THE LATIN-AMERICAN REPUBLICS AND THE SUPPRESSION OF THE SLAVE TRADE

Great Britain's abolition of the slave trade to her dominions in 1807 marked the end of one period in the crusade against the "abominable traffic" and the beginning of another. For the British anti-slavery leaders scarcely paused to celebrate this domestic victory of their cause, so anxious were they to carry the struggle into the world at large. And now, ironically enough, the humanitarian initiators of the movement were potently reinforced by their erstwhile enemies, the British plantation owners, who experienced a sudden conversion when faced with the prospect of a continuing slave trade to competitive foreign areas as the replenishment of their own labor supply was cut off. Thus the stage was set, as Viscount Palmerston later put it, to enlist in a "league against slave trade every state in Christendom which has a flag that sails on the ocean..."

The major outlines of Britain's long and arduous struggle to exterminate the foreign slave trade are well known. The campaign was directed primarily against the traffic to Brazil and Cuba, the two areas of the western world that continued to import slaves on a large scale following the decline of the illegal trade to the United States after 1825. The story has been told heretofore in terms of the pursuit of international slavers from one flag to another as Britain succeeded in making reciprocal search treaties with the nations whose sovereignty successively protected the trade. As such, the account is primarily one of remedial action to suppress existing abuses. There is, however, one neglected aspect of the matter that remains to be studied: Britain's preventive campaign to bind the new Latin-American republics by treaties made for the most part in anticipation of attempts to prostitute their flags to the purposes of the trade, as slavers were forced to relinquish the protection of other nations.

During the decade from the beginnings of the struggle for Spanish-American independence until the outbreak of the Spanish revolution of 1820, Great Britain sought to mediate between Spain and her revolted colonies. This policy was dictated at first by the Anglo-Spanish alliance against Napoleon, subsequently by dislike of New World republicanism and by the expectation that existing quasi-legal British trade could be maintained even within a restored Spanish Empire. During this period only one substantial consideration argued in favor of Spanish-American independence: the willingness of the revolutionary governments to abolish the Negro traffic. But until Britain learned the full recalcitrance of Spain in slave-trade matters, she hoped to secure the abolition of the Spanish traffic by dealing with the mother country herself. In 1817 she went so far as to make abolition of the trade one of the conditions of her mediation between Spain and her colonies.²

Nevertheless, there was no blinking the fact that liberal revolutionary philosophy placed the new American regimes considerably in advance of Britain, whose slaves were not freed until 1833; for their measures struck not only at the Negro traffic, but frequently at slavery itself.³ British statesmen could not fail to note that a Mexican deputy, for example, had been a leader in the abortive attempt to secure the abolition of the traffic and gradual emancipation of slaves in the Spanish Empire at the Cortes of Cádiz in 1811.⁴ Venezuela led the Latin-American nations in proscribing the Negro traffic in a decree issued by the Supreme Junta of Caracas on August 14, 1810; and the prohibition of "the vile traffic in slaves" was incorporated into the first Venezuelan constitution, pro-

³ Webster, Britain and the Independence of Latin America (2 vols., London, 1938), I, 70. Webster is wrong, however, in asserting that "slavery was everywhere abolished in Spanish America" at this time, for final abolition did not come in certain of the countries until after 1850.
⁴ José Antonio Saco, Historia de la esclavitud de la raza africana en el Nuevo Mundo... (2nd ed., 4 vols., Havana, 1938), III, 88-89.
mulgated December 21, 1811. The Curate Hidalgo proclaimed the abolition of slavery in Mexico on December 6, 1810; and when José María Morelos assumed the leadership of the revolution there, he repeated Hidalgo's decree in a bando of January 29, 1813. Chile had already followed suit in legislation of October 15, 1811, which ended the Negro trade and provided that the children of slaves should subsequently be born free. The government of Buenos Aires issued an executive decree on May 15, 1812, confirmed by legislation of February 4, 1813, ending the Negro traffic to the provinces under its control. The constitution of the State of Cartagena of June, 1812, likewise proscribed the trade. Simón Bolívar, whose strong opposition to slavery was well known both in Europe and America, declared the freedom of slaves in northern South America beginning in 1816 and sought, without immediate success, confirmation of his acts at the Congress of Angostura in 1819. José de San Martín signed laws on August 12 and November 24, 1821, proclaiming respectively the freedom of children subsequently born of slave mothers and the cessation of the slave trade.

Such evidence of creole attitudes toward slavery and the slave trade was not lost upon British statesmen, particularly at a time when the campaign against the Negro traffic was meeting extensive foreign opposition. The contrast between the policy of the revolutionary governments and that of the mother country was particularly striking. True, Spain had joined other European powers in giving lip-service to a denunciation of the traffic at the Congress of Vienna; and in 1817, in response to British pressure and a subsidy of

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* British and Foreign State Papers (London, 1832-) (hereinafter cited as BFSP), XXXII, 428.
* Guillermo Feijóo Cruz, La abolición de la esclavitud en Chile (Santiago, 1942), pp. 51-55.
* BFSP, XXV, 340-341.
* Ibid., I, 221-226; Simón Bolívar, Discurso en el Congreso de Angostura (Caracas, 1919), p. 37.
* BFSP, XXVIII, 900-908.
£400,000, she even signed a treaty providing for the suppression of the Spanish slave trade by 1820, reciprocal search of merchant vessels, and mixed courts to try offenders.\textsuperscript{12} But Spain proceeded to demonstrate the evasion and obstruction that were to minimize the effect of this and later agreements with Great Britain.

It is not strange, then, that British statesmen recognized the disposition of the Latin-American republics spontaneously to abolish the slave trade as an important point in their favor, even though other considerations as yet made recognition inexpedient. Writing from his observation post at Rio de Janeiro in 1814, for example, the British minister to the Portuguese court advised Viscount Castlereagh:

\begin{quote}
... I should fail in my duty did I not state to your Lordship that upon one point at least the Government of Buenos Ayres seems to have a just and strong claim to our good offices, and that the noble example which they have shown to these countries by the abolition of Negro slavery [i.e., the slave trade] throughout the Provinces under their authority does appear to entitle them to the favour and sympathy of the nation whose principles on that subject they have proclaimed and whose practice they have adopted.\textsuperscript{13}
\end{quote}

By 1815, when events in Europe had improved Spain's prospects of suppressing colonial revolt, the same observer warned: "In the event of Spain's recovering her footing in South America, the Slave Trade, which the new Government has put down, chiefly in compliance with the sentiments and example of Great Britain, will undoubtedly be revived, and the beneficial effects which might have been expected from the introduction into this hemisphere of a liberal and virtuous policy on that question will be suddenly and completely checked."\textsuperscript{14}

It is true that political and general commercial considerations were the basic determinants of Britain's preparation to


\textsuperscript{13} Viscount Strangford to Castlereagh, Rio de Janeiro, November 30, 1814, in Webster, \textit{Britain and the Independence of Latin America}, I, 94.

