THE

AFRICAN SQUADRON:

ASHBURTON TREATY:

CONSULAR SEA LETTERS.

REVIEWED, IN AN ADDRESS

BY

COMMANDER A. H. FOOTE, U.S.N.

PHILADELPHIA:
WILLIAM P. GEDDES, PRINTER,
FRANKLIN PLACE,
At the ANNUAL MEETING of the Board of Directors of the AMERICAN COLONIZATION SOCIETY held in Washington City on the 18th of January 1855, the following preamble and resolutions were adopted viz:.

WHEREAS, The African Squadron has protected the legal commerce of the United States on the coast of that Continent—has had an essential agency towards removing the guilt of the slave trade from the world, and has afforded countenance to the Republic of Liberia;—Therefore

Resolved, That no article of the Webster Ashburton Treaty, ought to be abrogated; nor the African Squadron be withdrawn or reduced, unless it be in the number of guns specified in the Treaty. But on the contrary, that said squadron, ought to be rendered more efficient, by the employment of several small steamers, as being better adapted for the suppression of the slave traffic and the protection of our legal commerce, than the mere sailing vessels now composing the squadron.

On motion of the Hon. Dudley S. Gregory, of New Jersey, seconded by President Maclean of Princeton College, it was

Resolved, That the address of Commander Foote, U. S. N. on the subject of the African Squadron under the Ashburton Treaty be published in the African Repository, Colonization Journals, and other papers.
THE AFRICAN SQUADRON,

MR. PRESIDENT:

Agreeably to the request of the Board of Directors, I will now express my views in reference to the recent action of the U. S. Senate on the subject of the African Squadron and the African Slave trade.

I have before me a copy of the Instructions for the Senior officer of H. B. Majesty's cruisers, on the west coast of Africa, in relation to the treaty of Washington.—"By the Commissioners for executing the office of Lord High Admiral of Great Britain and Ireland, &c."—which say:

"The Commanding officers of her majesty's ships on the African Station, will bear in mind that it is no part of their duty to capture, or visit, or in any way to interfere with vessels of the United States, whether these vessels shall have slaves on board or not."

These Instructions show that, as the African slave trade has been pronounced by the United States piracy only in a municipal sense— not piracy by the law of nations, bona fide American vessels, irrespective of their character, are considered by the British Government as well as our own to be in no sense amenable to foreign cruisers. But how is American nationality to be ascertained; for the slaver, even if not American, can easily hoist the American Flag; and therefore, unless the vessel is boarded, our colors may be made to cover the most atrocious acts of piracy.—The 8th article of the Washington Treaty, which the committee of the Senate on Foreign affairs, in their late report propose to abrogate, provides for the co-operation by joint cruising, of British and
American men of war. When this stipulation is carried out, the
American cruiser boards all vessels under American colors, which
prevents the escape of the slaver even under any nationality, for
if she is not American the British cruiser captures her. If
on the other hand the Treaty be abrogated, no co-operation
by joint cruising, between the two squadrons will take place,
and British cruisers then will board vessels under the American
Flag, to the detriment of our legal commerce, on suspicion of their
having assumed false nationality. This practice cannot be conceded
as a right. It conflicts with our doctrine of the inviolability of
American vessels; and in case the vessel should prove to be by her
register or sea-letter American, as her colors indicated, the foreign
boarding officer may be regarded in the light of a trespasser; although,
if the vessel be, as suspected, a foreigner, she becomes a prize to
the British cruiser, for the United States gives no immunity to its
Flag when fraudulently used by a vessel of another Nation.

The American Flag has become deeply involved in the slave
traffic. Of this as you are aware, from the reports of our officers
on the African and Brazil stations and from our diplomatic agents
in Rio de Janeiro, there is abundant evidence in the Navy and
State Departments. To correct this abuse, and with the design
more effectually to suppress the slave trade, Senator Clayton, at the
last session, introduced a bill denying consular sea-letters to Ameri-
can Vessels when sold abroad, provided such vessels were bound to
the coast of Africa. This wise and beneficent measure was adopted,
the bill passing the Senate unanimously. It is greatly to be deplored
that the same bill was not immediately taken up and passed by the
House of Representatives.

