SPEECHES

ON

THE SLAVE TRADE

AND

SLAVERY.

INTRODUCTION.

MR. WILBERFORCE—MR. GRANVILLE SHARP—MR. CLARKSON.

The history of the Slave Trade is too fresh in the recollections of men, to require any full details in this place. As soon as South America began to be explored by the Spaniards and Portuguese, it was found that the speculations of their insatiable avarice, which the plunder and torture of the natives had only for the moment appeased, could not be permanently carried on without a supply of hands to work the mines, and to cultivate in the islands, the rich produce of tropical climates. The Indians, a feeble race, unused to toil were soon exceedingly reduced in numbers; and the practice was instituted of bringing over Negroes from the coast of Africa. The shortness of the distance between that continent and the Brazils first suggested this traffic to the Portuguese, who had settlements on the African coast; but it was not followed to any great extent, or in a regular manner. The speculators of New Spain, however, soon felt the want of hands to work their mines and cultivate their lands; and Bartolomeo de las Casas, a friar of the Dominican order, who had charitably devoted his life to the protection of the unhappy Indians, treated like cattle, only that they
were more inhumanly used by their cruel and profligate task-masters, now joined in the scheme, if he did not first suggested it, of supplying their place with African Negroes. He never reflected, says the historian, "upon the iniquity of reducing one race of men to slavery, while consulting about the means of granting liberty to another; but, with the inconsistency natural to men who hurry with headlong impetuosity towards a favourite point, in the warmth of his zeal to save the Americans from the yoke, pronounced it lawful and expedient to impose one much heavier upon the Africans." * Charles V. granted a patent for introducing four thousand Negroes yearly into Spanish America, and thus was begun that horrible traffic which immediately began to ravage Africa, and ended in exposing the American continent to the utmost peril, while it brought eternal disgrace upon the Christian profession and the European name.

After this scourge had been suffered to desolate Africa, and to disgrace mankind for two centuries and a half, the attention of men was at length directed to it by some eminent philanthropists of this country. Among these, a high place must be assigned to Granville Sharp, than whom a purer spirit never resided in the human form. With a perseverance which is only not unexampled because it set an example afterwards followed by other labourers in the same cause; with a benevolence which was quite universal, and made the aspect of human suffering so painful to him, that he would suffer any privation to lessen it; with a piety which, though it rose to an enthusiasm that oftentimes warped his otherwise clear and sound judgment, was yet wholly unattended with any the least vestige of harshness or intolerance; he pursued, in privacy and seclusion, the paths of charity which lead to no fame among men, which conduct to that peace the world cannot give, and which would have enabled him to hide a multitude of transgressions, if Granville Sharp had had any transgressions to hide. But he was not a mere tolerant follower of religion, and anxious dispenser of secret benevolence, high and rare as these attributes are. He was one of the most learned men of his time, and could maintain the parts of lettered controversy, classical and theological, with the most accomplished scholars in the Church. The wholesale violation of all human rights, and flagrant wreck of all Christian duties, with which the Slave Trade and West India Slavery had so long outraged and insulted the world, early attracted his regard; and he persevered in the trying legal ques-
tion, at first held to be desperate,—How far a slave coming to this country under the power of his master, continues subject to that authority, or gains his personal liberty in common with the other subjects of the realm. Although not bred to the legal profession, he devoted himself to the study of the law, for the purpose of prosecuting this contention; he enlightened lawyers with the result of his researches; he overpowered opposition by the force and the closeness of his reasonings; he disarmed all personal opposition by the unruffled serenity of his temper, the unequalled suavity of his simple yet frank and honest manners; he gave his fortune, as well as his toil, to the cause; and he ceased not until he obtained the celebrated judgment of the King’s Bench, so honourable to the law and constitution of this country, that a slave cannot touch our soil, but immediately his chains fall away. This is that famous case of Somerset the Negro, which has for ever fixed the great principle of personal liberty, by promoting which Granville Sharp did more than had ever before been done towards bringing Slavery into an odious conflict with the spirit of British jurisprudence. He stopped not here, however, but continued a zealous and useful coadjutor through the long period of his after life, in all that related to the extinction of the African traffic, and the Slavery of the Colonies.

He was soon after followed in his bright course by Thomas Clarkson, of whom it has been justly said, nor can higher praise be earned by man, that to the great and good qualities of Las Casas,—his benevolence,—his unwearied perseverance,—his inflexible determination of purpose,—piety which would honour a saint,—courage which would accomplish a martyr,—he added the sound judgment and strict sense of justice which were wanting in the otherwise perfect character of the Spanish philanthropist. While pursuing his studies at Cambridge, he made the Slave Trade the subject of an Essay, which gained one of the university prizes, and this accident having called his especial attention to the iniquity of that execrable commerce, he devoted his life to waging an implacable hostility with it. The evidence which he collected and brought before a committee formed to obtain its abolition, drew the attention of Mr. Wilberforce, and secured at once the services of that great man as the leader in the cause.