\textsuperscript{14} Same to same, Rio de Janeiro, March 14, 1815, in \textit{ibid.}, I, 99-100.
recognize the new republics after 1820, but there is good evidence that the slave trade also figured significantly in this shift of policy. "Of one thing the Allied Powers may be perfectly assured," wrote Foreign Secretary Canning to Britain's representative at the Congress of Verona, "...no State in the New World will be recognized by Great Britain which has not frankly and completely abolished the trade in slaves." When instructions were prepared for the British commissioners sent to Mexico and Colombia in 1823, they were directed to report whether four prerequisites of recognition had been met. The first three concerned formal declaration of independence from Spain, ability of the regimes in power to control and defend the countries, and their acceptance by the people. The fourth read: "Has it [i.e., the government] abjured and abolished the Slave Trade?" Copies of these instructions were likewise provided for the guidance of the consuls who were sent about the same time to Chile, Buenos Aires, and Peru.

In the cases of Mexico, Colombia, and Buenos Aires, the replies were satisfactory; and negotiation of treaties of amity, commerce and navigation was shortly begun. So far as Buenos Aires was concerned, the slave trade had long been forbidden. Much local legislation against the slave trade had already been adopted in the component states of "Great" Colombia, and the British commissioner in Bogotá was able to report that this had been incorporated into the comprehensive law passed by the Congress of Cúcuta on July 19, 1821.

16 Canning to Lionel Harvey, October 10, 1823, in idem, *Great Britain and the Independence of Latin America*, I, 435. This instruction, with appropriate changes was addressed on the same day to Colonel J. P. Hamilton, head of the commission to Colombia.
which not only reiterated prohibition of the traffic, but provided for free birth of slave children and for gradual compensated emancipation of those previously born. 18 Although the prospect of earning Britain’s favor may to some extent have influenced the Colombian legislators, the strong creole anti-slavery movement in the country, which dated at least from the Comunero uprising of 1781, is itself sufficient to explain the step. 19 From Mexico, Commissioner Hervey reported that “The Slave Trade was solemnly abjured and abolished throughout the Mexican dominions by a public declaration of the National Congress, voted almost unanimously on the 15th instant.” 20 Such legislation, passed almost immediately after the arrival of the commission when Mexicans felt “the necessity of the support of some great maritime Power to protect their rising Independence,” strongly suggests British pressure. But on the other hand, no appreciable slave trade to Mexico had existed since 1739; and compliance with British wishes not only represented no sacrifice of local interests, but probably reflected Mexican desires.

Domestic anti-slave trade laws in the new republics were all to the good, but the British Foreign Office had no intention of relying upon them alone. Such legislation might be revoked or left unenforced; and in any event, the new states were without adequate naval forces to maintain the maritime patrol which British experience was demonstrating to be the best method of coping with slavers. The negotiation of treaties of amity, commerce and navigation provided the opportunity for placing the suppression of the slave traffic on a bilateral basis and for giving Great Britain wide, though as yet unspecified powers, which might be invoked in the future should circumstances warrant such a course. Hence standard slave trade articles were incorporated into the treaties—part

18 J. P. Hamilton to Canning, Bogotá, July 5, 1824, in Webster, Britain and the Independence of Latin America, I, 380. For the text of the law, see Posada and Restrepo Canal, op. cit., I, 320-331.
19 Ibid., I, 147-164; Eduardo Zulueta, “Movimiento anti-esclavista en Antioquia,” Bolletín de historia y antiguiedades, X (May, 1915), 32-37; Manuel Briceño, Los comuneros (Bogotá, 1880), pp. 70-71.
20 Hervey to Canning, Mexico, January 18, 1824, in Webster, Britain and the Independence of Latin America, I, 442.
of the price of recognition. Article XIV of the treaty of February 2, 1825, with the government of Buenos Aires was substantially similar to those contained in the pacts signed shortly thereafter with Colombia and Mexico:

His Britannic Majesty being extremely desirous of totally abolishing the Slave Trade, the United Provinces of Rio de la Plata engage to co-operate with His Britannic Majesty for the completion of so beneficent a work, and to prohibit all persons inhabiting within the said United Provinces, or subject to their jurisdiction, in the most effectual manner, and by the most solemn laws, from taking any share in such trade.91

Though treaty relationships with the remaining Latin-American republics were perforce delayed by unsettled conditions and other factors, these three agreements set the pattern and provided a foundation for special anti-slave trade treaties subsequently negotiated.

THE PALMERSTONIAN CRUSADE

For nearly a decade after the conclusion of the treaties with Buenos Aires, Colombia, and Mexico, Great Britain gave scant attention to slave trade matters so far as the Latin-American republics were concerned. After its cessation during the struggle for independence, the Negro traffic to these countries at first showed few signs of being resumed. The use of the republican flags to protect the trade to Cuba and Brazil was unnecessary and inconvenient, so long as slavers could obtain the protection of more powerful nations. Accordingly, for the time being Britain concentrated her efforts on securing effective treaties with the erring powers.

With the coming of Viscount Palmerston to the Foreign Office in 1830, the British campaign got into its stride. The new Foreign Secretary was forceful, able, and passionately intent upon suppressing "this diabolical slave trade." He knew from the experience of his predecessors that pious denunciations of the traffic by foreign powers were insufficient,

91 Hertel, op. cit., III, 40. For article XIII of the Colombian treaty (April 18, 1825) and article XV of the treaty with Mexico (December 26, 1826), see ibid., III, 61, 254.
and that even the principles of reciprocal search and mixed tribunals, which gave British cruisers the power to intercept slavers on the high seas and to bring them in for adjudication, were not enough unless accompanied by an "equipment clause" permitting seizure of slavers with no Negroes aboard, and a stipulation for the breaking up of condemned slave vessels. Hence Palmerston immediately began the negotiation of a new series of treaties with the principal slave-trading powers to supersede imperfect prior agreements.