It may be well here to remark in reference to sea-letters, that on
the sale of an American vessel in a foreign port to an American
citizen, the register of the vessel, which is her proof of nationality,
cannot be transferred with the vessel itself; but a sea-letter, which
is merely a transcript of the register and bill of sale with the con-
sular seal appended, is given by the Consul as a substitute for said
register for the purpose of nationalizing the vessel.

The greatest abuse of our flag has arisen from the facility with
which these consular sea-letters have been obtained. More than
two-thirds of the slavers on the African coast claiming American
nationality, as may be found in documentary evidence, have been provided with this sea-letter. Or in other words, American vessels when sold abroad, have had their nationality perpetuated by this consular sea-letter for the express purpose of being employed in the African slave trade. And surely, when the evil arising from the issuing of this document becomes as well understood in the House, as it has been in the Senate, it may be supposed, that the bill, denying said sea-letters to African bound vessels, will also be passed unanimously by that body.

On the other hand, to those at all familiar with the cunning devices of the Slaver, it will be manifest that in order to extirpate the slave trade, even with the powerful aid of the Clayton bill suppressing sea-letters, the letter and the spirit of the Washington Treaty must be carried out, and the African Squadron rendered more efficient by substituting two or three small steamers for the larger sailing vessels. No regulation or law about sea-letters; on the sale and transfer of vessels, could repair the mischief that must inevitably follow the abrogation of that Treaty. For many an American merchant who has not scrupled to sell his vessel in Brazil or in the Spanish West Indies, knowing it to be designed for the slave trade, would not hesitate to evade the Clayton bill, were the Treaty abrogated, by sending his vessel fully equipped for the traffic, direct from the United States with her register, (as in the recent cases of the slavers Gray Eagle and Julia Moulton from New York) where she would engage in slaving under a charter party. Such instances are even now occurring, while the sea-letter is proof of nationality; and these will be greatly multiplied when by the withdrawal of sea-letters, a vessel must have a register as a protection against the interference of foreign cruisers. In proof of this view permit me to cite a case in point, which occurred while I was in command of the U. S. Brig Perry on the west coast of Africa:

A British cruiser under the Treaty now proposed to be abrogated, proceeded to Loanda and informed the American officers that the Brig "Chatsworth," a suspected slaver, was lying at Ambriz, but she being an American vessel, the British officers could do no more than to report the circumstance to the American cruisers. The "Perry" immediately sailed for Ambriz, where I, in person, boarded and searched the stranger. An American register, but no sea-letter,
was found among her papers. The “Chatsworth” was seized, and afterwards condemned in Baltimore by the U.S. District Court of Maryland. The owner was tried but acquitted—the vessel having been under a charter party in charge of an Italian Supercargo.

Now this case shows:—1st. That American vessels, owned in the United States, and sailing with bona fide registers, are engaged in the African slave trade; hence the necessity for an American squadron being continued in full force on that coast, even should the Clayton bill, denying sea-tackers to vessels when sold abroad, become a law.

2d. It also shows the importance of the treaty, providing for the co-operation by joint cruising, of American and British men-of-war;—for if the said Treaty had not been in force, the British officer would not have gone in search of an American cruiser to report the “Chatsworth”—and that vessel would have escaped with a cargo of slaves to Brazil.

I have also before me a copy of the report of the committee (of the Senate) on Foreign Relations, proposing to abrogate the 8th article of the treaty of Washington—providing for maintaining a Naval force on the Coast of Africa, for the suppression of the slave trade.

I respectfully remark on the several points presented in this Report:

1st. “The enormous expense in money, with a lamentable loss of life and destruction of the health of the officers and men employed in that noxious climate.” The committee estimate the cost of the African Squadron from $800,000 to 1,000,000, annually.—Whereas, the report of the Secretary of the Navy in the year 1842, estimates the cost at $241,182. This, be it remembered, is the first report made after the Treaty with Great Britain. The document reads:

“‘It is to be remembered that the obligation assumed by the government to keep a squadron on the Coast of Africa, does not create any absolute necessity for an increase to that amount of our naval force. Vessels already in the Navy will be selected for that service. Of course, the annual cost of repairing said vessels is but a part of the usual and necessary expenditure for the naval service. It is not proposed to increase the Navy, with the particular view of sup-
plying this squadron; nor would it be proposed to reduce the Navy if this squadron were not necessary and proper. It is merely a part of the customary and useful employment of our vessels of war.