Few persons have ever either reached a higher and more enviable place in the esteem of their fellow creatures, or have better deserved the place they had gained, than William Wilberforce. He was naturally a person of great quickness and even subtlety of mind, with a lively imagination, ap
proaching to playfulness of fancy; and hence he had wit in an unmeasured abundance, and in all its varieties; for he was endowed with an exquisite sense of the ludicrous in character the foundation of humour, as well as the perception of remote resemblances, the essence of wit. These qualities, however, he had so far disciplined his faculties as to keep in habitual restraint, lest he should ever offend against strict decorum, by introducing light matter into serious discussion, or be betrayed into personal remarks too poignant for the feelings of individuals. For his nature was mild and amiable beyond that of most men; fearful of giving the least pain in any quarter, even while heated with the zeal of controversy on questions that roused all his passions; and more anxious, if it were possible, to gain over rather than to overpower an adversary; disarming him by kindness, or the force of reason, or awakening appeals to his feelings, rather than defeating him by hostile attack. His natural talents were cultivated, and his taste refined by all the resources of a complete Cambridge education, in which, while the classics were sedulously studied, the mathematics were not neglected; and he enjoyed in the society of his intimate friends, Mr. Pitt and Dean Milner, the additional benefit of foreign travel, having passed nearly a year in France, after the dissolution of Lord Shelburne’s administration had removed Mr. Pitt from office. Having entered Parliament as member for Hull, where his family were the principal commercial men of the place, he soon afterwards, upon the ill-fated coalition destroying all confidence in the Whig party, succeeded Mr. Foljambe as member for Yorkshire, which he continued to represent as long as his health permitted him having only retired to a less laborious seat in the year 1812. Although generally attached to the Pitt ministry, he pursued his course wholly unfettered by party connection, steadily refused all office through his whole life, nor would he lay himself under any obligations by accepting a share of patronage; and he differed with his illustrious friend upon the two most critical emergencies of his life, the question of peace with France in 1795 and the impeachment of Lord Melville ten years later.

His eloquence was of the highest order. It was persuasive and pathetic in an eminent degree; but it was occasionally bold and impassioned, animated with the inspiration which deep feeling alone can breathe into spoken thought, chastened by a pure taste, varied by extensive information, enriched by classical allusion, sometimes elevated by the more sublime topics of holy writ—the thoughts.
Few passages can be cited in the oratory of modern times of a more electrical effect than the singularly felicitous and striking allusion to Mr. Pitt's resisting the torrent of Jacobin principles:—"He stood between the living and the dead, and the plague was staid." The singular kindness, the extreme gentleness of his disposition, wholly free from gall, from vanity, or any selfish feeling, kept him from indulging in any of the vituperative branches of rhetoric; but a memorable instance showed that it was any thing rather than the want of force which held him off from the use of the weapons so often in almost all other men's hands. When a well known popular member thought fit to designate him repeatedly, and very irregularly, as the "Honourable and religious gentleman," not because he was ashamed of the cross he gloried in, but because he felt indignant at any one in the British senate deeming piety a matter of imputation, he poured out a strain of sarcasm which none who heard it can ever forget. A common friend of the parties having remarked to Sir Samuel Romilly beside whom he sat, that this greatly outmatched Pitt himself, the great master of sarcasm, the reply of that great man, and just observer, was worthy to be remarked,—"Yes," said he, "it is the most striking thing I almost ever heard; but I look upon it as a more singular proof of Wilberforce's virtue than of his genius, for who but he ever was possessed of such a formidable weapon, and never used it?" Against all these accomplishments of a finished orator there was little to set on the other side. A feeble constitution, which made him say, all his life, that he never was either well or ill; a voice sweetly musical beyond that of most men, and of great compass also, but sometimes degenerating into a whine; a figure exceedingly undignified and ungraceful, though the features of the face were singularly expressive; and a want of condensation, in the latter years of his life especially, lapsing into digression, and ill calculated for a very businesslike audience like the House of Commons; may be noted as the only draw-backs which kept him out of the very first place among the first speakers of his age whom, in pathos, and also in graceful and easy and perfectly elegant diction, as well as harmonious periods, he unquestionably excelled. The influence which the member for Yorkshire always commanded in the old Parliament—the great weight which the head, indeed, the founder, of a powerful religious sect, possessed in the country—would have given extraordinary authority in the senate to one of far inferior personal endowments. But when these partly accidental circumstances
were added to his powers, and when the whole were used and applied with the habits of industry which naturally belonged to one of his extreme temperance in every respect, it is difficult to imagine any one bringing a greater force to any cause which he might espouse.