France, hitherto recalcitrant, led the way by agreeing to satisfactory conventions in 1831 and 1833, after the liberal regime of Louis Philippe was set up. When the slavers sought refuge under the Spanish flag, Palmerston countered by obtaining a new and more stringent treaty with Spain in 1835. Next the slavers resorted to Portuguese colors; and the Foreign Minister, finding that government unwilling either to live up to former treaties or to negotiate a new one, high-handedly but effectively employed an act of Parliament of 1839 to remove the flag of Britain's ancient ally from slave vessels. Satisfactory agreements were made with other European powers, whose flags were already ceasing to be used for slaving purposes. And finally, the Republic of Texas was forced to accept a treaty negotiated in 1840 as part of the price of British recognition. Despite the inability of Great Britain to secure an equipment convention to supplement the Anglo-Brazilian treaty of 1826, and the refusal of the United States to concede the right of search until 1862, the British program after 1830 was clearly making the Negro traffic a highly desperate enterprise. The obvious strategy of the slave traders was to seek the protection of other flags still untrammeled by precise treaty obligations. The national colors that could best meet this demand were those of the Latin-American republics. Given the background of her relations with these new states, it was natural that Britain should next turn her attention to the prevention of this development.²²

²² For the treaties mentioned in the preceding paragraph, see Hertslet, op. cit., particularly the convenient index to slave-trade treaties, acts of Parliament, etc., in Vol. XVI, 443-473. Among pertinent secondary works, the following have special value: C. F. Bell, Lord Palmerston (2 vols., London, 1886); Alan K. Manchester,
THE SUPPRESSION OF THE SLAVE TRADE

THE TRAFFIC RENASCENT IN THE RÍO DE LA PLATA

The two Platine states of Uruguay and the Argentine Confederation represented the most immediate danger to the program for the suppression of the slave trade, and upon them Great Britain concentrated her first efforts. Adjacent to the great slave market of Brazil and facing Africa across the South Atlantic, their location was itself a powerful inducement to lend their flags to the lucrative traffic. Moreover, domestic slavery still subsisted in both countries. Uruguay, alone among the Spanish mainland countries, seems actually to have experienced an increase in the slave population during the revolutionary period, doubtless because of the influx of bondsmen during the periods of Portuguese and Brazilian domination. Though there were only three hundred slaves in the Argentine provinces when an official British estimate was made in 1842, the total colored element was reported to comprise one fourteenth of the population. Domestic conditions in both countries were thus favorable to slaving enterprises.

Uruguay was the worst offender in British eyes. True, a law passed in 1825 at the outset of the war to drive the Brazilians from the country had proclaimed the end of the slave trade and the freedom of children of slaves; and this legislation had been incorporated into Article 131 of the Uruguayan constitution, promulgated in 1829. Yet as early as 1833, the British consul-general in Montevideo reported acts of Uruguan officials, "which strongly indicate an underhand desire . . . to evade the law by allowing slavery to be carried on under simulated character." The same despatch brought

\textit{British Pre-eminence in Brazil, its Rise and Decline} (Chapel Hill, 1933); \textit{William Law Mathisson, Great Britain and the Slave Trade, 1839-1866} (London, 1925); and \textit{Hugh G. Soulsby, The Night of Search and the Slave Trade in Anglo-American Relations, 1814-1868} (Baltimore, 1923).

\footnote{Thomas Samuel Hood to Canning, Montevideo, August 16, 1833, in Humphreys, \textit{op. cit.}, p. 81; Idefonso Porada Valdés, \textit{Negros esclavos y negros libres} (Montevideo, 1941), pp. 10, 127.}

\footnote{Charles Griffith to the Earl of Aberdeen, Buenos Aires, November 1, 1843, in \textit{BFSF, XXXIII}, 517.}

\footnote{Document 66, in Porada Valdés, \textit{op. cit.}, p. 165; Hertielet, \textit{op. cit.}, IX, 771.}

\footnote{Hood to Palmerston, Montevideo, February 10, 1833, in \textit{BFSF, XXII}, 123.}
news that the recent arrival of a Portuguese schooner at Montevideo, allegedly to repair damages but actually to refit for the traffic, "had awakened the dormant spirit of Slave Trading in certain Subjects of this Republic..."; that accordingly a Montevidean vessel was already fitting out for the Congo, and that other fast sailors were in demand for like purpose.

The consul-general's accusations were confirmed by a British cruiser's seizure, in November, 1834, of the brig Rio de la Plata under Uruguayan colors, with a cargo of 521 slaves aboard, bound ostensibly from Loanda to Montevideo. Found among the slaver's papers was a contract between the government of Fructuoso Rivera and two individuals, one with a suspicious Portuguese name, granting them permission to import 650 African "colonists" within two years in return for 30,000 pesos. The vessel was brought before the mixed Anglo-Brazilian tribunal at Rio de Janeiro and condemned on the ground that she was a Brazilian slaver masquerading under the flag of Montevideo. A propos of this episode, the British minister at the same capital observed:

There has all along been a strong probability... that the unfortunate Negroes, nominally embarked in Africa as free Colonists for Monte Video, and under license from the Monte-Videan Government, are in fact destined as Slaves for the Brazilian market. Many of these cargoes are clandestinely landed on the Coast of Brazil, without being carried to the Oriental Republic at all; others, that in conformity with the License are marched into the interior of the Oriental Territory, have from thence been easily passed over into Brazil as slaves; and there is good reason to believe that the Brazilian dealers on the Coast of Africa keep open a regular debtor and creditor account with their correspondents in the town of Rio de Janeiro for the value... of the identical Blacks shipped apparently as free Colonists for the Uruguay.

