THE ABOLITION OF THE AFRICAN SLAVE TRADE
TO BRAZIL

Of all the subjects that fall within the century of United States-Brazilian relations, the African slave trade is the most important. But not only is it the most important; it is also the most intricate in its nature, and therefore the most difficult of accurate characterization. The intricacy results partly from the fact that several nations had a share in it. Since Great Britain played a leading rôle in the abolition of the traffic, an attempt at elucidation requires at least some consideration of British activity.

Although not the first old world power to act, Great Britain responded to the agitation of Clarkson, Sharpe, and Wilberforce, and passed the act of March 25, 1807, which aimed to prevent participation in the trade by British subjects. Seventeen years later this act was followed by another which made the crime piracy.\(^1\) It was soon evident, however, that complete eradication of the evil must depend upon concerted action of all nations rather than upon independent action of a few. Partly because of its prestige and power, Great Britain assumed leadership in the larger movement. The program evolved by that country had two main phases, namely, the negotiation of treaties with both the civilized nations and the African tribes for the suppression of the traffic in slaves and the maintenance of forts upon, and cruisers off, the African coast to enforce these treaties.\(^2\) The first phase of this program was remarkably successful, for by 1842 treaties had been entered into with all the European countries except Belgium, Greece, Hanover, and Oldenburg, with all the American nations except New Granada and Peru, and

\(^1\) *British and Foreign State Papers*, 1815-1816, pp. 195 et seq. and p. 292 et seq.
\(^2\) *Parliamentary Papers, Slave Trade*, Number 35, 1850, pp. 3-8.
with six of the African chiefs. As might have been expected, the second phase of the program was much less successful. It was one task to negotiate; it was quite another to enforce the terms resulting from negotiations.

For our purpose it is sufficient to note the nature of British negotiations with Portugal, the nation out of which Brazil arose. The treaty of friendship and alliance, signed at Rio de Janeiro, February 19, 1810, contained a provision whereby the government of Portugal agreed not to transport negroes from those parts of Africa not belonging to it, though another provision of the same treaty seemed to neutralize the provision. As a consequence, the first agreement was not carried into execution, and several additional treaties soon followed. One of the most important in the last category was the document of July 28, 1817, by whose terms the public vessels of either signatory were given the right to search the suspicious merchantmen of the other operating north of the line, and two mixed commissions—one in Sierra Leone and the other in Brazil—were established for adjudicating all captures. Of almost equal significance was the additional article, signed September 11 of the same year, which guaranteed that the provisions of the July document should remain in effect for fifteen years from the date of the passage of a Portuguese abolition law.

Despite these treaties, the Portuguese trade in Africans failed to show any decline for many years. Indeed, in Portugal's most important colony—Brazil—the number of African importations increased every year during the remainder of the colonial period. Fortunately, only a few years elapsed before the independence of the South-American colony paved

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1 For a list of the treaties and their dates, see Hansard's Parliamentary Debates (3rd series), LXXX, 482; for the content of the treaties, see G. F. De Martens, Nouveau Recueil de Traites.
2 De Martens, Nouveau Recueil de Traites, I, 245.
3 For the July convention and the additional article, see ibid., IV, 438 and 479; for treaties of January 21 and 22, 1815, consult other volumes of the series.
4 R. Walsh, Notices of Brazil in 1825 and 1829, II, 178.
the way for direct negotiations on the traffic; and the part
played by Great Britain in the separation placed that coun-
try in an advantageous position for negotiating with the
new state. The first article of a convention drawn at Rio
de Janeiro on November 23, 1826, and ratified the following
March, provided that within three years it should not be
lawful for the subjects of the Emperor of Brazil to be concerned in
the carrying on of the African slave trade, under any pretext or in
any manner whatever, and the carrying on of such after that period,
by any person, subject of His Imperial Majesty, shall [should] be
deemed and treated as piracy.

The remaining articles, by renewing verbatim the provisions
of the British-Portuguese agreements of 1815 and 1817,
granted the signatories the right to visit and search each
other's merchant vessels, and established mixed commissions
for adjudicating all captures.\(^7\)

The announcement of this treaty caused great excitement
in Brazil. Most people believed that if it were carried out
a shortage of slave labor would follow immediately. More-
ever, cutting off negro importation seemed only a step to-
ward the destruction of the institution of slavery itself, upon
which the prosperity of the country was believed to depend.
But the evil day might be postponed by taking advantage of
the three-year period before prohibition by Brazilian law.
Accordingly, many millions of additional capital were invested
in the business of importation. Statistics indicate that the
redoubled efforts were not in vain. The records for the prov-
ince of Rio de Janeiro tell the tale; the importation figure
of 15,000 for 1820 had doubled by 1827, and trebled by 1829, the
year preceding that in which the treaty was to take effect.\(^8\)

The Brazilian law, which was not passed until November

\(^1\) De Martens, *Nouveau Récueil de Traité*, VI. 1087.

\(^2\) Reports of United States ministers to Brazil, May 30, 1829, and January 22,
1835, in Despatches, VI. and X. (All citations to "Despatches" refer to com-
munications of United States ministers to their government, and are to be found
in manuscript form in the archives of the department of state, Washington, D. C.)
7, 1831, though the treaty had provided a date not later than March 13 of 1830, declared free all persons illegally imported, imposed heavy penalties on those convicted for importation, and rewarded those who assisted in making captures. Notwithstanding its apparently severe provisions, evidence that the act failed to interfere seriously with the slave trade is both plentiful and convincing. A British consul to Brazil estimated that 40,000 Africans were smuggled into the province of Rio de Janeiro alone in the year 1838, while a member of the mixed commission at the Brazilian capital reported that 64,000 entered the entire country in 1844.

As a result of the vigilance on the part of British agents, the London government was always well informed on events connected with the Brazilian traffic. It was aware that vessels were fitted out in Brazilian ports almost daily for the business of transporting negroes across the Atlantic, and that as frequently Africans were landed in the empire’s capital city. The London government did more than assemble information; it formulated plans on the basis of its information. On several occasions during the decade beginning in 1835 it suggested to the Brazilian government effective measures for the suppression of the traffic. Whatever may have been the reasons, the Brazilian government did not act upon the suggestions from London.