"Certainly the squadron now contemplated is as small as this service would require under any circumstances. The treaty stipulations, therefore, do not in effect, impose any new obligations, nor exact any expenditure which would not otherwise have been necessary and proper. The pledge given to England is but the pledge given to all nations in the treaty of Ghent, and in the general course of policy with reference to the slave trade. We keep our own faith to the civilized world, upon this interesting point by simply preserving our own consistency, and rendering due protection to the interests of our own people."

This squadron now consists of one frigate and two sloops-of-war of the third class; the wear and tear of the former amounts to $20,000—and the latter (each) $10,000—$40,000. The pay of officers and men, provisions and contingencies, do not exceed $210,000,—making the entire cost $250,000—instead of $800,000—or $1,000,000—as estimated by the committee.

With regard to the "lamentable loss of life and destruction of the health of the officers and men employed in that noxious climate," the records of the Medical Bureau at Washington, will show, that the "loss of life" in the African squadron, has not exceeded that in other squadrons abroad. In my own vessel—the "Perry," we were cruising for two years, much of the time exposed in boats—frequently absent from the vessel days and nights; boarded seventy vessels, and captured two or three slavers, yet not a single death occurred among the officers and crew. The only sanitary measures adopted, were, not to be on shore during the night and issuing no grog rations during the cruise.

2d. "France at one time had an equal force with Great Britain on the Coast of Africa, say twenty-six vessels; but finding the engagements too onerous, she applied to the British Government for a modification of the treaty, which was conceded, and she now has only twelve vessels employed." The reason why France has reduced her African force from twenty-six to twelve cruisers, may be found in the fact that her squadron, now like our own, is restrictive.
to her own vessels and citizens alone. France could not, therefore, even with a larger force than England, accomplish the same result in captures as the British Squadron, as she is not in treaty with other Powers, as England is. Her squadron of steamers and sailing vessels has vindicated the French Flag by restricting its use in the slave traffic. And when it is remembered, that the legal commerce of France is 100 per cent. less than that of the United States, and that the slave trade under the French Flag has been more than 100 per cent. less than that under the American, it will readily be seen, that the twelve French cruisers are ample for the purpose of protecting French commerce and preventing the use of the French Flag in the slave trade. Had the United States, in place of her three sailing vessels, the number of steamers and sailing cruisers on the Coast with treaty stipulations for co-operation, that France now has, and which it is believed she intends to be continued there, (unless a portion be temporarily withdrawn on account of the Russian war,) we soon should hear no more of the American Flag being engaged in the slave trade, than we now do of the colors of England or France covering that atrocious traffic.

3d. "Investigating Committees in Parliament." Reference is made in the report of the Committee on Foreign Relations, to the examination of British Naval Officers in relation to the inefficiency of the British Squadron in the suppression of the slave trade. On this point, it may be remarked, that after a careful investigation by the committees of the House of Lords and House of Commons, and the examination of a number of officers who had served on the African Station, Great Britain became so fully convinced of the disastrous consequences that would attend the withdrawal or diminution of the African forces, that the efficiency of the squadron was increased by the addition of several small steamers better adapted to accomplish the purposes in view.

The House of Lords adopted the report of its committee, which stated—"that the past efficiency of the squadron has been greatly undervalued—that its cost has been greatly exaggerated—that with proper precautions it is not an unhealthy station," &c.

A like result would follow similar investigations in this country.

4th. "Treaty stipulations—co-operation by joint cruising."

The diminution of the slave trade would have taken place earlier
had the American Squadron cruised, (prior to 1849) agreeably to the provisions of the treaty, on the principal slaving ground south of the Equator. In proof of this view the following statement of facts is submitted.