Wherefore, when he stood forward as the leader of the abolition, vowed implacable war against Slavery and the Slave Trade, and consecrated his life to the accomplishment of its destruction, there was every advantage conferred upon this great cause, and the rather that he held himself aloof from party connection. A few personal friends, united with him by similarity of religious opinions, might be said to form a small party, and they generally acted in concert, especially in all matters relating to the Slave question. Of these, Henry Thornton was the most eminent in every respect. He was a man of strong understanding, great powers of reasoning and of investigation, an accurate and a curious observer, but who neither had cultivated oratory at all, nor had received a refined education, nor had extended his reading beyond the subjects connected with moral, political, and theological learning. The trade of a banker, which he followed, engrossed much of his time; and his exertions, both in Parliament and through the press, were chiefly confined to the celebrated controversy upon the currency, in which his well known work led the way, and to a bill for restricting the Slave Trade to part of the African coast, which he introduced when the abolitionists were wearied out with their repeated failures, and had well-nigh abandoned all hopes of carrying the great measure itself. That measure was fated to undergo much vexatious delay, nor is there any great question of justice and policy, the history of which is less creditable to the British Parliament, or, indeed, to some of the statesmen of this country, although, upon it mainly rests the fame of others.

When Mr. Wilberforce, following in Mr. Clarkson’s track, had, with matchless powers of eloquence, sustained by a body of the clearest evidence, unveiled all the horrors of a traffic, which, had it been attended with neither fraud nor cruelty of any kind, was confessedly, from beginning to end, not a commerce, but a crime, he was defeated by large majorities, year after year. When at length, for first time, in 1804, he carried the Abolition Bill through the Commons, the Lords immediately threw it out; and the next year it was again lost in the Commons. All this happened while the opinion of the country was with the single exception of persons having West India connections, unanimous in favour of the mea-
sure. At different times there was the strongest and most
general expression of public feeling upon the subject, and
it was a question upon which no two men endowed with
reason, could possibly differ, because, admitting whatever
could be alleged about the profits of the traffic, it was not de-
nied that their gain proceeded from pillage or murder. Add
to all this, that the enormous evil continued to disgrace the
country and its legislature for twenty years, although the
voice of every statesman of any eminence, Mr Windham
alone excepted, was strenuously lifted against it,—although,
upon this very question, Pitt, Fox, and Burke, heartily
agreed,—although by far the finest of all Mr. Pitt’s speeches
were those which he pronounced against it,—and although
every press and every pulpit in the island habitually cried it
down. How are we, then, to account for the extreme tena-
city of life which the hateful reptile showed? How to ex-
plain the fact that all those powerful hands fell paralyzed,
and could not bring it to death? If little honour redounds to
the Parliament from this passage in our history, and if it is
thus plainly shown that the unreformed House of Commons
but ill represented the country; it must also be confessed
that Mr. Pitt’s conduct gains as little glory from the re-
tronspect. How could he who never suffered any of his con-
jutors, much less his underlings in office, to thwart his will
even in trivial matters—he who would have cleared any of
the departments of half their occupants, had they presumed
to have an opinion of their own upon a single item of any
budget, or an article in the year’s estimates—how could he,
after shaking the walls of the Senate with the thun-
ders of his majestic eloquence, exerted with a zeal which
set at defiance all suspicions of his entire sincerity,
quietly suffer, that the object, just before declared the
dearest to his heart, should be ravished from him when
within his sight, nay, within his reach, by the votes of the
secretaries and undersecretaries, the puisne lords and the
other fry of mere placemen,—the pawns of his boards? It is
a question often anxiously put by the friends of the abolition,
ever satisfactorily answered by those of the minister; and
if any additional comment were wanting on the darkest pas-
sage of his life, it is supplied by the ease with which he cut
off the Slave traffic of the conquered colonies, an importation
of thirty thousand yearly, which he had so long suffered to
exist, though an order in Council could any day have
extinguished it. This he never thought of till 1805, and
then, of course, the instant he chose, he destroyed it for
ever with a stroke of his pen. Again, when the Whigs
were in power, they found the total abolition of the traffic so easy, that the measure in pursuing which Mr. Pitt had for so many long years allowed himself to be baffled, was carried by them with only sixteen dissentient voices in a house of 250 members. There can then, unhappily, be but one answer to the question regarding Mr. Pitt’s conduct on this great measure. He was, no doubt, quite sincere, but he was not so zealous as to risk any thing, to sacrifice any thing, or even to give himself any extraordinary trouble for the accomplishment of his purpose. The Court was decidedly against abolition; George III. always regarded the question with abhorrence, as savouring of innovation,—and innovation in a part of his empire, connected with his earliest and most rooted prejudices,—the colonies. The courtiers took, as is their wont, the colour of their sentiments from him. The Peers were of the same opinion. Mr. Pitt had not the enthusiasm for right and justice, to risk in their behalf the friendship of the mammon of unrighteousness, and he left to his rivals, when they became his successors, the glory of that sacred triumph in the cause of humanity, which should have illustrated his name, who, in its defence, had raised all the strains of his eloquence to their very highest pitch.