The year 1845 witnessed a turning point in Anglo-Brazilian relations on the slave traffic. On March 12 of that year the British representative at Rio was notified of the expiration on the following day of the abolition convention of 1826. But the London government, headed now by Aberdeen, refused to admit that the general provision of the document—that it should be unlawful for the subjects of the emperor to be concerned in carrying on the African trade under any

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*British and Foreign State Papers, 1845-1846, p. 969 et seq.*
pretext or in any manner whatever—had expired, or could expire until its purpose had been achieved. Although the position taken by the Aberdeen government was indefensible, if not absurd, it became the basis of an application to parliament for an effective measure. And parliament acted promptly on the measure introduced; on August 8, 1845, the Aberdeen bill became a law. The act provided for the trial of all cases arising from the alleged violation of the convention of 1826 by British courts of admiralty and vice-admiralty instead of by the mixed commissions sitting at Rio de Janeiro and Sierra Leone, though the decisions of the latter were to be recognized until September 13.\textsuperscript{12}

Obviously, the announcement of the Aberdeen Act aroused great indignation in Brazilian circles. While opposition to the measure took many and varied forms, the official protest was summarized in a ten-page document drawn up by the Brazilian foreign minister and presented to the British representative at Rio de Janeiro. This protest stated that the British law, though "passed under the pretext of carrying into effect the dispositions of Art. 1 of the Convention concluded between the Crowns of Brazil and Great Britain, on the 23rd of November, 1826", was not "based either upon the letter or the spirit of the said article". The protest pointed out further that the British measure violated "the most clear and positive principles of the Law of Nations" and constituted an infringement "upon the Sovereign Rights and Independence" of Brazil.\textsuperscript{13}

While some Brazilians were engaged in protesting against the aggressive and unjustifiable policy of the London government, other Brazilians were setting at defiance both the Aberdeen law and the law of their own country. If the activities of the first group were unavailing, those of the sec-

\textsuperscript{12} Parliamentary Papers, Slave Trade, 1845, pp. 1841 et seq., 1846, class B, 280.

\textsuperscript{13} A copy of the "protest against an act of the British Parliament" was enclosed in a communication of the Brazilian minister at Washington to Secretary Buchanan, February 2, 1846, in Communications from Brazilian Agents, II. (manuscripts of the department of state).
ond were amply rewarded. It is estimated that the importers landed on Brazilian soil from 45,000 to 60,000 negroes during each of the five years following the passage of the Aberdeen Act.\(^{14}\)

In spite of the vigorous opposition in Brazil to the Aberdeen Act, the British government resolved to attempt an even sterner policy. Thus, on April 22, 1850, it announced that thenceforth British cruisers would enter Brazilian territorial waters and capture any vessels suspected of illegal conduct. The new order carried feeling to a high tension, the reasons for which are not difficult to fathom. It was announced in the face of determined attempts to bring about the repeal of the indefensible measure that brought it into existence; it led to the seizure of innocent vessels engaged in port to port trade—perhaps enabling British bottoms to profit thereby; it resulted in the stationing of guardships, upon which captives were kept, in the harbor of the capital city, before the eyes of all; it precipitated an occasional exchange of shots between the hated British cruisers and the forts along the coast; and in a few instances its enforcement resulted in the loss of the lives of Brazilian subjects. Little wonder that diplomatic relations approached the breaking point.\(^{15}\)

A break of Anglo-Brazilian relations was averted perhaps by the passage of the Brazilian law of September 4, 1850. This act made the slave trade piracy, required bond of masters and captains trading on the African coast that they would not transport negroes, and rewarded prize crews with the proceeds of captured vessels.\(^{16}\) As public sentiment was at first not strongly behind the statute, the imperial gov-

\(^{11}\)David Tod to Secretary Buchanan, October 10, 1847, and January 1, 1850, in Despatches, XVII.

\(^{12}\)United States Minister Tod to his government, August 1, 1850, in Despatches, XVIII.; Parliamentary Papers, Slave Trade, 1850, pp. 349 et seq., 1851, class B, pp. 365 et seq.

\(^{13}\)A copy of the law may be found with the United States minister's dispatch from Rio, September 17, 1850, in Despatches, XVIII.
ernment encountered considerable difficulty with its enforcement. In fact, violations were so flagrant that the order to allow British cruisers to seize suspects in Brazilian waters, which had been suspended for a brief time, was restored early in 1851. But shortly after the middle of the century a change in attitude on the part of Brazilians, noted especially in public officials, made possible effective enforcement. Within a few years the trade ceased. Convinced that there would be no resumption, the British parliament repealed the Aberdeen Act in 1869. Whether the severe program of the British or the gradual strengthening of the central government in Brazil was the major influence responsible for suppression of the evil we need not stop to inquire.17

The above summary suggests that numerous obstacles made difficult the task of putting an end to the Brazilian slave trade. To the chief of these obstacles we must now turn our attention. At the base of the problem lay the general fact of the long continuance of the traffic. Following in the footsteps of their fathers, the Brazilians had begun importations from Africa in the sixteenth century and had continued them for almost three centuries. By the end of the colonial period there were some two million negro slaves in Brazil, a number almost as large as the free population.18 As a consequence of the existence of such large numbers of bondsmen, all the enterprises of the nation had been built completely upon slave labor, so much so at least that the country's future prosperity seemed to depend upon its continuance. Obviously, to break up the trade in negroes was equivalent to drying up the source of labor supply. Moreover, it would lead eventually to the destruction of the institu-

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17*Parliamentary Papers, Slave Trade, 1862, class A, p. 48, 1870, class C, p. 4. For the entire subject of the abolition of the Brazilian slave trade, see an article by Jane Elizabeth Adams in the October, 1925, number of *The Journal of Negro History.*

18*Statistics on the free and slave populations in Brazil may not be highly accurate. See A. Cochin, in Layton's *Cyclopedia,* p. 728; United States Minister Hunter to his government, January 22, 1835, in Despatches, X.*
tion of slavery itself, a fact admitted by British statesmen. No group of people has ever consciously placed in jeopardy its economic well-being—particularly at the behest of foreigners—without determined resistance. Brazilian capitalists were to be no exception.