In the month of December, 1849, the Commander-in-Chief of the British Squadron, proceeded to Porto Praya, and informed the American Commodore, that a number of American slavers had for a long time been on the South Coast, where for three years previously there had been no American Man-of-war to seize them. The "Perry" was accordingly despatched on that service and in a few months was followed by the "John Adams;" and within eight months, three American slavers were captured; our legal commerce, which had been annoyed by British cruisers, was protected; and our merchant vessels relieved from vexatious Custom House restrictions in the Portuguese provincial ports. This joint cruising was continued, "off and on," for a year or more; the American cruiser boarding every vessel under American colors, and the British examining her own vessels and those of the different nations with which her government was in treaty. Several French cruisers were also on the south coast. The result of these proceedings was, that the slave trade, not only in American, but also in other vessels, languished, in fact, became almost extinct. This may be seen from the following extracts of a letter, by Sir George Jackson—the British Commissioner, dated Loanda, 7th May, 1851.

"During the four years preceding your arrival, (March 1850) I did not see, and scarcely heard of a single American officer on this station. The Marlon and Boxer did indeed, if I recollect right, anchor once or twice in this harbor, but they made no stay in these parts. What was the consequence? "The treaty of Washington proved almost a dead letter, as regarded one of the contracting parties. And the abuse of the American Flag became too notorious, in promoting and abetting the slave trade, to make it necessary for me to refer further to it—more particularly in addressing one who [has] witnessed that abuse when at its height.

"The zeal and activity displayed by yourself and brother officers, and the seizures which were the result of them, at once changed the face of things. The actual loss which the traffic sustained and the dread of those further losses which they anticipated on seeing:
the U. S. Squadron prepared to confront them at those very haunts to which they had been accustomed to repair with impunity, struck terror into these miscreants, on both sides of the Atlantic. And from the date of those very opportune captures not a vessel illicitly assuming American colors has been seen on the coast. * * *

"The effect of what I have above stated has, as you know, for some time past, shown itself very sensibly at this place: money is exceedingly scarce—slaves hardly find purchasers. Failures of men who have hitherto figured as among the chief merchants of the city, have already occurred, and others are anticipated, and a general want of confidence prevails.

"We must not, however, allow ourselves to be deceived either by our own too sanguine expectations, or the interested representations of others. The enemy is only defeated, not subdued; on the slightest relaxation on our part, he would rally, and the work would have to be commenced de novo. * * * * * * * * *

"In this view it is, that I cannot too forcibly insist on the absolute necessity of the continuation of our naval exertions, which, so far from being diminished, ought as far as possible, I conceive, to be still further increased, till the hideous hydra shall be finally and forever destroyed. * * * * * * * * * *

"It would not be becoming in me, in addressing an American citizen, to do more than to testify to the mischiefs occasioned by the system I have already alluded to, of granting sea-letters, but I should hope, upon due investigation, it would be found very practicable to deny such letters to vessels sailing to the coast of Africa, without at all interfering with the interests or freedom of licit trade."

See also in this connection a letter addressed to me by the Commander-in-Chief of the British Squadron pp. 347 to 351, inclusive "Africa and the American Flag."

It is evident from the above that the slave trade, as stated in the report of the committee on Foreign Relations, "was then (1848) in a state of unusual activity," was caused solely by the absence of the U. S. Squadron on the Southern Coast where the traffic was chiefly prosecuted. For when the U. S. Squadron appeared on that coast, and co-operated agreeably to the treaty stipulation with
the English cruisers, the traffic was checked, and hence it is evident that in the suppression of this iniquitous commerce, there can be no effective substitute, either for the treaty of Washington, or for the presence of the African Squadron.

On this point, permit me to quote from the Official Report of Commander Lynch, which was published during the late Session, by order of Congress.

"If we do not wish to be accused, and perhaps justly accused, of observing the letter and neglecting the spirit of our treaty stipulations with regard to the slave trade, we will substitute small but effective steamers for sailing vessels upon the African Station. In the "John Adams," we were ten days in making the distance which could have been accomplished by a steamer in thirty-six hours.

"From the causes I have enumerated, our cruisers can visit very few places compared to the number that should be visited, and as the log-books will testify often remain long at their anchors, or make yet more lengthy passages to Madeira to recruit—a passage which under canvas alone, in the teeth of a trade wind, is often more prolonged and more wearing to the ship, than if she came directly home."