The rising up thus of the African Slave Trade under the Flag of Monte Video is peculiarly galling to Great Britain. When the Slave Trade Conventions were entered into with Brazil, the Territory of Monte Video was a Brazilian Province, and its inhabitants bound by

37 Dispatches of British commissioners, Rio de Janeiro, December 23, 1834 and February 9, 1835, and enclosures, in BFP, XXIV, 113-132.
the Laws and Obligations of this Empire. It was at the suggestion of Great Britain, and under her mediation, that the subsequent war between Brazil and Buenos Ayres was terminated by raising the Banda Oriental into a separate State; and by virtue of this Act of Mediation, the Monte Videans are now enabled, as an independent community, to escape from the engagements contracted for them when subjects of Brazil...  

Meanwhile, the British chargé d'affaires in Buenos Aires had felt obliged to protest to the government of Juan Manuel de Rosas against infractions of Article XIV of the treaty of 1825 arising from the Argentine slave trade, "which," he observed, "I have strong reason to believe, has lately been carried on pretty largely at Buenos Aires, in contradiction to that treaty, and in defiance of the laws of the country." Negroses imported from Brazil, Uruguay and directly from Africa were being "sold with little concealment" in Buenos Aires, the chargé further reported, but he had no evidence that the Argentine flag was being used as yet in the trade to other countries. During the next two years, the Rosas government at the request of local British diplomats stopped the fitting out of several slavers at Buenos Aires; and by 1836 the new British minister believed the laws against the slave trade were being "honestly executed."  

Whether the Negro traffic flourished because of apparent negligence on the part of the Buenos Aires authorities, or because of obvious collusion between the Uruguayan government and slavers, it was clear that the Río de la Plata trade was so extensive and dangerous that it could only be suppressed permanently by British action under treaties with the two republics concerned. Accordingly, Hamilton Hamilton, the British minister at Buenos Aires accredited to both Uruguay and the Argentine Confederation, was instructed to submit to them Foreign Office drafts of a comprehensive anti-

12 H. S. Fox to Palmerston, Rio de Janeiro, February 25, 1835, in ibid., XXIV, 248.  
13 Philip Y. Gore to Palmerston, Buenos Aires, December 12, 1833, in ibid., XXIII, 131-132.  
14 Same to same, Buenos Aires, May 2, 1834, in ibid., XXIII, 133; J. H. Mau- 

deville to Palmerston, Buenos Aires, July 15, 1836, in ibid., XXV, 334-335; same to same, Buenos Aires, November 19, 1836, in ibid., 339-340.
slave-trade treaty providing for mutual search and mixed courts, and including the all-important equipment and break-up articles. "You will represent to the Monte Videan Authorities," wrote Palmerston, "the deep disgrace to which they are exposing their country, by affording fresh facilities to a Traffic which has been denounced by every civilized Power in Europe and America."31

Neither Montevideo nor Buenos Aires at first favored the proposed treaties, and negotiations dragged out interminably. Hamilton, who in September, 1835, broached the matter to the Argentine foreign minister, received a dual answer: namely, that the proposed treaty unjustifiably implied Buenos Aires' failure to live up to the slave trade article of the Anglo-Argentine pact of 1825; and second, that if his government should overlook this slur in concluding the proposed treaty, it could only be on condition that the commercial agreement of 1825 should be simultaneously revised along lines more favorable to his country.32 J. H. Mandeville, who superseded Hamilton as minister at Buenos Aires the next year, countered the Argentine stand by pointing out that even if the Buenos Aires government was enforcing its laws against the slave trade domestically, it was likewise obliged by treaty obligations to coöperate in the suppression of the traffic on the seas, and that this could only be accomplished by concluding the proposed supplementary treaty. As to the second point, the British minister observed that there was no logical reason why Great Britain should mix two such separate matters as the slave trade and commercial treaty revision. Thus matters reached an impasse, against which the patient diplomacy of the Briton was powerless for over two years.33

The capitulation of the Rosas government coincided significantly with the coercive blockade thrown about the mouth of the Río de la Plata in 1838 by France to secure better treat-

31 Palmerston to Hamilton, September 8, 1834, in ibid., XXIII, 136; Hamilton to Palmerston, Buenos Aires, September 10, 1835, in ibid., XXIV, 310.
32 Despatches of Hamilton to Palmerston, Buenos Aires, September 10 to November 16, 1836, and enclosures, in ibid., XXIV, 310-314; Palmerston to Mandeville, June 9, 1836, in ibid., XXVI, 662-663.
33 Correspondence of Mandeville and Palmerston, June 9, 1836 to October 14, 1838, and enclosures, in ibid., XXVI, 663-607, XXVII, 713-715.
ment of her subjects. In January, 1839, the Argentine dic-
tator, who needed British support in the crisis, proclaimed his
intention to conclude the slave trade agreement. 84 The treaty
was signed in Buenos Aires on May 24, 1839, and ratifications
were exchanged on May 16 of the following year. 85

Negotiations with the Montevideo government were even
more protracted and difficult. Consul-General Hood reported
additional evidence of the Rivera administration's implication
in the slave trade, though he likewise noted increasing pop-
ular indignation at such activities. 86 "Every fresh arrival
from South America brings additional proof of the urgent
necessity of putting a stop to these acts by which, under the
cover of the Monte-Videan Flag, a new Slave Trade is grow-
ing up . . .," Palmerston wrote the British minister. At the
same time he transmitted a threat: "you will plainly declare
. . . that you do not believe that your Government will be dis-
posed to tolerate such attempts to render null the Stipulations
of Treaties between Great Britain and Brazil." 87 Meanwhile
the efforts of local British agents had been unable to end of-
icial collusion with the slaveers, much less to secure a treaty.

When Manuel Oribe assumed the presidency early in 1835,
however, he put an immediate end to government partici-
pation in the slave trade. This "laudable conduct," as the Brit-
ish minister in Rio de Janeiro suggested, perhaps arose from
"the fortunate circumstance of the capture and condemnation
of the Monte Videan brig Rio de la Plata, by which it was
made manifest that the [slave trading] Licences, now so
promptly disowned, did not . . . secure the nefarious holders
of them the impunity which had been anticipated." 88 But
Oribe proved as obdurate as Rivera in the matter of the treaty.
Although Mandeville soon re-opened negotiations, the Oribe

81 Mandeville to Palmerston, Buenos Aires, January 23, 1830, in ibid., XXVII,
715; John F. Cady, Foreign Intervention in the Rio de la Plata, 1833-1850 (Phila-
82 Hertel, op. cit., VI, 117-130; Mandeville to Palmerston, Buenos Aires, May
16, 1840, in HESP, XXIX, 521.
83 Hood to Wellington, Montevideo, February 18, 1835, and enclosures, in ibid.,
XXIV, 316-320.
84 Palmerston to Hamilton, June 27, 1835, in ibid., XXIV, 324.
government repeatedly put the matter off, alleging inability to meet the naval and judicial expenses thought to attend the proposed compact, and requesting prior settlement of Uruguay’s pecuniary claims in the case of the Río de la Plata, whose condemnation as a Brazilian slaver was repeatedly protested.  