Before continuing with a consideration of the more specific obstacles to the break-up of the trade, it may be well to allude once more to the means employed for the attainment of the desired end. As already noted, the British policy was first to negotiate treaties with the various nations and then to enforce these treaties. In order to make effective the second and more important part of the program, Great Britain stationed cruisers off the coasts of Africa and Brazil for the purpose of searching suspicious merchant vessels. For a time, only the vessels which had slaves aboard were captured and haled before the judicial bodies called mixed commissions; after 1839, however, all ships possessing materials necessary for fitting out temporary slave decks were also taken into custody. Operating usually from the distant Cape Verdes, though sometimes from bases on the dark continent, most of these cruisers patrolled the waters relatively near the West African shore. The British squadron was small at the beginning, that is just after the close of the Napoleonic wars; by 1840, it had increased to fourteen ships. Although various emergencies in widely separated parts of the world occasionally caused removal of some of the cruisers, during the period between 1842 and 1857 an average of nineteen ships, carrying a total of one-hundred and forty guns, saw duty in the African service. And during the same period the British squadron was supplemented at times by small squadrons of the United States and France. Usually consisting of only a few inactive ships, the supple-


mentary forces were agreed to by these two nations as a lesser evil than that of acquiescing in the British proposal of the mutual right of search on the high seas. To cope with the numerous and varied difficulties which had to be faced these combined naval forces were indeed too weak.

Both the extent and character of the coast lines which had to be guarded presented not the least of the problems for the squadrons. On the west coast of Africa, where most of the negroes were loaded for the Atlantic voyage, some three thousand miles required constant scrutiny. The commanding officer of the American cruiser *Truxton*, writing in March, 1845, gave an accurate picture of the difficulty of capturing a slave trader on this coast when he said

It is extremely difficult to get up these rivers to the places where the slavers lie. The whole coast is intersected by innumerable rivers, with branches pouring into them from every quarter, and communicating with each other by narrow, circuitous and very numerous creeks, bordered on each side with impenetrable thickets of mangroves. In these creeks, almost concealed by the trees, the vessels lie, and often elude the strictest search.

Thus protected by nature, the crews of the trading vessels unloaded their purchasing materials, laid the temporary slave decks, and placed on board their cargoes. After this was accomplished, the loose blockade was run at an opportune moment, and the floating prisons were on their way to Brazil. If detected by cruisers, the fast-sailing vessels were often able to escape without capture.

Conditions on the east coast of Africa and on the coast of Brazil were even more favorable to the illicit trader. Long reefs paralleling many of the thousands of miles of the latter coast afforded sheltered landing places for the unloading vessels, while on both coasts the cruisers to be eluded were fewer than on the Atlantic side of the dark continent.

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24 *Parliamentary Papers, Slave Trade, 1850, class B, p. 28.*
The connivance at the trade by both the Portuguese and Brazilian officials vastly complicated the problem of extinction. It was alleged that the only object of the Portuguese colonial governors in living on the unhealthful African coast was that of amassing a fortune from the trade. At any rate the only problem encountered by the slave traders when dealing with these officials was that related to price. In Brazil, likewise, the sympathy of officialdom was usually on the side of the trader. Indeed, the slave vessels were frequently fully equipped with the open and avowed assistance of the public authorities. And in the few instances in which arrests were made with a view to prosecution for violation of Brazilian law it was extremely difficult to secure convictions in the courts. Yea, it was mockery to give to the Brazilian tribunals the power of trial, so great was the prestige and influence of the wealthy dealers over both the public and the judges. The influence which the rich traders had in governmental circles is aptly illustrated in the case of Manoel Pinto da Fonseca, who, though the most notorious slave dealer in all Brazil, went about the capital city in pursuit of his occupation entirely unmolested. Fonseca, in fact, was an intimate friend of senators, deputies, and ministers, and upon numerous occasions attended their élite social functions as an honored guest. It was not until about 1850, by which time the authority of the central government had been greatly increased, that matters took a turn for improvement.

As already intimated, one of the greatest obstacles encountered by those who labored for the suppression of the nefarious trade was that of the purse. Although the estimates of immediate profits vary considerably, depending upon a variety of circumstances, there is general agreement that

27 Communications of United States ministers to the Secretary of State, May 25, 1842, February 18, 1845, October 16, 1847, January 8, 1850, in Despatches, XII, XIII, XVII; Parliamentary Papers, Slave Trade, 1848, class B, pp. 156-157.
they were ample. The Englishman Buxton, who was usually very well informed on the subject of the trade, computed the profits to the dealer as ranging from one-hundred to two-hundred per cent in 1840. Considered conservative, this estimate was discouraging to many British officials, some of whom maintained that any illicit practice could not be suppressed by legislature where the profits exceeded thirty per cent.²⁷ In 1884, Henry A. Wise of Virginia, then United States minister to Brazil, informed his government that no loss was entailed by the owners when two slavers out of five succeeded in landing their cargoes. A little later the same official, figuring from a slightly different basis, estimated the profits of a trader at from six-hundred to twelve-hundred per cent.²⁸

Although these obstacles were not easy to surmount, the most serious difficulty in the abolition of the traffic was the use made of United States vessels and the flag that they bore. In the early forties, President Tyler, in answer to a senate resolution calling for the circumstances leading to the insertion of the slave trade provisions in the Webster-Ashburton Treaty, called attention to the well-grounded suspicions that a few United States vessels were engaged in the traffic to Brazil.²⁹ The president’s information was either incomplete or else the use of United States vessels increased very rapidly, for about a year later the United States minister to Brazil wrote his government that it is a fact not to be disguised or denied, that the slave trade is almost entirely carried on under our flag and in American built vessels sold here, chartered for the coast of Africa to slave traders. Indeed the scandalous traffic could not be carried on to any extent were it not for the use made of our flag, and the facilities given by the chartering of American vessels to carry to the coast of Africa the outfit for the trade and the materials for purchasing slaves.³⁰

