

## THE SLAVE TRADE.

[To accompany Bill S. No. 464.]

MAY 31, 1860.

Mr. REYNOLDS, from the Committee on the Judiciary, made the following

### REPORT.

*The Committee on the Judiciary, to whom was referred Senate bill No. 464, being a bill to amend an act entitled "An act in addition to the acts prohibiting the slave trade," together with the messages of the President of the United States relative to the capture of the slavers "Wildfire" and "William," near the coast of Cuba, having had the same under consideration, respectfully report :*

By the act entitled "An act in addition to the acts prohibiting the slave trade," approved March 3, 1819, the President of the United States was authorized, whenever he should deem it expedient, to cause any of the armed vessels of the United States to cruise on any of the coasts of the United States or the Territories thereof, or on the coast of Africa or elsewhere, where he may judge attempts may be made to carry on the slave trade by citizens of the United States in contravention of the acts of Congress prohibiting the same, and to instruct the commanders of the vessels which may be employed in this service to seize and bring into any port of the United States all ships or vessels of the United States found engaged in the prosecution of the slave trade, to be proceeded against according to law. The act further provides for the condemnation of the slave vessel and cargo, and for the delivery of the negroes, mulattoes, and persons of color found on board to the marshal of the district into which they are brought, if it be a port of the United States, or if elsewhere, to such person or persons as may be appointed by the President, and subject to his direction as to the disposition to be made of them. Provision is also made for the delivery of the officers and crew of the slaver to the civil authorities of the United States, to be proceeded against in due course of law.

The second section of the act authorizes the President to make such regulations and arrangements as he may deem expedient for the safe keeping, support, and removal beyond the limits of the United States of all such negroes, mulattoes, or persons of color as may be so delivered and brought within their jurisdiction, and to appoint a proper

person or persons residing upon the coast of Africa, as agent or agents for receiving the negroes, mulattoes, or persons of color delivered from on board vessels seized in the prosecution of the slave trade by commanders of the armed vessels of the United States.

These appear to be all the provisions of the act material to be now considered.

Soon after the passage of this act a question arose as to the powers of the President in respect to the protection and support of Africans taken from vessels engaged in the slave trade after they had reached their destination on the coast of Africa.

In a special message to Congress by President Monroe on the 17th of December, 1819, he expressed the opinion that under the provisions of the act of March 3, 1819, it was the duty of the President to afford protection to the defenceless beings thus brought under the care of the government after they had reached the coast of Africa until they should be able to take care of themselves. In communicating this opinion he stated that some doubt had arisen as to the true interpretation of the act in this particular, and he presented the question to Congress in order that, if deemed advisable, the same might be amended before further proceedings should be had under it. No action was had by Congress, and Mr. Monroe proceeded to carry the act into execution according to his interpretation, and such it is believed has been the uniform practice of the Executive from that period to the present.

Mr. Buchanan, adopting the same construction of the act, on the 7th day of September, 1858, entered into an agreement with the American Colonization Society to receive the Africans captured on the slaver *Echo* from the agent of the United States in Liberia, to furnish them during the period of one year thereafter with comfortable shelter, clothing and provisions, and to cause them to be instructed in the arts of civilized life suitable to their condition at the rate of \$150 for each person. To meet the expenses growing out of this contract, the President recommended an appropriation by Congress of \$75,000, which was granted on the 3d of March, 1859, "to enable the President of the United States to carry into effect the act of Congress of 3d of March, 1819, and any subsequent acts now in force for the suppression of the slave trade."

It may therefore be regarded as the settled policy of the government, under the act of 1819, to protect and provide for, out of the national treasury, Africans taken on board of slavers after they have reached the coast of Africa, for such a period of time as will, so far as practicable, place them beyond the dangers of recapture as slaves. It seems quite obvious that if it be the policy of the government of the United States in good faith to employ its power and authority to exterminate an inhuman traffic, no other construction could properly have been given to the act 1819; and if it admits of any doubt it should be promptly removed by the action of Congress, for to turn the unfortunate victims of the slave trade unprotected upon the inhospitable coast of Africa would expose them to the danger of perishing for want of food and shelter, or to become again subject to the dominion of the slave traders, and thus defeat the entire purpose for which the laws of Congress pro-

hibiting the slave traffic were enacted. By the 8th article of the treaty between the United States and Great Britain ratified on the 9th of August, 1842, and known as the "Ashburton treaty," the contracting parties mutually agreed that each should prepare, equip, and maintain in service on the coast of Africa a sufficient naval force to enforce separately and respectively the laws, rights, and obligations of the two governments for the suppression of the slave trade. The respective squadrons are to be independent of each other, but both governments stipulate to give such orders to the commanding officers of the respective forces as shall enable them most effectually to act in concert and co-operation, as exigencies may arise, for the suppression of the slave trade. It is thus clear that the government of the United States is not only under the highest obligation to see that its own laws for the suppression of the slave trade are fairly enforced, but also to co-operate with the British naval force on the coast of Africa for the attainment of the same object.