On the 17th July, 1852, Commodore Lavellette, then in command of the U. S. African Squadron, addressed a friend, thus:

"It is proposed, I understand, to withdraw the squadron from the Coast of Africa, and I believe upon the ground of the opinion that the efforts of the combined squadrons to suppress the slave trade have been a failure; that no good or important object has been effected, when on the contrary, the slave trade is completely checked and will be entirely suppressed by a continuance of a sufficient naval force on this Coast. Let it be withdrawn, and I am certain that the slave trade will become as rife as ever it was, and the legitimate trade of the coast greatly injured. I trust that the squadron may not be withdrawn, but that it will be kept up, and instead of half a dozen sailing vessels being employed in this service, there may be sent to the station three or four steam vessels that will more effectually protect our commercial interests in this quarter, as well as more certainly suppress the slave trade."

Commodore Mayo, now in command of the African Squadron, writes under date of 23d December, 1853:
“You are quite right in supposing that the withdrawal of the African Squadron would be attended with most injurious results. Our trade on this coast would certainly be destroyed, our flag would be prostituted to the purposes of the slave trade, and the Liberian Colonies would lose the valuable influence which the presence of our ships of war exercises upon the minds of the natives.

“It is much to be deplored that the want of small steamers in our Navy deprives this squadron of the greatest modern improvement in naval equipments, for these calm seas are particularly adapted to steam navigation. I am of opinion that it is very essential that the flag ship at least, should be a steamer.”

The increase of commerce, and the advancement of Christian civilization, will undoubtedly, at no distant date, render a naval force for the suppression of the African slave trade unnecessary, but no power having extensive commerce ought ever to overlook the necessity of a naval force on that coast. For in a country so near as Africa, and with which the United States is so intimately connected, the duty of preventing evil by the presence of power is imperative, otherwise, we at once jeopardize our citizens and lead the savage into crime.

5th. The report of the Committee on Foreign Relations says, “the total result of the operations of our squadron during twelve years, has been the capture of fourteen vessels.”

By reference to the letter of Sir George Jackson, it will be seen that the result of co-operation by joint cruising, almost entirely swept the slave trade from the coast within a single year. As the Commissioner says, “it struck terror into those miscreants on both sides of the Atlantic, and from the date of those very opportune captures, not a vessel illicitly assuming American colors has been seen on the coast.” Besides this result, many Spanish, Portuguese, and Brazilian slavers were captured by the British Squadron; and many of these, had there been no union of effort between the two services, would have escaped with their cargoes of slaves under the pretense of American Nationality.

6th. “Your committee think that if the American Flag be still employed in this nefarious traffic, now prohibited by every Christian nation, and surreptitiously tolerated by Spain alone, the abuse can be more efficiently corrected by the employment of our cruisers in the vicinity of those Islands.”
If the African Squadron were stationed off the Spanish West Indies, and were the cruisers even to capture an American slaver, "the horrors of the middle passage" must be twice endured in re-landing the slaves (at Monrovia) on the Continent. But from the unsuccessful efforts of our Home, or West Indian Squadron, (which it is believed has not made a single capture, as there is no treaty there securing union of effort between American and British cruisers) it may fairly be presumed, that there is but little prospect of preventing slaves being landed in Cuba, even were a portion of the African Squadron, as suggested in the report, added to the force already in the West Indies.

On this point we quote from a report drawn up by Messrs. Charles F. Mercer and Hemphill, M. C.'s, in July, 1821. Its last sentence suggests:—"If slave ships are permitted to escape from the African Coast, and to be dispersed to different parts of the world, their capture would be rendered uncertain if not hopeless."

7th. The committee say, "The policy of stipulations of this kind may well be questioned on general grounds." But in the language of the Secretary of the Navy, in his report, December, 1842, it may be said, "The pledge given to England is but the pledge given to all nations in the treaty of Ghent, and in the general course of our policy with reference to the slave trade. We keep our faith to the civilized world on this interesting point, by simply preserving our own consistency, and rendering due protection to the interests of our people."