²⁷ Buxton, op. cit., p. 186 et seq.
²⁸ Minister Wise to the Secretary of State, December 14, 1844, and May 1, 1845, in Despatches, XIII.
³⁰ Minister Prossitt to his government, February 27, 1844, in Despatches, XII.
After mentioning the case of the brig *Hope* as an exemplification of the manner in which the United States flag was “used and disgraced by American citizens”, the minister proceeded to tell the president that he had “been incorrectly informed as to the efficiency of the American squadron on the coast of Africa in suppressing the slave trade”. In the latter connection he remarked that the slave traders laugh at our African squadron and more than one trader to the coast has openly avowed that he could sail round the Frigate Macedonian three times in three miles, that they would not care if there were twenty such Frigates on that coast, that they have never yet seen one of the American squadron although they have visited the coast for hundreds of miles and that the only cruisers they meet with are British, and to them they have but to display American colors.\(^1\)

At this point we may inquire how it was possible for the slave dealers to employ United States vessels and the Stars and Stripes in the prosecution of their infamous business. The chief explanation is found in the United States practice of granting sea-letters to vessels sold in foreign ports by one citizen of the United States to another. Passed as far back as 1792 for the purpose of encouraging ship-building, the statute permitting this practice limited neither the duration nor the destination of the voyages made after transfers to new owners. Thus United States citizens in Brazil could purchase ships from their countrymen and apply to United States consuls for permission to make voyages to the African coast. Since orders from Washington made the issuance of sea-letters peremptory, there could be no denial on the part of consular officials, regardless of any suspicions which they may have possessed regarding the nature of the proposed voyages.

Before the vessels acquiring sea-letters left Brazil they were chartered, ostensibly, by Brazilian slave dealers to take merchandise, and usually “passengers”, to the African coast. In case only merchandise, known widely as “coast goods”,

\(^{1}\) *Ibid*.
was on board, the vessels unloaded their cargoes in Africa, reloaded with such African goods and passengers as could be obtained, and returned to Brazil. But in case both merchandise and "passengers" were aboard for the eastern voyages, the procedure was different upon the arrival in Africa. In the event the goods were landed, the United States crews were replaced by new crews composed of the "passengers" carried over, the names of the vessels were changed by a few strokes of the paint brush, the Stars and Stripes were replaced by the Brazilian emblem, and finally negroes were rushed onto the improvised slave decks. With these labors completed in the course of a few hours, the vessels sought an opportune moment and put out across the Atlantic to land their live cargoes on the Brazilian coast. On the western voyages the Brazilian slavers usually escaped capture by the British cruisers either because United States vessels served as decoys or because the slavers themselves often hoisted the United States flag when in danger. The American crews left stranded on the African coast usually found passage back to Brazil on ships of their own nationality, though occasionally they returned on Brazilian slavers rather than subject themselves for long periods to the dangerous fevers infesting the African coast.

It has been suggested that the United States vessels securing sea-letters in Brazil were only nominally chartered for the purpose of conveying merchandise and "passengers" to the African coast. In truth such vessels were usually purchased by the slave dealers with the condition, secured in the form of a charter party, that a part of the purchase price remain unpaid until the ships had made one or more trips to the coast of Africa under their ostensible American character. After the fulfillment of the condition named in the charter party, the vessels were transferred to the slave dealers, or rather to their agents on the African coast.\footnote{This summary is based on a study of hundreds of pages of correspondence between consuls and ministers with their official superiors and on other documents.}
Perhaps a summary of the activities of three vessels which participated in the nefarious traffic may serve to supply a few details to the story just told in outline. One of these vessels was the *Agnes*, a United States merchant ship hitherto employed in lawful trade between Rio de Janeiro and Philadelphia. On a visit to the Brazilian capital in 1843, it carried among its papers a letter from its owners instructing its Rio consignees to obtain an advantageous charter party for the vessel. As was customary, the consignees employed an English broker named Weetman, of the British firm Nob Kirk and Weetman, to negotiate the charter party. According to the document, the vessel was leased to Manoel Pinto da Fonseca, whose only business was that of the slave trade, and whose reputation was as notorious as any other fact in the Brazilian capital. The *Agnes* returned to Philadelphia, where the charter party was to begin, took on a cargo, and at the end of October sailed for Liverpool. While in the English city, it disposed of its cargo and received a new one consisting of sundry drygoods, powder, muskets, bar and hoop iron, and other articles—all known as "coast goods". About the first of January, 1844, it sailed with this cargo for Rio de Janeiro, consigned to United States merchants. As there was no intention of discharging any of its cargo, the vessel entered the Brazilian port in *franguia*. After remaining in Rio two or three days—long enough to take orders from charterer Fonseca—the *Agnes* cleared for Montevideo. But instead of going to the Uruguayan city, it sailed direct for Cabinda, Africa, consigned to one Cunha, a known agent of Fonseca. During its stay of several months on the African coast the cargo of "coast goods" taken in at Liverpool was discharged, part at Cabinda and part on the Congo.

Meanwhile, another United States vessel was engaged in

See especially President Tyler to Congress, February 20, 1845, in *Messages and Papers of the Presidents*, III, 215-217; Consul Gordon to Buchanan, September 18, 1845, in Consular Letters (Rio), XI.; Lord Howdon to Viscount Palmerston, November 12, 1847, in *Parliamentary Papers, Slave Trade*, class B, pp. 229-230.
similar activities. Toward the close of 1843, the brig *Montevideo* arrived at Rio de Janeiro, consigned to a United States house other than that to which the *Agnes* was consigned, with instructions to charter it for the African-coast trade. The consignees negotiated the charter party—again through the English broker—with the same notorious Fonseca. It stipulated that the *Montevideo*, in consideration of $900 per month, should take in at Rio a cargo for the African coast, the charterer having the privilege of determining the nature of the cargo and of placing on board a certain number of passengers. On February 11, 1844, the vessel sailed for Cabinda with its "coast goods" and Brazilian passengers. In due time the goods were delivered to Fonseca's agent, the passengers were put ashore, and the vessel returned to Victoria, Brazil, where it began preparations for another similar venture.