Notwithstanding the act of 1807 had made the Slave Trade illegal after the 1st of January 1808, by whomsoever carried on in the British dominions, and by British subjects wheresoever carried on; yet, as forfeitures and penalties of a pecuniary kind were the only consequences of violating the law the temptations of high profit induced many, both capitalists and adventurers, to defy the prohibitions of the statute, and the clearest proofs were soon furnished of British subjects being employed in the Slave Trade under the most flimsy disguises. It became, necessary at length to treat this traffic as a crime, and no longer to deal with the criminals as smugglers only, who have broken some provisions of the revenue law. Mr. Brougham taking this view of the subject, broached it in the House of Commons on 14th June 1810, in the following Speech; and following up the resolution and address, then adopted unanimously by the Commons, he next session brought in and carried without a dissenting voice, through both Houses of Parliament, the bill declaring Slave-trading a Felony, and punishing it with fourteen years transportation or imprisonment for five years. In 1824, this punishment was deemed insufficient; the offence was made capital, and so continued until the acts for mitigating the rigour of the criminal law in 1837, made
Slave-trading punishable with transportation for life. There is every reason to think that no British subjects are now or have for many years been directly engaged in this execrable traffic, with the exception of those belonging to the Mauritius. In that island it is certain, that with the connivance, if not under the direct encouragement of the higher authorities of the colony, Slave-trading to an enormous extent, was for some years openly carried on. A Colonial Secretary of State admitted that above 25,000 Negroes had been brought over from the African Coast; in other words, 25,000 capital felonies committed under the eye, if not with the encouragement, of the government. It is an unenviable reflection which is left to us, that for all those human beings, illegally held in bondage, and in not one of whom could there by law be any kind of property claimed, full compensation, at the rate of £53 each, has been allowed by the Commissioners, and paid by the people of this country—and that besides this sum of at least a million and a half being so squandered upon the vile and sordid wrongdoers, those felons and accomplices of felons are still suffered to claim the labour of the Africans, under the name of Indentured Apprentices. With the flagrant exception of the Mauritius, there is no reason to believe that any British subjects have, since the Felony act of 1811 came into operation, been directly concerned in the traffic but there is too much reason to suspect that British capital has pretty freely found its way into that corrupt channel.
SPEECH

ON

THE SLAVE TRADE.

JUNE 14, 1810.

Sir,—I rise, pursuant to notice, to call the attention of the House to the state of the Slave Trade, a subject of the first importance; and, although it is neither a personal question, nor a party one; although its discussion involves neither the pursuit nor the defence of place; although, indeed, it touches matters of no higher concernment than the honour of the House and the country, and the interests of humanity at large; I trust that it will, nevertheless, receive the same favourable consideration which it has so often experienced upon former occasions. The question I purpose to submit to the House is, Whether any, and what measures can be adopted, in order to watch over the execution of the sentence of condemnation which Parliament has, with a singular unanimity, pronounced upon the African Slave Trade? It is now four years since Mr. Fox made his last motion in this House, and, I believe, his last speech here, in favour of the Abolition. He then proposed a Resolution, pledging the House to the Abolition of the traffic, and moved an Address to the crown, beseeching his Majesty to use all his endeavours for obtaining the concurrence of other powers in the pursuit of this great object. An Address to the same effect was voted by the other House, with equal unanimity; and, early in the next year, two noble friends of mine,* who were second only to my honourable friend,† prevented by indisposition from attending this day, in their services to the cause, and will yield not even to him in their zeal for its success, gave the Parliament an opportunity of redeeming its pledge, by introducing the Abolition Bills in the two Houses. That measure, which had formerly met so many obstacles, whether, as some are willing to believe, from the slowness with which

* Lords Grenville and Grey.
† Mr. Wilberforce.
truth works its way, or, as others were prone to suspect, from the want of zeal in its official supporters, now experienced none of the impediments that had hitherto retarded its progress. Far from encountering any formidable difficulties, it passed through Parliament almost without opposition; and one of the greatest and most disputed of measures, was at length carried by larger majorities, perhaps, than were ever known to divide upon any contested question. The friends of the Abolition, however, never expected that any legislative measure would at once destroy the Slave Trade; they were aware how obstinately such a trade would cling to the soil where it had taken root; they anticipated the difficulties of extirpating a traffic which had entwined itself with so many interests, prejudices, and passions. But I must admit, that although they had foreseen, they had considerably underrated, those difficulties. They had not made sufficient allowance for the resistance which the real interests of those directly engaged in the trade, and the supposed interests of the colonists, would oppose to the execution of the acts: they had underrated the wickedness of the Slave Trader, and the infatuation of the planter. While on the one hand it appears, from the documents I formerly moved for, that nothing has been done to circumscribe the foreign Slave Trade, it is now found, that this abominable commerce has not completely ceased, even in this country! I hope the House will favour me with its attention, while, from the papers on the table, and from such other information as I have been enabled to obtain, I lay before it a statement, which will, in some measure, enable it to appreciate the extent of the evil, and to apply the proper remedies.