In the year 1852, an American captain, then demanding of his employers a certain amount of "hush money," stated to an American officer, that, not only American vessels had been extensively engaged in the slave trade, but American merchants in New York and elsewhere, had embarked a large amount of capital in the traffic. This statement was corroborated by papers then in possession of the American captain; and has been rendered certain by the disclosures on the trial of the captain of the slaver Julia Moulton recently convicted in New York for having been engaged in the slave trade. Surely, the United States, whose vessels and flag have been more extensively employed in the slave traffic, than those either of England or France, ought not to be the first power to propose the abrogation of the treaty for its suppression.
A great country like this should take no step backward in the holy cause of benevolence. If we abrogate the treaty it will militate against American commercial interests, and lead to the revival of a traffic, from which, humanity turns with horror. Shall the United States whose flag has covered more slavers than those of England or France combined, be the first to abandon the treaty stipulation, and thus play a feeble if not a false part in the cause of humanity? When the co-operating forces with the aid of Liberia have swept the slave trade from more than one-half the stations and when not more than six or eight years to come of vigilant cruising are required to expel the traffic from Senegal north, to Benguela south—the whole line of slave coast,—will this nation be so untrue to its commercial interests, to the vindication of its prostituted flag, and to the cause of suffering humanity, as to abrogate a treaty, under which alone, the most atrocious traffic the world has ever seen, can be extirpated? No! When this subject is at all understood, as it only can be fully from the results of cruising on the African coast, it is believed, that not a member of the Committee on Foreign Relations in either House of Congress, nor a member of either branch of the Government, can hesitate for a moment in sustaining the treaty, and providing the necessary means for the speedy accomplishment of its object.

Permit me here to quote from the able report of the Secretary of the Navy presented to Congress at the last session. That document says:

"The opinion has heretofore been frequently expressed, that there is no necessity for a squadron of so many guns on the Coast of Africa, and that notice should be given to Great Britain under the terms of the treaty, in regard to the suppression of the slave trade; so as to be relieved from its obligations. The commerce on that Coast has, of late years, increased so greatly; and American ships trading in that region have multiplied so much, that I am satisfied the squadron is needed, and is very effective in protecting our citizens, as well as suppressing the slave trade."

I have thus attempted to show that, the Clayton bill, preventing the issuing of sea-letters to vessels bound to the African coast ought to become a law. I have also attempted to show in a review of the report of the Committee on Foreign Relations proposing to abrogate the 8th article of the Treaty of Washington, that such
a measure would be fraught with the most direful results. And for reasons assigned, I am clearly of the opinion, that all that is necessary to give permanency to the suppression of the slave trade, at those points where it has already been suppressed, and to extirpate this commerce on the whole line of the slave coast, will be the continuation of the squadrons, under treaty stipulations, for a few years to come. By these means, the natives of Africa who have heretofore been engaged almost exclusively in the slave trade, will have time to become interested in the trade of the natural products of the country; and when they have tested the superior advantages of this, they will find very little disposition to revert to the trade in their fellow men. But if either the United States, or Great Britain, were now to withdraw their squadron, the vessels of that Nation, without a squadron, would at once revive the iniquitous traffic in all its horrors.

Considering that we have had no steamers on that coast, and but few sailing cruisers, our squadron has been efficient in fulfilling its duties. Its appearance alone had great influence. It showed a determination in our government to share in the naval charge of these vast seas and shores. Our country thus became present, as it were, in power to repress, and if needs be, by punishment to avenge outrages on our citizens or their property. The squadron has protected our legal commerce, which is more extensive on the south coast, than that of England or France; it has checked by important captures, and still more by its presence, the desecration of our flag; and has had an essential agency in removing the guilt of the slave trade from the world. If, therefore, the Government is in earnest in its declared determination to suppress the slave trade in American vessels; if it means to afford protection to the rapidly increasing legitimate trade between the two countries; and if it looks favorably on the cause of Christian civilization and African colonization on that vast continent, it will not listen to the proposition to abrogate any article of the Webster Ashburton treaty, nor to withdraw or reduce the African squadron, except it be in the number of guns specified in the treaty. But on the contrary, it will increase the efficiency of that force by the addition of several small steamers, as being better adapted for the suppression of the slave traffic, and for the protection of our valuable commerce, than the mere sailing vessels now composing the
squadron. Finally:—We cannot believe that the people of the United States are unwilling to sustain an effective squadron on the African coast, while France and England have each well appointed fleets in that region;—especially when it is understood how extensively the slave trade has been prosecuted in American vessels. Under these circumstances, we certainly ought not to leave the work of exterminating that infamous traffic wholly to other powers; when, with the Clayton prohibition of Consular Sea-letters superadded to the African Squadron and the Ashburton Treaty, we may bear a glorious part in its speedy and permanent suppression.