While the crew of the *Agnes* was fighting the fevers of the African coast, and the *Montevideo* was making its first voyage, a third vessel was playing a complementary part. This vessel, the *Sea-Eagle*, arrived at the Brazilian capital in the late spring or early summer of 1844 and was chartered through the same agents and under the same general terms as the *Montevideo*. In other words, it was engaged by Fonseca to deliver merchandise and passengers to the African coast. In the course of time the *Sea-Eagle*, in fulfillment of the terms of its engagement, reached Cabinda, Africa, where it found the *Agnes* still lying at anchor. Immediately the announcement was made that a Captain Gray, who had come aboard the *Sea-Eagle* from Philadelphia, had sold the *Agnes* to Mr. Cunha. Shortly after the transfer, the *Agnes*, its temporary slave decks—devised from iron pipes, pieces of wood, and rush mats—jammed with over five-hundred negroes, and its United States flag and papers replaced by those of Brazilian character, set sail for Brazil under the management of a crew composed of the "passengers" taken over by the *Sea-Eagle* and *Montevideo*. A few weeks later it
landed its live cargo on the Brazilian coast near Cape Frio. Meanwhile, the Montevideo—which our story left at Victoria, Brazil—was assembling another cargo and sailing for Africa on a second voyage. Upon arrival at Cabinda this time, both ship and cargo were delivered to Cunha, who, after transferring the United States crew to the Sea-Eagle, and changing its flag, papers, and name, loaded the Montevideo with eight-hundred slaves and started it on a return voyage in charge of a Brazilian crew who were taken over as “passengers”. The Sea-Eagle, which it will be recalled carried to Africa the Brazilian crew for the Agnes, likewise began its return voyage, though instead of having slaves aboard it had the United States crews of both the Montevideo and the Agnes—that is, those who had escaped death—and a small quantity of African merchandise.

Ostensibly, both the Agnes and the Montevideo were sold on the African coast. As a matter of fact, both vessels were sold before departure from Brazil, the charter parties making possible delivery on the African coast. In the case of the Sea-Eagle, the bargain was also made in Brazil, though the charter party may have been genuine rather than complementary to a sale.  

The procedure of the slave importers in making the United States flag serve their purpose was often more complex than that just described; indeed, it was such at times as to baffle every attempt at tracing, even by those expert at the task. Part of the complexity resulted from the fact that vessels bound for Africa cleared for all parts of the world—islands in the South Atlantic and Indian oceans, ports in Asia, Europe, and the United States—and part from the existence of two sets of papers for each vessel. However complex the

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"The facts detailed in these cases are found in the depictions of the American masters and crews taken at Rio de Janeiro by United States representatives. See Gordon to Secretary Calhoun, December 1844, and January 1845, in Consular Letters (Rio), VII, VIII, and IX.; see also a communication from Minister Wise, December 14, 1844, in Despatches, XIII."
procedure, the United States flag protected practically all the material used in the purchase and transportation of the negroes to the new world. But it not only protected the materials until the moment before the negroes were placed on board the transporting ships; it always gave indirect, and frequently direct, protection to the live cargoes themselves. Furthermore, United States citizens, in the capacity of agents, captains, masters, or crews, must share with the subjects of other nations in the responsibility for the prostitution of their country's escutcheon.

At this point it may not be out of place to interject the remarks of two United States ministers to Brazil, both of whom had unusual opportunities to view the various phases of the entire subject of the trade. Stimulated by recently conducted investigations, Henry A. Wise wrote in a dispatch to his government on February 18, 1845:

I beseech—I implore the President of the United States to take a decided stand on this subject. You have no conception of the bold effrontery and the flagrant outrages of the African slave trade, and of the shameless manner in which its worst crimes are licensed here. And every patriot in our land would blush for our country, did he know and see as I do, how our own citizens sail and sell our flag to the uses and abuses of that accursed traffic in almost open violation of our laws. We are a "by word among nations"—the only people who can now fetch and carry any and every thing for the slave trade, without fear of English cruisers; and because we are the only people who can, are we to allow our proudest privilege to be perverted, and to pervert our own glorious flag into the pirate's flag—the slaver's protection—the Brazilian and Portuguese and Spanish passport to a criminal commerce against our own laws and the municipal laws of almost every civilized nation upon earth? ... Our flag alone gives the requisite protection against the right of visit, search and seizure; and our citizens, in all the characters of owners, of consignees, of agents and of masters and crews of our vessels, are concerned in the business and partake of the profits of the African slave trade, to and from the ports of Brazil, as fully as the Brazilians themselves and others, in conjunction with whom they carry it on.
In fact, without the aid of our citizens and our flag it could not be carried on with success at all. They furnish the protection; they are the commerce carriers; they sail over and deliver up to the trade, vessels as well as cargoes; they transport the supplies of slave factories, the food and raiment of the slave trade’s agents, and the goods which constitute the purchase money of the slave trade’s victims; they carry the arms and the ardent spirits which are the hellish agents and instruments of the savage wars of African captivity; they afford safe passage to Brazilian masters and crews intended for the slave vessels when sold, and for the American masters and crews who have manned these vessels over to the Coast; and they realize a profit in proportion to the risks of a contraband trade. In one word, the sacred principle of the inviolability of the protection of our flag, is perverted in the ports of Brazil into a perfect monopoly of the unhallowed gains of the navigation of the African slave trade. And for the reason of this inviolability, our flag, and vessels are sought and bought, and our citizens at home and here, sail them and sell them in the African slave trade to and from all the ports of Brazil. And in all those ports, and in this the metropolitan port of Rio de Janeiro, especially, our vessels are fitted out for the slave trade, and the most of the crimes of that trade, in violation of the laws of the United States, openly have their inception under the very eye of the Imperial Government; and in them all, and in this port, especially, the consummation of those crimes is sheltered, as of right, by the sovereign jurisdiction of this Empire.  