I shall now proceed to call the attention of the House to the state of the Slave Trade in foreign countries. In these it exists variously. In America it is contraband, as in England, having been prohibited by law, but it is still carried on, illegally, for the supply of the American as well as of foreign plantations: while, in the colonies of Portugal and Spain, it is still sanctioned by the laws, and even receives peculiar encouragement from the government. The extent of the Spanish Slave Trade I cannot state very accurately; but, from returns at the custom-house at Cadiz, to which I have had access, and from the well-known increase of the sugar culture in Cuba, the importation of Negroes appears to be very great. The average annual importation into that island, during thirteen years, from 1789 to 1803, was 5840; and it is evidently upon the increase, for the average of the last four years of the period was 8600: the total number
imported during the period exceeded 76,000 slaves. This statement, among other things, proves how much the American flag is used in covering the foreign Slave Trade; for, after the commencement of hostilities between Spain and this country, the trade could only have been carried on to a very limited extent in Spanish bottoms; and yet, instead of being checked by the war, it has greatly increased since 1795. The culture of sugar has likewise increased at Porto Rico, and on the Main, and with it, of course, the importation of slaves. The precise amount of this I cannot speak to; but I have every reason to suppose it very inconsiderable, when compared with the traffic in Cuba. The annual importation of Mexico does not exceed 100 Negroes, and that of the settlements on the South Sea is only 500. The other colonies obtain their supplies principally through the Brazils.

With regard to the Portuguese Slave Trade, I cannot speak with more precision. During my residence at Lisbon, in the King's service, I had official communication with the Portuguese minister, and also with a person of high rank, who had been governor of the northern provinces of Brazil, and was then going out as governor of Angola and Benguela, upon the African coast. It appeared, from the returns of a Capitation-tax on Negroes exported from Africa, (which gentlemen will perceive must give the lowest amount of the exportation), that there were annually sent to the Brazils, from that part of Africa alone, above 15,000 Negroes; and this reckoned only one-half of the total number exported from all parts of the Portuguese settlements. From another quarter of high authority, I learned that this, if estimated at 30,000, would not be overrated. But the branch of the trade which it is the most important to attend to at present, is that carried on by American vessels, in open violation of the laws of the United States. I firmly believe, as I have before stated when the matter was questioned by the right honourable gentleman opposite,* that the American government has all along acted in regard to the Slave Trade, with the most perfect sincerity and good faith. They had, indeed, set us the example of abolishing it. All the States, except two, Georiga and South Carolina, had early abolished it by acts of their separate legislatures, before the period arrived when the Constitution gave Congress a right to pass such a law for the whole Union; and, as soon as that period arrived, viz. at the beginning of the year 1808, the traffic was finally pro-

* Mr. Canning.
hibited by an act of Congress. But it is one thing to pass a law and another to carry it into execution, as we have ourselves found on this side of the water, I am sorry to think; and, although the American legislature and the Government have done all that lies in their power, it requires much greater naval means than they possess to suppress effectually their contraband Slave Trade. They may, in a great measure, by their police, prevent the importation of Negroes into the United States; and this they have done: but the bulk of their contraband Slave Trade is carried on between Africa and the islands, or Africa and South America; and to check this, a very different navy is wanted from any that the Americans (happily for this country, in every point of view, except the one now in question), are likely, for a long series of years, to possess. By such a contraband trade, the Spanish and Portuguese colonies, and not only they, but our own settlements, are supplied with slaves; and in this manner it is that the foreign Slave Trade interferes with our own Abolition.

