers this same editor expressed an opinion which placed him in sympathy with at least a part of the goals of the American Colonization Society. He also expressed the prevalent fear of most of Southern society when any expression of equality for whites and blacks was stated when he wrote that

Till some means can be contrived to free us from our sooty dependents, by their migration en masse, we shall find it indispensable, even to our safety, to hold them in subjection and servitude. The very agitation of the question of making them libertines, as freedmen are styled in law, in England, has already had the effect [sic] of increasing their audacity, and rendering them literally such in the Islands.<sup>56</sup>

Open revolt became a real possibility in the British West Indies as a result of Parliamentary debate on this question and on the

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<sup>55</sup> Louisiana Gazette (New Orleans), May 22, 1824.

<sup>56</sup> Ibid.

possibility of Parliamentary passage of the Reform Bill of 1832. Such threatened revolts on the part of the slave holding British West Indies simply served to stoke the fears of southerners of the possibility of similar actions in this country<sup>57</sup> — a possibility not unfounded when viewed in light of Nat Turner's rebellion a few years later.

As the question of Negro emancipation neared passage by the English Parliament, Southerners began to react more violently to such a move. They blamed such an English move on misguided philanthropy and political expediency. They saw the slave emancipation question as

a measure whose effect will be extended even to this country. The Ministers in agitating the question of emancipation, anticipated that it would rally round them a faction of all parties, and thus keep them popular, and prolong the period of their fall. But they forgot that social order, morals, and prejudices often occasion the most insurmountable obstacles to the finest theories and schemes of philanthropy. They desired to preserve their power, although the whole West Indies Islands might thereby be sacrificed!<sup>58</sup>

From this point the editor of The Bee goes on to place the blame for the existence of slavery in the new world on Europe herself and to enumerate the difficulties — and even the impossibility — of a smooth transition in the social order of the slave holding British West Indies and by implication of the slave holding section of the United States.

It was these men or their prototypes, and in short, Europe that gave to the American colonies the almost incurable evil, the indellible [sic] leprosy of slavery, and it is now by fire, by sword, and by ruin they would cure the ills inflicted by that infernal and cursed present! And is it for the innocent to suffer the penalty of the guilty? God save us from stirring the lava

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<sup>57</sup> Baton Rouge Gazette. March 31, 1832.

<sup>58</sup> The Bee (New Orleans), July 24, 1833.

that boils in this crater whose eruption may be felt among us! . . . . They will consent to abandon their claims when they are given in exchange, substantial property of equal value; this, however, must be done slowly, and in accordance with the gentleness which is requisite to reorganize the social system of the colonies. It is well known to those who examine facts for themselves without resorting to philosophical treatises for their opinions, that the feelings and interests of the one class can never amalgamate with those of the other. Measures should be taken to transplant gradually emancipated into the country, which they should never have quit, and to substitute in their places another population. Every other plan will be a deception, a wrong, an injury, and a most palpable injustice on the rights of man innocent of the evil that is sought to be removed.

To change the feelings and inclinations of the colonists it would be necessary to send them [for] one century to a country where they would not see a black slave.<sup>59</sup>

The possibility of troubles in the United States resulting from this English action continued to plague the southern editor. In August of 1833 he spelled out the implications of this move on the slave holding regions of the United States when he printed an extract of a letter from Barbadoes dated 24th July, 1833.

The future fate of the British West India Colonies is rapidly approaching to its crisis, and I fear nothing but irretrievable ruin will seal the issue of that enmity with which the pseudo-philanthropists of England have so long disturbed their peace. The United States must participate in the injury which affects every interest connected with the Colonies, and the deep and fatal results of their destruction involve many serious considerations respecting the safety and repose of that portion of the United States in which slavery exists. I trust it may please that Providence, which directs the moral government of the world for wise purposes, to avert from us the scenes of horror which worked the overthrow of one of the finest Colonies of France.<sup>60</sup>

Yet despite the fears and accusations leveled against England for her actions for the emancipation of the black slaves, later news from the West Indies forced the editor of The Bee to concede that the

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<sup>59</sup>Ibid.