Equally as illuminating were the remarks of David Tod made five years later:

Citizens of the United States are constantly in this capital [Rio], whose only occupation is the buying of American vessels with which to supply the slave importers. These men obtain sea-letters, which entitle them to continue in use the United States flag, and it is this privilege which enables them to sell their vessels to the slave traders, deliverable on the coast of Africa, at double, and sometimes more than double, the price for which they were purchased on the preceding day. The vessels take over slave goods and slave crews, under the protection of our flag, and remain nominally American property.

*Wise to U. S. government, February 18, 1845, in Despatches, XIII.
until a favorable opportunity occurs for receiving a cargo of slaves; and it is not unfrequently the case that our flag covers the slaves until the Africans are landed upon the coast of Brazil.\textsuperscript{55}

Data assembled by United States consular staffs in Brazil seem to justify these accounts. During the five year period ending in 1845 sixty-four vessels of the United States were sold in Rio de Janeiro alone. That most of these were employed in the slave trade can be little doubted. Furthermore, during the same period fifty-six United States ships left the Brazilian capital for, and forty arrived from, Africa. Inasmuch as there was almost no legitimate commerce between Brazil and the dark continent, these figures also are significant.\textsuperscript{56} The figures for other Brazilian ports run high, particularly in the case of Bahia, but are much smaller than those for the capital. It would be futile to attempt even an estimate of the number of United States citizens who served in one capacity or another connected with the trade; it is sufficient to say that it falls in the thousands. It is certain, however, that through the aid of the Yankees and of their flag hundreds of thousands of negroes were transported from Africa to Brazil between 1835 and 1853.\textsuperscript{57}

Finally, we may consider the attitude of the United States government toward the Brazilian trade and then seek an explanation of this attitude. At the outset it may be admitted that the inquiry into these topics will fail to yield totally satisfactory results. In connection with the attitude toward the traffic it is well to remember that congress had prohibited the importation of negroes into the United States after 1808 and had made participation in the trade on the part of the United States citizens piracy. The justice and wisdom of these laws was acknowledged by all classes regardless of locality. Nevertheless, down to the outbreak of the civil war hundreds of

\textsuperscript{55} Minister Tod to the Secretary of State, January 5, 1850, in Despatches, XVII.
\textsuperscript{56} Consul Gordon to Buchanan, September 18, 1845, in Consular Letters, XI.
\textsuperscript{57} Many of the consular reports substantiate these estimates. See for example the last citation.
United States citizens participated in the trade, most of them practically without danger of governmental molestation. What was worse they performed their deeds enshrouded as it were in the Stars and Stripes.

Failure to prevent United States participation in the slave trade may be accounted for in two ways, namely, non-enforcement of laws already on the statute books and unwillingness to enact and enforce other laws. In the former case, responsibility obviously rested with the executive and judicial branches of government; in the latter it rested largely with the legislature. But it may be of interest to go further in an attempt to allocate this responsibility, particularly in the matter of non-enforcement. By way of elimination, our official representatives to Brazil should be absolved from all blame. Ministers Proffitt, Wise, Tod, and Schenck, whose terms cover the period of most flagrant violation, kept their superiors supplied with detailed and accurate information on all phases of the traffic. No less diligent were the United States consuls, who labored long and arduously in taking depositions and in assembling other pertinent information on the trade.88

Unfortunately, the executive agents at home were not quite as enthusiastic as those in Brazil. Nor is this surprising, for their duties were many, and the iniquities of the African trade did not come directly before their eyes. Nevertheless, the chief executives themselves seem to have given much consideration to the performance of the duties which devolved upon them in this connection. At any rate, during the decade between 1839 and 1849, the most active period of United States participation in the evil, Van Buren, Tyler, and Taylor resorted frequently to the presidential message to inform congress of the true status of the subject and made positive recommendations for measures calculated to rem-

88 For typical communications see dispatches of February 27 and December 14, 1844, January 3, 1846, and April 20, 1852, in Despatches, XII, XIII, XVII, and XIX.; also consular report of September 18, 1846, in Consular Letters (Rio), XI.
edy the glaring abuses. But this apparent interest was not shared by all whose positions came under the supervision of the executive branch of government. The secretaries of state all but ignored the desperate appeals of our ministers and consuls for counsel and advice on matters pertaining to their offices. Writing from Rio de Janeiro in 1845, Consul Gordon complained because he had received only four replies to his thirty-three letters on the subject of the slave trade; and more significant was Minister Tod's acknowledgement—no doubt in a sarcastic vein—five years later of receipt of his first instruction in answer to dozens of his dispatches on the same subject. When an occasional communication did find its way out of the foreign office, the information it contained was usually fragmentary and evasive. In an exceptional case, however, the content of an instruction was both full and explicit. It was when the United States minister to Brazil was directed to reverse his policy of refusing to permit the granting of sea-letters to vessels whose destinations were obviously the African coast. While grounded on both precedent and legality, this instruction encouraged the illegal use of the United States flag. It is interesting to note that there was little or no variation in policy whether the department of state was directed by Daniel Webster, James Buchanan, John C. Calhoun, or John M. Clayton—at least so far as the instructions reveal.

It is doubtful whether the policy pursued by the department of the navy was more conducive to the enforcement of United States statutes. Impressed with the fact that large cruisers were not of the slightest practical utility for running behind islands and into creeks, coves, and inlets of the Brazilian coast, where the slave vessels went to take in sup-

"J. D. Richardson, Messages and Papers, III. 1755, 1836-1837, 1903, 1930-1931, 2215-17, IV. 2553.