What I intend to propose is, that the executive government shall be exhorted to take such further steps as may be conducive to the object of the joint Address of both branches of the legislature. Unless the American flag can, by some means or other, be excluded from its large share in this abominable commerce; and unless the Spanish and Portuguese governments can be brought to some concurrent arrangement; the trade must still be carried on to an enormous extent; and it is in vain to talk even of abolishing it entirely in our own colonies. Our largest island is within a day's, I should rather say, a night's sail, of the largest slave colony of Spain. Our other old colonies lie in the very track both of the Spanish and American slave-ships. When the vast plantations of Trinidad and Guiana are in such want of Negroes to clear their waste lands, and are situated almost within sight of the Spanish slave market, where the law still sanctions that infernal traffic, how can it be expected that the British abolition should be effectual? A gentleman of the profession to which I have the honour of belonging, having lately returned from Berbice, informs me of the manner in which our planters carry on this contraband intercourse. The Oronoko falls into the sea between Trinidad and Guiana. The Spanish slave-ships take their station near its mouth, and our planters, send large boats along the coast to the station of the ships from whence they are supplied with cargoes of sixty or seventy Negroes by trans-shipment at sea, and these cargoes they
land on their return, in the various creeks of the settlements, so as to elude the utmost vigilance of the colonial officers. Does not this single fact evince the necessity of forming some arrangement with the Spanish government while the friendly relations between the two governments subsist? The great obstacle which I always find opposed to such a proposition is, What can we do? Those nations, it is pretended, are wedded to their own prejudices; they have views of their own, and we cannot interfere. Of this argument, I entertain very great suspicion, and for one plain reason, that it is on the single subject of the Abolition that I ever hear it used; it is here alone that any want of activity is ever observed in our Government, or that we ever hear of our want of influence in the councils of our neighbours. On all other measures, some of suspicious, some of doubtful policy—in matters indifferent, or repugnant to humanity—we are ready enough to intrigue, to fight, to pay. It is only when the interests of humanity are concerned, and ends the most justifiable, as well as expedient, are in view, that we not only all at once lose our activity and influence, but become quite forward in protesting that we have no power to interfere. From one end of Europe to the other our weight is felt, and in general it is no very popular thing to call it in question. At all times we are ready enough to use it, as well as to magnify it; but on this one occasion we become both weak and diffident, and while we refuse to act, must needs make a boast of our impotency. Why, we never failed at all when the object was to obtain new colonies, and extend the Slave Trade! Then we could both conquer and treat; we had force enough to seize whole provinces where the Slave Trade might be planted, and skill enough to retain them by negotiation, in order to retain with them the additional commerce in slaves, which their cultivation required.—It is natural, therefore, for me to view with some suspicion our uniform failure, when the object is to abolish or limit this same Slave Trade. I suspect it may arise from there being some similarity between our exertions in the cause and those of some of its official advocates in this House; that we have been very sincere, no doubt, but rather cold—without a particle of ill-will towards the Abolition, but without one spark of zeal in its favour.

I shall now answer the question of, "What can we do to stop the foreign Slave Trade?" by putting another question: and I would ask, "How have we contrived to promote the Slave Trade when that was our object?" I would only desire one tenth part of the influence to be exerted in favour of the
Abolition, which we have with such fatal success exerted in augmenting the Slave traffic; when, by our campaigns and our treaties, we acquired the dominion of boundless and desert regions, and then laid waste the villages and the fields of Africa, that our new forests might be cleared.

But if I be asked to what objects our influence should be directed, I have no hesitation in pointing them out: And, first, I should say, the Spanish and Portuguese governments. Happily, in those quarters where most is to be attempted, our influence is the greatest at the present moment; for both countries we have done much, and having lavished our blood and our treasure in defending them from cruelty, injustice, and every form of ordinary oppression, it is certainly not asking too much to require that they should give over a course of iniquity towards nations as innocent as they and infinitely more injured by them. Every thing favours some arrangement with Spain on this point. The only Spanish colonies where the sugar cane is extensively cultivated are the islands, and of these principally Cuba. To that settlement the bulk of the Slave Trade is confined. On the main land there is little demand for slaves; about 1400 are annually sent to Buenos Ayres, 500 to Peru and Chili, and only 100 to Mexico, while Cuba receives 8,600 a-year. This then is the only Spanish colony which can suffer materially; and it is reasonable to expect that the Spanish Government would not refuse this inconsiderable sacrifice. At any rate, some arrangement might be made both with Portugal and Spain, to prevent their flags from being used for the purposes of the foreign Slave Trade.

Adverting next to the means which we have of inducing the American government to make some arrangement, I admit that our influence in that quarter is not so powerful; but I would throw out one or two remarks for the consideration of Ministers. First, an attempt ought to be made to supply the deficiency of naval resources in America, by lending the assistance of our own; and I should suggest the necessity of the two Governments coming to some understanding, that the cruisers of each may capture the contraband slave ships of the other country. From communications which I have held with persons of high rank in the service of the United States, I have reason to think, that such an arrangement would not be greatly objected to in America. An opening for a proposal of this nature is certainly afforded by the correspondence which has taken place between Mr. Erskine and the American Government relative to the orders in Council, and Non-Intercourse laws; for
an assurance is there given, that if a British cruiser capture
an American found acting contrary to the American
municipal law, the Government of the United States
will never notice the capture; and though there is an
objection to recognising by treaty the right of capture on the
ground of the Non-Intercourse law, it by no means follows,
that a similar recognition could not be obtained in the
present instance. The right thus given must no doubt be
mutual, but so is every right which this country claims under
the law of nations; and it should be remembered, that the
two parties are very differently affected by it; for while the
Americans could scarcely search or detain half a dozen of
our slave vessels in a year, we should be enabled to stop
hundreds of theirs. The advantage of such an arrangement
to our own planters would also be great: for if rival foreign-
cers carry on the Slave Trade, while it is prohibited in our
settlements, our planters are, for a certain time at least, lia-
ble to be undersold in the sugar market, and subjected to a
temporary pressure. Another circumstance with regard to
American ships, I throw out for the consideration of mer-
chants and cruisers. It appears to me, that even without
any such arrangement between the two Governments, the
experiment of capturing American slave ships might safely
be made. I have every reason to believe, that no reclamation
whatever would be made by the American Government
if such vessels were detained, however great their numbers
might be. Claim might no doubt be entered by individual
owners, when the vessels were brought in for condemnation,
and the courts of prize have been in the practice of saying,
that they cannot take notice of the municipal laws of other
countries. But, beside the great risk to which American
owners expose themselves by making such claims, (the
risk of the penalties which they thereby prove themselves
to have incurred under the Abolition Acts of America),
it is to be observed, that the courts require a proof
of property in the claimants; and I wish to see whether
courts sitting and judging by the law of nations are
prepared to admit of a property in human flesh.* I