In the meantime, negotiations had been periodically interrupted by the bitter strife of the incumbent Blanco party with Rivera and his Colorado followers, who had revolted against the Oriehe government in 1836. But the conflict eventually cleared the way for the treaty; for when mutual enmity to Rosas led the French blockading forces to help Rivera back to power late in 1838, the latter sacrificed his penchant for licensing the importation of African “colonists” and even agreed to conclude the treaty in order to gain British favor.  

The pact was accordingly signed at Montevideo on July 13, 1839; and after further vain attempts on the part of Uruguay to obtain monetary compensation for the Río de la Plata, ratifications were at length exchanged on January 21, 1842.  

THE DIPLOMACY OF PREVENTION

Prompt British pressure, supplemented by direct action upon occasion, had checked the renascent slave trade of the Río de la Plata until the treaties of 1839 with Uruguay and the Argentine Confederation gave Great Britain the permanent right to patrol the seas against slavers flying the colors of these nations. Although elsewhere among the new Spanish-American republics no attempt had yet been made to renew the Negro traffic, the danger of such a development was clearly imminent. As the British minister in the Brazilian capital warned:

39 Correspondence of Maudefle and Palmerston, November 15, 1836 to November 17, 1838, and enclosures, in ibid., XXVI, 603-604, 661-602, XXVII, 731-736.
40 Maudefle to Palmerston, Buenos Aires, January 6, 1839, and enclosure, in ibid., XXVII, 737-739; same to same, Buenos Aires, May 18, 1839, in ibid., XXVIII, 677-679; cf. Cady, op. cit., p. 44.
41 Horslet, op. cit., VI, 867-897; Maudefle to Palmerston, Montevideo, July 18, 1839, in BESP, XXVIII, 882; correspondence of José Eilluri with Palmerston and Aberdeen, London and Paris, July 23, 1840 to June 5, 1842, in ibid., XXIX, 593-596, XXX, 1120-1128, XXXI, 483-486; Maudefle to Aberdeen, Montevideo, January 21, 1842, in ibid., XXXI, 486.
I believe that the African Slave Trade is not at present carried on by any of the Spanish-American Nations on the Coast of the Pacific; but this guilty traffic in human beings continues to be so enormously profitable to those who engage therein, and the ingenuity of the traders is consequently so keen and extensive, that if ever by good fortune the trade were effectually put down under the Flags of the Nations on this side of America, I entertain little doubt that the same infamous occupation of supplying Brazil with contraband Slaves would soon begin to be followed under the Flags of Chile and Peru... unless sufficient preventive measures shall have been adopted in time by the Governments of those countries.\footnote{Fox to Palmerston, Rio de Janeiro, September 26, 1835, in \textit{ibid.}, XXIV, 270.}

Much the same could have been said regarding the danger of participation by the Latin-American republics in the Cuban slave trade. Consequently the watchdogs of the Foreign Office moved to forestall such developments even before the conclusion of the treaties with the Latin American states.

At this juncture, British diplomacy received unexpected and welcome aid from Brazil. When in 1830 the slave trade to that Empire became illegal under the terms of the Anglo-Brazilian treaty of 1826, the bedevilled Imperial Regency was subjected to strong British pressure for the addition of an equipment clause to facilitate the suppression of the traffic. Itself inclined to comply with Britain's demands, the Regency was nevertheless powerless to do so because of the well-nigh universal opposition of the politically powerful classes of the Empire.\footnote{Manchester, \textit{op. cit.}, pp. 227-245.} As an earnest of its good intentions, and possibly also to divert the attention of the importunate crusaders in London, the Regency proposed in 1835 that Brazil and Great Britain unite to persuade the governments of Spanish America to enter into anti-slave trade treaties.\footnote{Palmerston to Fox, November 3, 1835, in \textit{BESP}, XXIV, 272.} Palmerston embraced the proposal with alacrity, and late the same year addressed a circular instruction to the British agents in Mexico, Venezuela, Colombia, Peru, and Chile, which read in part as follows:

His Majesty's Government, and the Government of Brazil, being mutually desirous to put an end to the Slave Trade, have agreed that
their Agents in Spanish America shall unite in a joint effort to persuade all the Spanish American Governments to enter into treaties for abolishing that trade, and for declaring it to be Piracy. I send you a Draft of a Treaty which has been proposed for this purpose to the Governments of Buenos Ayres and Monte Video. You will immediately enter into Negotiations with the Government of ———— for concluding a Treaty between Great Britain and that Country on this basis.\footnote{Ibid., XXIV, 273.}

Subsequent failure of Brazilian diplomatic representatives in Spanish-American capitals to give more than nominal support to the ensuing negotiations, and the unwillingness of Brazil to become a party to the proposed treaties or to sign a general convention, are strong evidence that the Imperial government was not profoundly interested in the plan.\footnote{W. G. Ousley to Palmerston, Rio de Janeiro, March 16 and May 19, 1836, and enclosures, in ibid., XXV, 284-289.} But Brazil’s initial support may have been of some aid in opening negotiations with certain of the Spanish-American countries. Of similar assistance in dealing with these governments was the papal brief issued by Gregory XVI on December 3, 1839, to denounce the slave trade, which British agents caused to be widely published in Latin America.\footnote{Donald C. Shearer, Pontifical Americana: A Documentary History of the Catholic Church in the United States (1784-1884) (Washington, 1933), pp. 201-205.}

When Sir Richard Pakenham, British minister to Mexico, opened negotiations with the government of Justo José Corro in March, 1836, circumstances seemed to favor the rapid conclusion of a treaty against the slave trade.\footnote{Pakenham to José María Ortiz Monasterio, Mexico, March 7, 1836, in RESP, XXV, 340-347.} Mexico had abolished slavery in 1829, and since the law had not been observed by the Anglo-American colonists in Texas, she now proceeded to issue a new abolition decree on April 5, 1837.\footnote{Ibid., XXVI, 646.} More important was the Mexican government’s reliance upon Great Britain for support in thwarting the annexation of rebellious Texas by the United States. Hence it is not strange
that Pakenham was able to conclude on April 16, 1837, a treaty based on the standard draft sent him by the Foreign Office. But Anastasio Bustamante, who became president three days after the treaty was signed, failed to press its ratification in the Mexican Congress. The Committee on Foreign Affairs of the Chamber of Deputies, though protesting Mexico’s devotion to “so grand an object as the abolition of the Slave Trade,” nevertheless recommended rejection, primarily because of its fear of the reciprocal search feature. “This right,” it reported, “… is, in the opinion of the Committee, odious.”