The recent capture on the coast of Cuba of the slavers "Wildfire" and "William," with over one thousand African negroes on board, the particulars of which are communicated to Congress by the President in his special messages of the 19th and 22d of May, 1860, furnishes an appropriate occasion for the correction of some defects in the existing laws relating to the subject, and which are suggested by the President. By the act of 1819 the captured slaver with its cargo is to be taken to some port of the United States, and the Africans found on board delivered to the custody of the marshal of the United States, subject to their removal to the coast of Africa under the direction of the President. The expense of erecting temporary accommodations and providing for the comfort and health of the Africans taken from the slavers "Wildfire" and "William," now in the custody of the United States marshal at Key West, until their removal under the direction of the President, will be quite large. This may ordinarily be obviated in future by giving authority to the President to direct the commanding officer by whom a slaver is taken to proceed directly to the coast of Africa and deliver the Africans found on board to the American agent at that point, and afterwards return to the United States with the vessel and crew to be proceeded against according to law. To provide for their protection when so delivered the President should be authorized to contract with responsible parties there for the care and protection of all Africans taken on board of vessels employed in the slave trade which may from time to time be delivered to the American agent. These provisions, if carried into effect, it is believed will enable the President to execute the laws of Congress prohibiting the slave traffic with the least possible cost to the government consistent with a proper regard to the laws of humanity.

In providing for a due enforcement of the laws against the slave trade, it may be safely assumed that the policy of the government will be in the future, as it has been in the past, entirely against the continuance of this traffic in any form. Any change in this respect would not only be in disregard of the humane policy inaugurated by the early fathers of the republic and persistently adhered to during our entire

history, but in violation of treaty obligations, as well as unworthy of a civilized nation and shocking to the moral sense of mankind.

It is therefore proper that, in the execution of the laws upon this subject, the President should not only be invested with the requisite authority to be exercised in every exigency, but a due regard to convenience and economy require that the provisions in respect to the disposition of Africans captured on board slave vessels, should be to a reasonable extent permanent in their character, so that new arrangements are not necessary to be made upon every fresh capture. It is too obvious to need argument that a permanent arrangement for the protection of captured Africans can, under most circumstances, be made upon terms more favorable to the government than can ordinarily be obtained under such circumstances as now require the immediate action of the President and Congress respecting the disposition of those now awaiting removal at Key West.

Your committee are of opinion that the suggestion of the President that an agreement be made for the care of captured Africans with the American Colonization Society, should receive the approbation of Congress. That society, under an agreement made in 1848 with the government of Liberia, possess all the facilities necessary to the care and protection of such unfortunate victims of the slave traffic as may become entitled to attention from our government, and actual experience has shown that this society is able to maintain them until they are able to maintain themselves, at less expense than if the government perform that duty, by means of its own agents. It is believed also, that \$150 for one year for their maintenance in Africa is not an unreasonable sum; and your committee are reliably informed that they cannot be properly cared for for the requisite period of time for a less amount, and a failure by Congress to give the requisite authority for such a contract, with an adequate appropriation to carry it into effect, will greatly embarrass the action of the President, and perhaps leave the unfortunate creatures at Key West to die of yellow fever before removal, or subject them to the danger of starvation on the African coast, or of recapture by the slave traders who constantly hover around that locality.

Your committee therefore recommend the adoption of the provision of the Senate bill, in the amendments increasing the appropriation to \$250,000, and the price to be paid for the maintenance of each individual on the coast of Africa not to exceed, in any case, \$150; while the cost of removing and providing for the Africans now at Key West, under this arrangement will necessarily be large, we believe this consideration cannot properly influence the action of Congress if the intention be to carry out, in good faith, our own laws and the treaty obligations of the government. That a large number of Africans, taken from slave vessels, are now awaiting removal at Key West, involving an unusual cost to the government, only proves the extent to which the slave traffic is carried on in violation of law, and demonstrates the necessity of strengthening the executive arm of the government with the requisite power and money to provide for the unfortunate and to punish the guilty.

Under the provisions of the bill reported by the committee, the

President will have full authority to direct any commander of an armed vessel of the United States to bring any captured slaver and cargo to a designated port in the United States, where permanent accommodations may be provided for the Africans until their removal. Such a power discreetly exercised, will prevent a recurrence of the inconvenience and expense which has attended the landing of the cargoes of the "Wildfire" and "William" at Key West, in the erection of temporary accommodations for their shelter. Such ports may be designated by the President with reference to the season of the year when a slaver may be taken, as well as with reference to climate and healthfulness of location.

Your committee, in consideration of the exigency of the occasion, earnestly second the recommendations of the President, and respectfully urge the passage of the Senate bill as amended.