* This opinion has since been fully confirmed by the decision of the Lords of
Prize Appeal in the case of the Amédie, as appears by the following Report of the
Judgment of the Lords Commissioners of Prize Appeals at the Privy Council,
Saturday, July 28, 1810.

Case of the Amédie; James Johnson, master.—This was a vessel under Ameri-
can colours, with slaves from Africa, captured in December, 1807, in the
West Indies, and carried into Tortola. The claimant pretended that she was
bound to Charleston, South Carolina, where the importation of slaves continued
to be lawful to the end of that year; but that, having been detained on the coast,
and there being no prospect of reaching Charleston before the 1st of January

κ 22
wish to know in what part of that law any such principle is recognised. I desire to be informed where the decision of where the dictum is, which allows a person to bring forward a claim in a court of the law of nations, for the bodies of human beings forcibly and fraudulently obtained, or at all events carried away from their homes against their will, and by violence confined, and compelled to labour and suffer? What I am anxious to see is, how such a claim can be stated with common decency in such courts: I have no great fears as to the reception it would meet with: it is

1808, the period appointed for the cessation of the Slave Trade in every part of the United States, by a law of the general Congress, the Master of necessity bore away for the island of Cuba, there to wait directions from his owners. It was contended, on the other hand, by the captor, that this statement was a mere pretence, and that, in truth, the original plan of the voyage was a destination to Cuba, which was unlawful under the American laws, long previous to their general abolition of the Slave Trade. Admitting, however, the case to be so, it was strenuously contended for the claimant, that a British court of prize had no right to take any cognizance of American municipal law, and that, as no belligerent right of this country had been violated, the property ought to be restored to the neutral owner. A series of precedents seemed to support this doctrine. The ship was condemned at Tortola, and the enslaved Africans were according to the Abolition Act, restored to their freedom; but the claimant appealed, and the liberty of the Africans, as well as the property of the ship, depended on the issue of this appeal. The case was solemnly argued in March last, and, as, in the opinion of the court, it turned on the new question of the effect of the American and British Abolition Acts on this species of contraband commerce, when brought before a court of prize, the case, on account of its importance, has since stood over for judgment. Several other cases of American slave ships have also stood over, as depending on the same general question. The judgment of the court was delivered by Sir William Grant, the Master of the Rolls, nearly in the following terms:—"This ship must be considered as being employed, at the time of capture, in carrying slaves from the coast of Africa to a Spanish colony. We think that this was evidently the original plan and purpose of the voyage, notwithstanding the pretence set up to veil the true intention. The claimant, however, who is an American, complains of the capture, and demands from us the restitution of property, of which he alleges that he has been unjustly dispossessed. In all the former cases of this kind, which have come before this court, the Slave Trade was liable to considerations very different from those which belong to it now. It had at that time been prohibited (as far as respected carrying slaves to the colonies of foreign nations) by America, but by our own laws it was still allowed. It appeared to us, therefore, difficult to consider the prohibitory law of America in any other light than as one of those municipal regulations of a foreign state, of which this court could not take any cognizance. But by the alteration which has, since taken place, the question stands on different grounds, and is open to the application of very different principles. The Slave Trade has since been totally abolished in this country, and our legislature has pronounced it to be contrary to the principles of justice and humanity. Whatever we might think as individuals before, we could not, sitting as judges in a British court of justice, regard the trade in that light, while our own laws permitted it. But we can now assert, that this trade cannot, abstractedly speaking, have a legitimate existence. When I say abstractedly speaking, I mean this country has no right to control any foreign legislature that may think fit to dissent from this doctrine, and to permit to its own subjects the prosecution of this trade; but we have now a right, to affirm, that prima facie the trade is illegal, and thus to throw on claimants the burden of proof that in respect of them, by the authority of their own laws, it is otherwise. As the case now stands, we think we are entitled to say, that a claimant can have no right, upon principles of universal law, to claim the restitution in a prize court, of human beings carried as his slaves. He must show some right that has been violated by the capture, some property of which he has been dispossessed, and to which he ought to be restored. In this case, the laws of the claimant's country allow of no right of property of such as he claims. There can therefore be no right to restitution. The consequence is, that the judgment be affirmed."
repugnant to the whole law of nature, and any knowledge of the law of nations which I possess affords me no authority for it. I earnestly hope some persons connected with privateers and cruisers may soon try the question. They could run no risk, I venture to assert on my own authority, and still more confidently on that of professional friends who frequent the prize courts, that no risk whatever of being condemned in costs could possibly be incurred, even if the vessels were restored. Without running any risk, much good may thus be done; and I should feel satisfied that I have more than announced the ends I had in view when I began this discussion, if I could persuade myself that what I now say may lead any one to make this important trial.