"Apparently no copy of this instruction was preserved. That the instruction was sent there can be no doubt. For reference to it see David Tod to Secretary Clayton, January 8, 1850, in Despatches, XVII.
plies, to land their live cargoes, and to escape observation or pursuit, our consuls and ministers unanimously recommended that they be replaced by vessels of a lighter class.\footnote{For a typical recommendation see Schenck to Webster, April 26, 1852, in Despatches, XIX.} But for some reason the "floating palaces" of the commodores, as the large cruisers were called, remained in service, to the great delight of illicit traders, and probably naval commanders.

If considerable responsibility for failure to enforce old statutes should be attached to the executive branch of government, even more should be attached to congress for refusal to enact a new statute. The \textit{sine qua non} for putting an end to United States participation in the African traffic was a law prohibiting the granting of sea-letters, except for voyages home, to United States vessels sold in foreign ports. Such a law, with proper enforcement, would have prevented United States crews from delivering slave vessels and "coast goods" to Africa and the employment of the United States flag to protect the live cargoes on the western voyages. But notwithstanding the urgent appeals of all our Brazilian agents, and the numerous recommendations of the chief executives, congress refused to give serious consideration to any effective measure.\footnote{Typical appeals of United States ministers may be found in communications of Tod and Schenck, January 8, 1850, and April 26, 1862, in \textit{ibid.}, XVII. and XIX. The recommendations of the presidents have already been noted.}

The United States judiciary also had to take cognizance of the slave trade. As a result of the exertions of United States representatives to Brazil, vast quantities of material implicating many persons reached the district attorneys of the Atlantic coast states. Although there were several convictions for violating the laws against the trade, the verdicts were more often for acquittal. When unfavorable verdicts were returned, the penalties were seldom severe. The fact that the first death penalty for violation of the piracy act came forty-three years after its passage is very significant.
The laxity, however, is easily explained: the crime had its inception in a distant land and a conviction was in great measure dependent upon a chain of circumstantial evidence and an intimate familiarity with the mode of conducting the trade which could be obtainable only on the spot where the offense originated. As a consequence, it is not surprising to learn that a Captain Hiram Gray, commander of the noted slaver Agnes, was acquitted in the district court at Baltimore for lack of evidence. Although usually very diligent in attending to his duties, in this case Consul Gordon had failed to take some necessary depositions at Rio de Janeiro. On the other hand, the captain and first mate of the slaver Montevideo were convicted of a misdemeanor by the same court. The captain received twelve months' imprisonment and a fine of $1,000, while the mate got six months in prison and a $500 fine. The district court at New York, in 1850, sentenced to the penitentiary for two years the mate of the Martha, a slaver captured off the African coast by the United States brig Perry. Unfortunately, the Martha's captain, whose bail had been reduced from $5,000 to $3,000, escaped conviction by jumping bond.

If the United States minister Mr. Wise had had his way, the courts would have had more cases to adjudicate. Knowing that trial in the Brazilian courts was a travesty on justice, on one occasion he requested the Brazilian foreign minister to secure the arrest of four persons on board the notorious Porpoise so that they could be sent home for trial. While waiting for a reply, Wise, accompanied by the United States consul, went on board the slaver to conduct a personal inquiry. Convinced that there was guilt in several cases, a United States guard was placed on the vessels with orders not to permit the escape of any person. Unfortunately,

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48 Baltimore Sun, September 3 and 4, 1845; Wise to Buchanan, November 24, 1845, in Despatches, XIV.
49 Parliamentary Papers, Slave Trade, 1846, class D, pp. 182-183.
the strict orders prevented Brazilians as well as Americans from going ashore. As a result, a wave of excitement seized the city populace that led to a demand for the release of the Brazilians. To avoid complications Wise was forced to yield. Encouraged by victory in the first diplomatic encounter, the Brazilian ministers of state and justice next insisted on the release of the United States prisoners and the vessel as a condition precedent to deciding the question of extradition. Partly because of the stand taken by the United States commodore stationed in Brazilian waters, Wise was finally persuaded to yield his position a second time. It is useless to state that the request for extradition was not granted. The only compensation the minister got for his dogged persistence was a strong rebuke from his government for going beyond instructions to advocate a principle which the United States had invariably opposed.\(^{46}\)

Considered geographically, it is not so difficult to locate responsibility for United States participation in the Brazilian slave trade. Most of the vessels intended for sale to Brazilian slave dealers were built in New York, Providence, Beverley, Boston, Salem, and Portland, though some were launched as far south as Philadelphia and Baltimore. The capitalists, who made possible the building, along with others, knew very well the uses which these vessels were to serve. The vessels were, in fact, built specifically for the traffic, and sold deliverable to the African coast. They were responsible for the abuse of the United States flag, the emblem which afforded protection not only to the time of sale to the slave kings but often long thereafter. The officers and crews who navigated these slavers to the African coast and who often became directly involved in the trade were naturally from the ship-building centers. In defense of the crews, some of whose representatives were arraigned before United States

\(^{46}\) For the entire controversy over extradition see Wise to Buchanan, February 18, 1845, in Despatches, XIII. See also Instructions to Brazilian Ministers, XV. 119-125.
tribunals, it may be said that they were usually employed unaware of the illegality implicated in their engagements. As usual in such cases, technicalities of the laws gave adequate protection to those most responsible for their violation.47

It is interesting to observe that the section of the United States which gave greatest support to abolitionism also gave greatest encouragement to the foreign slave trade. Furthermore, the support accorded these apparently antagonistic movements was at floodtide at about the same time. While it would be unreasonable to believe that many individuals gave support to the contrary movements, at least at the same time, a citizen of Maine earned for himself that reputation. The owner of the Bangor Gazette preached abolition in the columns of his paper at the same time he engaged in building ships which he knew were to be used in the illicit trade. The lucrative business of shipbuilding may account for the New Englander’s hypocrisy.48

A partial explanation of the United States government’s attitude toward the slave trade is found in the disagreements of Washington and London officials over a common policy for suppression. Following close upon separate movements in the two countries, which resulted in the abolition acts of 1807, the common program bore its first fruit in the treaty of Ghent, article ten of which obligated the Anglo-Saxon powers to use their best endeavors to put an end to the traffic.49 Apparently Great Britain was the more aggressive in carrying out the obligation; at any rate within a short time that country had entered into treaties with several of the continental nations looking toward extermination of the trade. These treaties, as already noted, provided for the mutual right of search and for trial of all captures before mixed tribunals. Not content to confine its attempts to the old world,

