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SLAVERY & THE SLAVE TRADE.

FROM

JUDGE STORY'S CHARGE

TO THE

GRAND JURY OF THE U. S. CIRCUIT COURT,

IN

PORTSMOUTH, N. H.—MAY TERM 1820.

The existence of Slavery under any shape is so repugnant to the natural rights of man and the dictates of justice, that it seems difficult to find for it any adequate justification. It undoubtedly had its origin in times of barbarism, and was the ordinary lot of those conquered in war. It was supposed that the conqueror had a right to take the life of his captive, and by consequence might well bind him to perpetual servitude. But the position itself on which this supposed right is founded, is not true. No man has a right to kill his enemy except in cases of absolute necessity; and this absolute necessity ceases to exist even in the estimation of the conqueror himself, when he has spared the life of his prisoner. And even, if in such a case it were possible to contend for the right of slavery, as to the prisoner himself, it is impossible that it can justly extend to his innocent offspring through the whole line of descent. I forbear however, to touch on this delicate topic, not because it is not worthy of the most deliberate attention of all of us; but it does not properly fall within my province on the present occasion. It is to be lamented indeed, that slavery exists in any part of our country; but, it should be considered that it is not an evil introduced in the present age. It has been entailed upon a part of our country by their ancestors; and to provide a safe and just remedy for its gradual abolition, is undoubtedly as much the design of many of the present owners of slaves, as of those philanthropists who have labored with so much zeal and benevolence to effect their emancipation. It is indeed one of the many blessings, which we have derived from christianity, that it prepared the way for a gradual abolition of slavery, so that at the close of the twelfth century it was greatly diminished in the west of Europe; and it is one of the stains on the human character, that the revival of letters and of commerce brought with it an unnatural lust of gain, and with it the plunder and slavery of the wretched Africans.

To our country belongs the honor as a nation, of having set the first example of prohibiting the further progress of this inhuman traffic. The constitution of the United States, having granted to Congress the power to regulate foreign commerce, imposed a restriction for a limited period, upon its right of prohibiting the migration or importation of slaves. Notwithstanding this, Congress with a promptitude, which does honor to their humanity and wisdom, proceeded in 1794 to pass a law to prohibit the traffic of slaves by our citizens in all cases not within the reach of the constitutional restriction; and thus cut off the whole traffic *between foreign ports*. In the year 1800 an additional law was passed to enforce the former enactments; and in the year 1807, (the epoch, when the constitutional restriction was to cease, beginning with the ensuing year) a general prohibition of the traffic as well in our domestic as foreign trade, was proudly incorporated into our statute book. About the same period the British Government, after the most severe opposition from slave dealers and their West Indian friends, achieved a similar measure and enacted general prohibition of the trade as well to foreign ports as to their colonies. This act was indeed the triumph of virtue, of reason and of humanity over the hard-heartedness of avarice; and while it was adorned by the brilliant talents of Pitt, Fox, Romilly and Wilberforce, let us never forget that its success was principally owing to the modest but persevering labors of the Quakers, and above all to the resolute patience and noble philanthropy of a man immortalized by his virtues, the intrepid Thomas Clarkson.

It is a most cheering circumstance that the examples of the United States and Great Britain in thus abolishing the Slave trade, have, through the strenuous exertions of the latter, been generally approved throughout the continent of Europe. The Government of Great Britain has indeed employed the most indefatigable and persevering diligence to accomplish this desirable object; and treaties have been made by her with all the principal foreign powers, providing for a total abolition of the trade within a very short period. May America not be behind her in this glorious work; but by a generous competition in various deeds restore the degraded African to his natural rights, and strike his manacles from the bloody hands of his oppressors.

By our laws it is made an offence for any person to import or bring, in any manner whatsoever, into the United States, or its territories from any foreign country, any negro, mulatto, or person of color with intent to hold, sell or dispose of him as a slave, or to be held to service or labor. It is also made an offence for any citizen or other person as master, owner or factor, to build, fit, equip, load or otherwise prepare any vessel in any of our ports, or to cause any vessel to sail from any port whatsoever for the purpose of procuring any negro, mulatto, or person of color from any foreign country to be transported to any port or place whatsoever,

to be held, sold or disposed of, as a slave, or *to be held to service or labor*. It is also made an offence for any citizen or *other person resident within our jurisdiction* to take on board, receive or transport in any vessel from the Coast of Africa or any other foreign country, or from sea, any negro, mulatto or person of color not an inhabitant of, or held to service in the United States, for the purpose of holding, selling or disposing of such person as a slave, or to be held to service or labor.