It would oppose obstacles to the advancement of our infantile mercantile navy, seeing that it would thereby be exposed to dangers into which it might inadvertently or innocently fall, by not fulfilling the conditions which are stipulated; and the detention of a Mexican vessel could never, in any case, be just, inasmuch as by the Laws of the Republic, and state of its navy, it is not possible that any one of its citizens should engage in the Slave Trade.51

There followed nearly four years of laborious negotiations, interrupted by the “Pastry War” against the French in 1838 and by chronic domestic disturbances. A second treaty, signed in May, 1840, was rejected by the British government because it was limited to eight years duration. When, finally, a compromise agreement was signed on February 24, 1841, the time limit was omitted, but Mexican vessels were granted freedom from search within prescribed zones, notably along the Gulf coast of the republic and in Mediterranean and European Atlantic waters.52 Even then, Mexican resentment at British recognition of Texas delayed acceptance; and not until Antonio López de Santa Anna seized power and dissolved Congress was the way opened for exchange of ratifications in London, on July 29, 1842.53

50 Palmerston to G. Ashburton, August 14, 1837, in ibid., XXVI, 640-641.
51 Ibid., XXVI, 641-642.
52 Correspondence of Ashburton and Pakenham with Palmerston and Aberdeen, November 7, 1837 to January 25, 1841, and enclosures, in ibid., XXVI, 640-643, XXVII, 720-729, XXVIII, 806-877, XXIX, 691-694, XXX, 1115-1118; Hertford, op. cit., VI, 540-555.
53 Pakenham to Aberdeen, Mexico, February 17, 1842, in BFSP, XXXI, 578-579.
The experiences of Sir Robert Ker Porter, British chargé d'affaires in Venezuela, were similar to those of his colleague in Mexico when he opened negotiations with the government of José Antonio Páez in March, 1837. Venezuela, like Mexico, was in no way adverse to binding herself not to engage in the Negro traffic. Although the census of 1837 indicated that there were still 37,689 slaves in the republic, her government had reënacted the essential features of the Colombian anti-slave trade and manumission law of July 19, 1821, immediately after her secession from the parent state. There was no illegal traffic. After less than three weeks of negotiation, a treaty was signed on May 19, 1837. But as in Mexico, the Congress refused ratification, despite a "full sense of admiration of the philanthropy of Great Britain," on the grounds that Venezuela was already living up to the anti-slave trade article of the Colombian treaty of 1825, that she could not afford the expenses of the proposed agreement, and that reciprocal search was unnecessary and dangerous to her commerce. Accordingly the next two years were spent in negotiating a compromise treaty, signed on March 15, 1839, by which Venezuela consented to the right of search only on the West African coast and within twenty-league zones off the coasts of Cuba, Puerto Rico, Brazil and Madagascar. "This Treaty indeed is not all that could be wished," wrote Palmerston, "but it is a very important step gained."

Negotiations with New Granada, delayed until 1838, apparently by shift of British legation personnel in Bogotá, proved to be even more protracted and difficult than in Mexico and Venezuela. British diplomats were unanimous in reporting that Granadian opposition to the proposed treaty in no way reflected implication in the slave trade. Following the gradual emancipation law of 1821, which had prohibited the

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64 Porter to Palmerston, Caracas, May 6, 1837, in ibid., XXVI, 649-649.
65 B. H. Wilson to Aberdeen, Caracas, August 4, 1843, in ibid., XXXII, 427-432.
66 Porter to Palmerston, Caracas, May 26, 1837, in ibid., XXVI, 660.
traffic, the parent state of Colombia had made the African slave trade piracy by legislation of 1825; and in 1829 it had agreed to an article in a treaty with Peru providing for the mutual punishment of African slavers as pirates. True, New Granada authorized the exportation of her own slaves in 1843, to rid herself of Negro rioters in the Cauca Valley, but the law was revoked in 1847. Slavery itself was in process of extinction as a result of non-importation, manumission and free birth; and the census of 1835 showed that the once numerous slave population had declined to 38,940. Much more important to Great Britain was the lack of any substantial evidence that the Granadian flag was being used to protect the trade to other countries.

Clearly, New Granada’s objections to the proposed treaty were based upon fear of permanent commitments to a strong naval power, who might harm her commerce and outrage her sovereignty. To overcome these fears, the British chargé in Bogotá accepted, in a treaty signed in February, 1842, drastic geographic limitations on the right of search, the substitution of national for mixed tribunals, and a duration of only fifteen years. The pact was rejected by his government. After additional lengthy negotiations in Bogotá, Palmerston sought vainly to secure a satisfactory treaty by dealing directly with the Granadian minister in London. Little attempt was made to break the resulting deadlock until 1851, when Daniel F. O’Leary, a later British chargé in Bogotá, seized upon the enthusiasm of the new Liberal administration of José Hilario López for the complete abolition of domestic slavery as a favorable basis for renewed negotiations. A treaty substan-

58 Posada and Restrepo Cannl, op. cit., I, 343-346; BFSP, XVIII, 507.
60 W. H. Rainsford to Aberdeen, Bogotá, November 3, 1843, in ibid., XXXIII, 636-638.
61 That the Granadian trade might well have developed is indicated by British naval officers’ reports in 1843 giving notice of a plan to export slaves from Mozambique under the “Columbian” flag (ibid., XXXIII, 639-640).
62 Correspondence of William Pitt Adams with Palmerston, October 25, 1838 to December 31, 1839, and enclosures, in ibid., XXVII, 743-745; Robert Steuart to Osipina, Bogotá, December 7, 1842, in ibid., XXXIII, 641-642.
63 Correspondence of Palmerston with M. M. Mosquera, February 12, 1847 to December 16, 1847, in ibid., XXXVI, 728-737.
tially similar to that with Venezuela was concluded at Bogotá on April 2, 1851, and ratifications were exchanged on December 16 of the same year. “Thus has terminated a long-protracted negotiation,” reported O’Leary, “owing to the more enlightened feeling that now prevails in this country and to the philanthropic sentiments of the President, General López...”  