47 On this general topic consult communications of Proslit, February 27, 1844, Wise, March 6, 1846, and Tod, March 13, 1859, in Despatches, XII., XV., and XVII., respectively.
48 Wise to Buchanan, March 6, 1846, in ibid., XV.
49 W. M. Malloy, Treaties and Conventions, I, 618.
however, Great Britain soon approached the United States to enter into a treaty providing for a similar arrangement. President Monroe objected to both the right of search for non-piratical offenses and to trial of cases by mixed tribunals, and suggested a counter proposal, the essential feature of which was a provision to make the trade piracy. On March 13, 1824, after several months of discussion, a convention was signed. A compromise measure, the document not only declared the slave trade piracy, but it authorized the naval officers of the signatories “to cruise on the coasts of Africa, of America, and of the West Indies”, the captures to be taken before the courts of the nation to which the vessels belonged. Notwithstanding his opposition to the principle of the right of search, President Monroe urged the ratification of this convention. He professed to believe that the limited right of search granted would not be abused. But when the document came before the United States senate, it encountered strong opposition, the attacks centering on the clause extending the right of search to the coast “of America”. Although ratification was finally achieved, it came only after the attachment of several conditions and reservations. Great Britain rejected the convention as amended by the senate. Other proposals brought the two nations no nearer agreement. The right of search was invariably the insuperable difficulty.\(^{50}\)

Inasmuch as the smoke of the war of 1812 had hardly cleared away, it is not surprising that the United States under the administrations of James Monroe and John Quincy Adams refused to acquiesce in any proposals which gave countenance to the principle of the right of search. Whether surprising or not, the same policy was continued until the outbreak of the civil war in the United States. Adherence to this policy is partial explanation of the refusal of the

\(^{50}\) On the convention of 1824 see American State Papers, V. 300-302; Parliamentary Papers, Slave Trade, 1832, class B, p. 240; Richardson, Messages and Papers, II. 312-826.
United States to become a party to the Franco-British treaty on the same subject eight years later. Nor was there deviation from the same program in the negotiation of the Webster-Ashburton treaty, the eighth and ninth articles of which pledged the signatories to maintain squadrons on the African coast adequate to carry no less than eighty guns for the suppression of the trade and to remonstrate against the continuance of slave markets wherever they still existed. It is true, however, that Lewis Cass, our minister to France, resigned his post and returned home in disgust because his government had failed to make fullest use of its opportunities in securing renunciation of the right of search by Great Britain during negotiations. Although Mr. Cass may have been sincere in his protest, there is little evidence that his government intended yielding its cherished principle.51

Whether Great Britain was actually making use of slave-trade suppression propaganda in order to get acceptance of its old principle of the right of search need not concern us here. In any event it was unfortunate that the principle lay at the heart of the British proposals, for it made agreement on a common program impossible.

Equally as important in determining the attitude of the Washington government toward the trade was the rivalry of the United States and Great Britain growing out of attempts of each to secure a dominant position in Hispanic American affairs. Beginning during the struggle of the Hispanic Americans for independence, and becoming keen before the middle of the nineteenth century, this rivalry expressed itself in Texas, in Mexico, in Central America, and in South America.52 Nowhere on the continent of South America per-


52 For the general topic of Anglo-American rivalry in Hispanic America, see J. Fred Hippy, Rivalry of the United States and Great Britain over Latin America,
haps did the rivalry express itself more fully than in Brazil. And in Brazil the clearest manifestation of the spirit was in the contest for the abolition of the slave trade. The United States government was not particularly anxious to cooperate in carrying out a program which British statesmen admitted had for its ultimate goal the extinction of the institution of slavery, and which at the same time seemed likely to enhance generally the power and prestige of its greatest rival in the western hemisphere.

That differences of viewpoint on the maritime principle of the right of search and rivalry resulting from attempts to establish national policies in Brazil affected the plan for the break-up of the slave trade there can be no reasonable doubt; that these factors determined in large measure the attitude of the United States government toward the plan is quite probable. Furthermore, agitation over these dual factors caused many Americans to question both the motives and the methods of the British government in endeavoring to carry through its program. Some Yankee critics vowed that the British were more interested in securing for British merchants a monopoly of the African trade than in the welfare of the negroes. This was the explanation for the British refusal to destroy the factories along the African coast where all the supplies used in the purchase and transportation of the slaves were stored, for the destruction of such stations meant the destruction of markets for English goods; it was the explanation of the numerous treaties, which were largely of a commercial nature, negotiated by the London government with the African chiefs; it supported the allegation that the British cruisers more frequently made prizes of the slavers after the negroes had been taken on board than before. Other critics attacked the British practice which permitted the negroes liberated by the courts to be bound out to British planters in

(1808-1830). The same author also has an excellent article on the rivalry of these powers in Mexico entitled "Britain's Role in the Early Relations of the United States and Mexico", in The Hispanic American Historical Review, VII, No. 1, 2-24.
Guiana and the West Indies for periods of three to seven years. It was hard to see how this system of apprenticeship, which was occasionally extended to three consecutive terms, differed from outright slavery. Unfortunately, British policy encountered grave criticism at home also.\textsuperscript{83}

Whether these criticisms of British policy were well founded will have to be determined by further research. But, whether based on fact or myth, they furnished some support for United States policy. Together with the controversies over the right of search and the establishment of national policies in Brazil, they determined that policy on the slave trade.

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\textsuperscript{83} For much material on this topic see T. F. Buxton, \textit{The African Slave Trade}, p. 228 \textit{et seq.}; W. R. Greg, \textit{op. cit.}, pp. 10-15; United States ministers to their government, April 29, 1839, January 7 and December 14, 1844, September 29, 1840, and August 1, 1852, in Despatches, XI., XII., XIII., XV., XVIII.