It is also made an offence for any person within our jurisdiction to hold, purchase, sell or otherwise dispose of any negro, mulatto, or person of color for a slave, or to be held to service or labor, who shall have been imported into the United States in violation of our laws—and in general the prohibitions in these cases extend to all persons who shall abet or aid in these illegal designs. These offences are visited as well with severe pecuniary and personal penalties, as with the forfeiture of the vessels and their equipments, which have been employed in the furtherance of these illegal projects; and in general a moiety of the pecuniary penalties and forfeitures is given to any person who shall inform against the offenders and prosecute them to conviction. The President of the United States is also authorized to employ our armed vessels and revenue cutters to cruise on the seas for the purpose of arresting all vessels and persons engaged in this traffic in violation of our laws; and bounties as well as a moiety of the captured property are given to the captors to stimulate them in the discharge of their duty.

Under such circumstances it might well be supposed that the Slave Trade would in practice be extinguished;—that virtuous men would by their abhorrence stay its polluted march, and wicked men would be overawed by its potent punishment. But unfortunately the case is far otherwise. We have but too many melancholly proofs from unquestionable sources, that it is still carried on with all the implacable ferocity and insatiable rapacity of former times. Avarice has grown more subtle in its evasion; and watches and seizes its prey with an appetite quickened rather than suppressed by its guilty vigils. American citizens are steeped up to their very mouths (I scarcely use too bold a figure) in this stream of iniquity.—They throng the coasts of Africa under the stained flags of Spain and Portugal, sometimes selling abroad “their cargoes of despair,” and sometimes bringing them into some of our southern ports, and there under the forms of the law defeating the purposes of the law itself, and legalizing their inhuman but profitable adventures. I wish I could say that New England and New Englandmen were free from this deep pollution. But there is some reason to believe that they who drive a loathsome traffic, “and buy the muscles and the bones of men,” are to be found here also. It is to be hoped the number is small; but our cheeks may well burn with shame while a solitary case is permitted to go unpunished.

And, Gentleman, how can we justify ourselves or apologize for an indifference to this subject? Our constitutions of government have declared that all men are born free and equal, and have certain unalienable rights, among which are the right of enjoying their lives, liberties and property, and of seeking and obtaining their own safety and happiness. May not the miserable African ask "Am I not a man and a brother?" We boast of our noble struggle against the encroachments of tyranny, but do we forget that it assumed the mildest form in which authority ever assailed the rights of its subjects, and yet that there are men among us who think it no wrong to condemn the shivering negro to perpetual slavery?

We believe in the Christian religion. It commands us to have good will to all men; to love our neighbors as ourselves, and to do unto all men as we would they should do unto us. It declares our accountability to the Supreme God for all our actions, and holds out to us a state of future rewards and punishments as the sanction by which our conduct is to be regulated. And yet there are men calling themselves Christians who degrade the negro by ignorance to a level with the brutes, and deprive him of all the consolations of religion. He alone of all the rational creation, they seem to think, is to be at once accountable for his actions, and yet his actions are not to be at his own disposal; but his mind, his body, and his feelings are to be sold to perpetual bondage.—To me it appears perfectly clear that the slave trade is equally repugnant to the dictates of reason and religion, and is an offence equally against the laws of God and man.—Yet strange to tell, one of the pretences upon which the modern slavery of the Africans was justified, was the "duty of converting the heathen."

I have called this an *inhuman* traffic, and, gentlemen, with a view to enlist your sympathies as well as your judgement in its suppression, permit me to pass from these cold generalities to some of those details, which are the ordinary attendants upon this trade. Here indeed there is no room for the play of imagination. The records of the British Parliament present us a body of evidence on this subject, taken with the most scrupulous care while the subject of the abolition was before it; taken too from persons who had been engaged in, or eye witnesses of the trade; taken too, year after year in the presence of those whose interests or passions were most strenuously engaged to oppose it. That it was not contradicted or disapproved, can only be accounted for upon the ground, that it was the truth and nothing but the truth. What, therefore, I shall briefly state to you on this subject, will be drawn principally from those records; and I am free to confess that great as was my detestation of the trade, I had no conception until I recently read an abstract of this evidence, of the vast extent of misery and cruelty occasioned by its ravages. And if, gentlemen, this detail shall awaken your minds to the absolute necessity of constant

vigilance in the enforcement of the laws on this subject, we may hope that public opinion following these laws, will very soon extirpate the trade among our citizens.