Ecuador made few of the usual objections when the British consul, Walter Cope, presented the draft treaty sent out to him by Palmerston; and six months later, on May 24, 1840, the agreement was signed. But Cope accepted an additional article required by Ecuador to protect a curious local slave trade sporadically carried on ever since the republic’s secession from Colombia in 1830. At that time, there were still slaves belonging to Ecuadorians in the Granadian part of Gran Colombia; and consequently a law was passed on September 26, 1830, to permit their introduction under government regulation. But the additional article excepted from the effects of the treaty the slave trade to Ecuador from Pacific South American ports in general, and Palmerston rejected it on the ground that it could be used to facilitate a renewed African Negro traffic. Ecuador, whose slave population had declined to a mere 4,900 by 1848, remained adamant, particularly after the Granadian legislation of that year promised a considerable influx of Negro workers from the neighboring republic. Her government withstood British pressure until 1846, then signed the treaty without the objectionable article. The agreement entered into effect upon the exchange of ratifications on July 5 of the following year. 

O’Leary to Palmerston, Bogotá, April 28, 1851, in ibid., XLI, 418-420; Hertelet, op. cit., IX, 579-577. A few weeks after the treaty was signed, O’Leary was able to report the final abolition law of May 21, 1851 (BPSP, XLI, 421-424).  

Cope to Palmerston, Guayaquil, April 7, 1840, in ibid., XXIX, 684-689; same to same, Quito, July 1, 1841, in ibid., XXXI, 603; Pedro Fermín Cevallos, Resumen de la historia del Ecuador desde su origen hasta 1846 (5 vols., Lima, 1870), IV, 371-373.  

Same to same, Guayaquil, October 9, 1841, and enclosures, in ibid., XXXI, 603-607.  

Correspondence of Cope with Aberdeen and Palmerston, March 22, 1842 to August 12, 1847, and enclosures, in ibid., XXXI, 608, XXXIII, 628-636, XXXVI, 645-647; Hertelet, op. cit., VII, 201-222.
Negotiation of anti-slave-trade treaties with Peru and Bolivia was rendered difficult by the fact that Belford Hinton Wilson, the British minister to these countries, received Palmerston’s circular instruction in 1836, just as the Bolivian dictator Andrés Santa Cruz had defeated the rival Peruvian caudillos and was erecting his Peru-Bolivian Confederation.\(^{68}\) True, Santa Cruz, Wilson’s companion in arms during the war of independence, was favorably disposed toward Great Britain and the crusade against the slave trade. Article XIV of the treaty of amity and commerce signed on June 5, 1837, pledged the Confederation to cooperate in the suppression of the traffic.\(^{69}\) But when Wilson sought to negotiate a supplementary treaty for this purpose, he was informed that the Chilean army then invading Peru and its local supporters “would represent this measure as one destructive to the interest of agriculture; and consequently . . . [would convert] a principle of eternal justice into a pretext for exciting a feeling against the Protectoral Government.”\(^{70}\) Thus matters stood until the Chilean victory over Santa Cruz at Yungay in 1839 broke up the Confederation and made it necessary to negotiate separately with the re-established states of Peru and Bolivia.

Unfortunately for the prospects of the treaty with Peru, Agustín Gamarra, who came to power after the defeat of Santa Cruz, was influenced by a landed gentry dependent upon the fast dwindling number of Negro slaves to work their coastal plantations. The Congress of Huancayo, dominated by Gamarra, accordingly passed a law on November 27, 1840, which reversed San Martín’s anti-slave trade decree of 1821 in order to permit the importation of slaves from other American countries.\(^{71}\) The pro-slavery reaction in Peru under Gamarra and his successors was considerably strengthened by the importation of slaves from New Granada after 1843. In 1841 the Peruvian government even considered seri-

\(^{68}\) Wilson to Palmerston, Lima, May 31, 1836, in BFSP, XXV, 347-348.

\(^{69}\) Hertslet, op. cit., V, 300.

\(^{70}\) Wilson to Palmerston, Lima, December 12, 1838, and enclosures, in BFSP, XXVII, 740-747.

\(^{71}\) Same to same, Lima, January 11, 1840, and enclosures, in ibid., XXVII, 904-908.
ously a petition presented by an Havana merchant on behalf of twenty-four "persons of consideration" in Lima to request the resumption of the African slave trade; and the proposal was rejected only after strenuous British protests.\textsuperscript{72} It is not strange that successive British negotiators found it quite impossible to obtain Peru's consent to the desired treaty. The most that could be secured was a general article condemning the Negro traffic in the commercial treaty concluded with the government of Ramón Castilla on April 10, 1850.\textsuperscript{73} The reconstituted republic of Bolivia, on the other hand, agreed immediately to the draft proposed by the British minister in Lima; and the treaty was accordingly signed at Sucre on September 25, 1840. Ratifications were exchanged during the course of 1842.\textsuperscript{74}

When Consul-General John Walpole began negotiations with Chile in 1837, he encountered no opposition from partisans of the slave trade, "every vestige of that commerce having been extirpated throughout the Territories of this Republic at the period of its first Independence of the Mother Country, and its total abolition recognized and confirmed by every successive Constitution."\textsuperscript{75} He might have added that the less than 4,000 slaves still remaining in Chile in 1823 had been freed by legislation of July 24 of that year, a fact of which Chileans were proud.\textsuperscript{76} After some delay resulting from Chilean preparations to send an expeditionary force against the Peru-Bolivian Confederation, the foreign minister agreed to the British draft treaty with minor changes on January 19, 1839.\textsuperscript{77} But Walpole was subsequently forced to

\textsuperscript{72} Same as same, Lima, August 30, 1841, in \textit{ibid.}, XXX, 1125-1126; G. C. Miller to Aberdeen, Lima, March 16, 1843, in \textit{ibid.}, XXXII, 440; correspondence of W. P. Adams with Aberdeen, Lima, December 30, 1845 to January 19, 1846, and enclosures, in \textit{ibid.}, XXXV, 647-652.