<sup>60</sup>Ibid., August 5, 1833.

transformation went smoother than expected by the people of the West Indies or the United States. He explained, over a month later, that even though the planters might still not be overjoyed with these events, they were to receive in compensation from the English government an amount for the planter's slaves "more than they are worth; and should the latter [slaves] be deterred from violence so that the former [the planter] can retain their estates, their property will soon be worth twice its present value."<sup>61</sup>

More than a year later the editor of The Bee printed another extract of a letter from Barbadoes commenting on how well the project was progressing:

The great measure of emancipation is working better than the warmest friends of that law could have anticipated; and from the neighboring islands we continue to receive favorable accounts of the conduct of the laborers, with the exception of the colony of Demerara, where a great deal of indolence and apathy have prevailed.<sup>62</sup>

Thus, if the views of this editor of The Bee can be taken as reflecting the feelings of southerners, the fears of the administration in 1833 to enter into any joint action because of these southern feelings was justified. Whether these southern fears would have led to a second rejection in the mid 1830's will never be known and is a matter of pure conjecture since the members of the Senate were never given an occasion to express themselves again in the 1830's on the question of any joint action between Great Britain and the United States to suppress the slave trade.

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<sup>61</sup>Ibid., September 13, 1833.

<sup>62</sup>Ibid., November 7, 1834.

## CHAPTER VI

### CONCLUSION

Domestic politics occupied the major position in the minds of American statesmen during the period of these negotiations. The rapidly expanding frontier along with the cry for internal improvements to aid in this expansion were a major consideration of the period. Sectionalism began to make itself felt in American politics before the end of the period under discussion. During the last ten years of these negotiations the issues of nullification and the tariff question along with the Bank of the United States occupied the thoughts of America's leaders.

Even though domestic issues were of such great importance to Americans at that time, they were anxious for acceptance by the major powers of the world. American trade was important to the domestic economy so many in this country looked upon any concession of a right of search as a means for a jealous England to harass American trade on the high seas as had been done by England with the impressment of American seamen before and during the War of 1812. This trade made merchants in the Northeast wealthy men and to a large extent was a necessity for the expanding American frontier.

John Quincy Adams feared the power of the English navy. He, along with many other American statesmen during the adolescence of the American nation, feared the power of the older nations of Europe,

particularly England, and was desirous of independent action on the part of the United States. The Anglophobia of these statesmen was responsible for the long delay in arriving at a grounds of common agreement and for the many restrictions on the right of search embodied in the Convention of 1824. Yet, despite their reluctance and the resulting limitations and restrictions on the right of search, this was the ostensible reason for the Senate action on that treaty and for the verbal attack on the treaty by many newspaper editors of that day.

Sectional feelings grew and constantly entered into all aspects of the American political scene during this time. Even though the actions taken in regard to the Convention of 1824 cannot be blamed on sectional feelings alone, the election of that year centered around figures considered to be largely sectional. Thus, even though electioneering was the main reason for the Senate action which led to English rejection sectional politics entered into that question also.

During the years after 1824 slavery and antislavery groups grew more and more vocal for their causes and increasingly emotional about any action which tended against their particular point of view. By 1834 many leaders in Washington were afraid of stirring the emotions of southerners over an agreement to end the slave trade because any mention of slavery would have been opposed by the slave holding states. Recent actions in the British Parliament which had led to the abolition of slavery in the British West Indies had stirred these emotions enough. Many from the slave holding regions of the United States considered the British abolition of slavery as an indication of events to follow in the United States.

The United States did not enter into any joint action for the

suppression of the slave trade until Southern opposition was removed by the secession of that part of the country at the beginning of the War between the States. During that war, an agreement was reached. The right of search was conceded to Great Britain for the purpose of suppressing the slave trade. Opposition to such action in the earlier part of the nineteenth century centered around the Anglophobia of American statesmen. The Convention of 1824 was killed in the United States' Senate because of electioneering tactics. Subsequent efforts to reach an agreement in the 1830's failed because of the rise of sectional feelings and because of fear on the part of many to bring up the issue of slavery in any form whatsoever. Despite the fact that the Senate vote of 1824 would not support the contention that southern feelings were responsible for the action of that body, these feelings were responsible for the thought of many people not from the South. Thus, sectional feelings were in part responsible for the "rejection" of that treaty and played a greater part in the actions of the executive department of the federal government on this issue after that date.

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