The number of slaves taken from Africa in 1768 amounted to 104,000; and though the numbers somewhat fluctuated in different years afterwards, yet it is in the highest degree probable that the average, until the abolition, was not much below 100,000 a year. England alone in the year 1786, employed 130 ships, and carried off about 42,000 slaves.

The unhappy slaves have been divided into seven classes. The most considerable and that which contains at least *half* of the whole number transported, consists of *kidnapped people*.—This mode of procuring them includes every species of treachery and knavery.—Husbands are stolen from their wives, children from their parents, and bosom friends from each other. So generally prevalent are these robberies, that it is a first principle of the natives not to go unarmed while a slave ship is on the coast, for fear of being stolen. The second class of slaves, and that not *inconsiderable*, consists of those whose villages have been depopulated for obtaining them.—The parties employed in these predatory expeditions go out at night and set fire to the villages which they find, and carry off the wretched inhabitants, thus suddenly thrown into their power as slaves.—The practice is indeed so common, that the remains of deserted and burnt villages are every where to be seen on the coast.

The third class of slaves consists of such persons as are said to have been convicted of crimes, and are sold on this account for the benefit of their kings; and it is not uncommon to impute crimes to them falsely, and to bring on mock trials for the purpose of bringing them within the reach of the royal traders.

The fourth class includes prisoners of war captured sometimes in ordinary wars, and sometimes in wars originated for the very purposes of slavery.

The fifth class comprehends those who are slaves by birth; and some traders on the coast make a practice of breeding from their own slaves, for the purpose of selling them, like cattle, when they are arrived at a suitable age. The sixth class comprehends such as have sacrificed their liberty to the spirit of gaming; and the seventh and last class, are those who being in debt, are seized according to the laws of the country, and sold to their creditors.—The two last classes are very inconsiderable, and scarcely deserve mention.

Having lost their liberty in one of the ways already mentioned, the slaves are conveyed to the banks of the rivers or sea coast.—Some belong to the neighborhood; others have lived in distant parts; and others are brought a thousand miles from their homes. Those who come from a distance march in droves or cauffles, as they are called. They are secured from rising or running away by pieces of wood which attach the necks of two and two together

—or by other pieces which are fastened by staples to their arms.—They are made to carry their own water and provisions; and are watched and followed by drivers, who by force compel the weak to keep up with the strong.

They are sold immediately upon their arrival on the rivers or coast either to land-factors, at depots for the purpose, or directly to the ships engaged in the trade.—They are then carried in boats to the various ships whose Captains have purchased them. The men are immediately confined two and two together either by the neck, leg, or arm, with fetters of solid iron. They are then put into their apartments, the men occupying the forepart, the women the after part, and the boys the middle of the vessel. The tops of these apartments are grated for the admission of light and air; and the slaves are stowed like any other lumber, occupying only an allotted portion of room. Many of them, while the ships are waiting for their full lading in sight of their native shore, manifest great appearance of distress and oppression; and some instances have occurred where they have sought relief by suicide, and others where they have been afflicted with delirium and madness.—In the day time, if the weather be fine, they are brought upon deck for air. They are placed in a long row of two and two together, on each side of the ship, a long chain is then made to pass through the shackles of each pair, and by this means each row is secured to the deck. In this state they eat their miserable meals, consisting of horse beans, rice and yams, with a little pepper and palm oil.—After their meals, it is a custom to make them jump for exercise as high as their fetters will allow them: and if they refuse they are whipped until they comply. This the slave merchants call dancing; and it would seem literally to be the dance of death.