\textsuperscript{73} Article XIV, in Hortalet, \textit{op. cit.}, IX, 226.

\textsuperscript{74} Correspondence of Wilson with Palmerston, Lima and Sucre, February 12, 1840 to November 10, 1840, and enclosures, in \textit{ibid.}, XXXIX, 578-586, XXX, 1105-1110; Charles Masterton to Aberdeen, Chuquicama, October 17, 1842, in \textit{ibid.}, XXXII, 312; Hortalet, \textit{op. cit.}, VI, 51-70.

\textsuperscript{75} Walpole to Palmerston, Santiago, September 2, 1837, in \textit{BFSP}, XXVI, 653.

\textsuperscript{76} Félê Crux, \textit{op. cit.}, p. 131.

\textsuperscript{77} Correspondence of Walpole with Palmerston, September 2, 1837 to January 31, 1838, and enclosures, in \textit{BFSP}, XXVI, 653-654, XXVII, 715-717, XXVIII, 855-857; Hortalet, \textit{op. cit.}, VI, 165-184.
report that the Chilean Senate had attached a ten-year limit to the treaty as the price of ratification, "an act marking the insurmountable aversion, entertained by the influential portion of this State, to the conclusion of a Treaty with a European ... Power, or to the imposition on themselves of any obligation, binding them for more than a period exceedingly circumscribed." Though the Consul-General agreed to this stipulation in a supplementary convention of November 25, 1840, his act was rejected in London. "After much patient endurance and vexations discussion," Walpole finally concluded a compromise "additional and explanatory convention" on August 7, 1841, in which Chile accepted unlimited duration in return for the restriction of the right of search to the African coasts and to twenty-league zones off the shores of Brazil and the Spanish Caribbean colonies. Ratifications of the treaty and convention were exchanged at Santiago on August 6, 1842.

For reasons not entirely clear, Great Britain did not make special treaties with the remaining smaller republics of Latin America. In Central America slavery and the slave trade had been totally abolished by the constituent congress of the five United Provinces in 1824, shortly after independence was proclaimed; and following the dissolution of the Confederation, the component states adopted the same policy. Article XIV of the similar commercial treaties which Britain signed with Guatemala and Costa Rica in 1849 contained a pledge of these republics' coöperation in suppressing the traffic. But no agreement whatever was made with the remaining Central American countries of Honduras, Nicaragua, and El Salvador. Paraguay, the only South American republic without direct access to the sea during this period, nevertheless agreed to
a general article against the slave trade in the commercial treaty signed with Francisco Solano López on March 4, 1853. Presumably more specific commitments could have been obtained from these smaller countries had it been judged necessary.

The proximity of the two island countries of Haiti and the Dominican Republic to Cuba made more detailed agreements with their governments desirable. Haiti, in view of her Afro-French background and natural animus against slavery, enthusiastically adhered to the Anglo-French conventions of 1831 and 1833. Following her independence from Haiti, the Dominican Republic conceded the unilateral right of search to Great Britain in Article IX of the commercial treaty signed on March 6, 1850.

THE ANTI-SLAVE-TRADE TREATIES IN OPERATION

The treaties signed by Great Britain between 1839 and 1851 with the Argentine Confederation, Uruguay, Mexico, Venezuela, New Granada, Ecuador, Chile, Haiti, and the Dominican Republic were admirably calculated to forestall the use of the flags of these nations for the slave trade. With the exception of the Haitian and Dominican agreements, they were based upon a standard British draft and differed significantly only in cases in which limitations of jurisdiction or the areas of search were stipulated. The treaties typically obligated the contracting republics to declare the slave trade piracy; established reciprocal search of merchant vessels by each party's naval vessels; set up mixed courts to try slavers, one in British West Africa and the other in the contracting republic; specified slaving equipment that made ships liable to capture even without slaves on board; outlined procedure for claims by the injured nation in case of unjust detention;

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Footnotes:

82 Article XV, in ibid., IX, 606.
83 Correspondence of G. W. G. Courtenay with Palmerston, Port-au-Prince, December 21, 1838 to February 24, 1840, and enclosures, in BESI, XXVII, 725, XXVIII, 859-860; Hertslet, op. cit., 853.
84 Ibid., VIII, 985.
85 Exceptions were the treaties with Mexico, Venezuela, and New Granada, which provided for the trial of slavers by competent tribunals of the nation to which they belonged.
and decreed the breaking up of condemned slavers. Three annexes were ordinarily subjoined to the treaties: Annex A contained precise instructions for naval vessels on patrol; Annex B prescribed the personnel and procedure of the mixed courts; and Annex C established rules for dealing with captured slaves. Additional articles declared the sentences of the British judge and arbitrator of a mixed court valid in the absence of their colleagues of the republic concerned and provided that the latter could avoid all judicial expenses by exercising its right not to appoint such officials.

Despite the formal reciprocity of the treaties, their practical effect was to give Great Britain a free hand to seize and bring to trial suspicious ships of the contracting republics. Britain in all cases named Sierra Leone as the seat of her West African court, and the same British officials officiated there under all the slave-trade treaties. By mutual agreement with Britain, most of the republics waived their right to establish mixed courts in their own territory, and none appointed officials for service at Sierra Leone. Nor were any of these nations in a position to fit out cruisers to exercise the right of reciprocal search outside of their own waters.

The best proof of the efficacy of the treaties lies in the fact that in the crucial period from 1840 to 1847, during which most of the treaties entered into effect, no vessel flying a Spanish-American flag was brought before the court at Sierra Leone. Nor is evidence available that any of the republics bound only by general articles in commercial treaties broke their pledges. By the treaties here described Great Britain not only secured her immediate purpose of preventing the recourse of slavers to the flags of the Latin-American republics, but through her patient diplomacy enhanced her prestige among them as a powerful defender of international morality and encouraged domestic abolition movements where slavery still existed.

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