When the number of slaves is completed, the ships begin what is called the middle passage, to transport the slaves to the colonies.—The height of the apartments in the ships is different according to the size of the vessel, and is from six feet to three feet, so that it is impossible to stand erect in most of the vessels, and in some scarcely to sit down in the same posture. If the vessel be full, their situation is truly deplorable. In the best regulated ships, a grown person is allowed but 16 inches in width, 32 inches in height, and five feet eleven in length, or to use the expressive language of a witness, not to so much room as a man has in his coffin.—They are indeed so crowded below that it is almost impossible to walk through the groupes without treading on some of them; and if they are reluctant to get into their places they are compelled by the lash of a whip.—And here their situation becomes wretched beyond description.—The space between decks where they are confined often becomes so hot that persons who have visited them there, have found their shirts so wetted with perspiration that water might be wrung from them; and the steam from their confined bodies comes up through the gratings like a furnace.—The bad effects of

such confinement and want of air are soon visible in the weakness and faintness which overcomes the unhappy victims. Some go down apparently well at night and are found dead in the morning. Some faint below and die from suffocation before they can be brought upon deck. As the slaves, whether well or ill, always lie upon bare planks, the motion of the ship rubs the flesh from the prominent parts of their body, and leaves their bones almost bare. The pestilential breath of so many in so confined a state renders them also very sickly and the vicissitudes of heat and cold generate a flux—when this is the case (which happens frequently) the whole place becomes covered with blood and mucus like a slaughter house; and as the slaves are fettered and wedged close together, the utmost disorder arises from endeavors to relieve themselves in the necessities of nature; and the disorder is still further increased by the healthy being not unfrequently chained to the diseased, the dying and the dead!!! When the scuttles in the ship's sides are shut in bad weather, the gratings are not sufficient for airing the room; and the slaves are then seen drawing their breath with all that anxious and laborious effort for life, which we observe in animals subjected to experiments in foul air or in the exhausted receiver of an air pump. Many of them expire in this situation crying out in their native tongue "We are dying"—During the time that elapses from the slaves being put on board on the African coast to their sale in the colonies about one fourth part, or twenty-five thousand per annum are destroyed—a mortality which may be easily credited after the preceding statement.

At length the ship arrives at her destined port, and the unhappy Africans who have survived the voyage are prepared for sale. Some are consigned to Brokers, who sell them for the ships at private sale. With this view they are examined by the planters, who want them for their farms, and in the selection of them, friends and relations are parted without any hesitation; and when they part with mutual embraces they are separated by a lash. Others are sold at public auction and become the property of the highest bidder.—Others are sold by what is denominated a "scramble." In this case the main and quarter decks of the ship are darkened by sails hung over them at a convenient height. The slaves are then brought out of the hold and made to stand in the darkened area. The purchasers who are furnished with long ropes, rush at a given signal within the awning, and endeavor to encircle as many of them as they can.

Nothing can exceed the terror which the wretched Africans exhibit on these occasions. A universal shriek is immediately heard—all is consternation and dismay—the men tremble—the women cling together in each other's arms—some of them faint away and others are known to expire.

About 20,000 or one fifth part of those who are annually imported die during the "seasoning," which seasoning is said to expire

when the two first years of servitude are completed. So that of the whole number about one half perish within two years from their first captivity. I forbear to trace the subsequent scenes of their miserable lives worn out in toils, from which they can receive no profit, and oppressed with wrongs from which they can hope for no relief.

The scenes which I have described are almost literally copied from the most authentic and unquestionable narratives published under the highest authority. They present a picture of human wretchedness and human depravity, which the boldest imagination would hardly have dared to portray, and from which (one should think) the most abandoned profligate would shrink with horror.— Let it be considered that this wretchedness does not arise from the awful visitations of providence in the shape of plagues, famines or earthquakes, the natural scourges of mankind; but is inflicted by man on man from the accursed love of gold. May we not justly dread the displeasure of that Almighty Being who is the common father of us all, if we do not by all means within our power endeavor to suppress such infamous cruelties. If we cannot like the good Samaritan bind up the wounds and sooth the miseries of the friendless Africans, let us not like the Levite pass with sullen indifference on the other side. What sight can be more acceptable in the eyes of heaven than that of good men struggling in the cause of oppressed humanity? What consolation can be more sweet in a dying hour, than the recollection that at least one human being may have been saved from sacrifice by our vigilance in enforcing the law?

I make no apology, Gentlemen, for having detained you so long upon this interesting subject. In vain shall we expend our wealth in missions abroad for the promotion of christianity; in vain shall we rear at home magnificent temples to the service of the most High; if we tolerate this traffic, our charity is but a name, and our religion little more than a faint and delusive shadow.