Having hitherto only spoken of the foreign Slave Trade, it is with great mortification that I now feel myself obliged to call the attention of the House to the evasions of the Abolition Acts in this country. For accomplishing this detestable purpose, all the various expedients have been adopted which the perverse ingenuity of unprincipled avarice can suggest. Vessels are fitted out at Liverpool, as if for innocent commerce with Africa. The ships, and even the cargoes, are, for the most part, the same as those used in the trade of gold-dust, grains, and ivory. The goods peculiarly used in the Slave Trade are carefully concealed, so as to elude the reach of the port officers. The platforms and bulk-heads which distinguish slave ships are not fitted and fixed until the vessel gets to sea, and clears the channel, when the carpenters set to work and adapt her for the reception of slaves. For better concealment, some of the sailors, and not infrequently the Master himself, are Portuguese. But it is remarkable, that, lurking, in some dark corner of the ship, is almost always to be found a hoary slave trader—an experienced captain, who, having been trained up in the slave business from his early years, now accompanies the vessel as a kind of supercargo, and helps her, by his wiles, both to escape detection and to push her iniquitous adventures. This is not a fanciful description. I hold in my hand the record of a court of justice, which throws so much light on the subject, that I moved, on a former night, to have it laid on the table. It appears from thence, that, but a few months ago, in the very river which washes the walls of this house, not two miles from the spot where we now sit, persons daring to call themselves English merchants have been detected in the act of fitting out a vessel of great bulk for the purpose of tearing seven or eight hundreded wretched beings from
Africa, and carrying them through the unspeakable horrors of the middle passage to endless bondage and misery, and toil which knows no limits, nor is broken by any rest, in the sands and swamps of Brazil. This detection has been made by the zeal and knowledge of a much loved and respected friend of mine,* who was only enabled to pursue so difficult an investigation by that perfect acquaintance with the subject, which he has acquired by his residence in Africa as governor of Sierra Leone, and by having even submitted to the pain of a slave voyage for the purpose of better learning the nature of the traffic.

I shall here read several extracts from the record of condemnation of the Comercio de Rio, in the Court of Exchequer last Hilary term. It appears, that besides an enormous stock of provisions, watercasks, mess-kits, &c. there were found on board fifty-five dozen of padlocks, ninety-three pair of hand-cuffs, a hundred and ninety-seven iron shackles for the feet, thirteen hundred-weight three quarters of iron chains, one box of religious implements, and, that the bodily as well as the spiritual health of this human cargo might not be neglected, the slave merchants out of their rare humanity—which one must really have known a good deal of the sort of character, easily to believe—allowed, for the medical wants of eight hundred negroes, of all ages, crammed into a loathsome cage, and carried through new and perilous climates during a voyage of weeks, or even months—one little medicine chest, value £5. This is not the only instance of the kind, nor even the latest one, I grieve to say, recent though it be. I mentioned on a former night, that at one port of this country, six vessels have only just been fitted out, by a similar course of base fraud, for the same trade, or rather let me call it, the same series of detestable crimes.

It is now three years since that abominable traffic has ceased to be sanctioned by the law of the land; and, I thank God, I may therefore now indulge in expressing feelings towards it, which delicacy rather to the law than the traffic, might, before that period, have rendered it proper to suppress. After a long and most unaccountable silence of the law on this head, which seemed to protect, by permitting, or at least by not prohibiting the traffic, it has now spoken out, and the veil which it has appeared to interpose being now withdrawn, it is fit to let our indignation fall on those who still dare to trade in human flesh,—not merely for the frauds of common smugglers, but for engaging in crimes of

* Mr. Z. Macaulay.
the deepest dye; in crimes always most iniquitous, even when not illegal; but which now are as contrary to law as they have ever been to honesty and justice. I must protest loudly against the abuse of language, which allows such men to call themselves traders or merchants. It is not commerce, but crime, that they are driving. I too well know, and too highly respect, that most honourable and useful pursuit, that commerce whose province it is to humanize and pacify the world—so alien in its nature to violence and fraud—so formed to flourish in peace and in honesty—so inseparably connected with freedom, and good will, and fair dealing,—I deem too highly of it to endure that its name should by a strange perversion, be prostituted to the use of men who live by treachery, rapine, torture, and murder, and are habitually practising the worst of crimes for the basest of purposes. When I say murder, I speak literally and advisedly. I mean to use no figurative phrase; and I know I am guilty of no exaggeration. I am speaking of the worst form of that crime. For ordinary murders there may even be some excuse. Revenge may have arisen from the excess of feelings honourable in themselves. A murder of hatred, or cruelty, or mere blood-thirstiness, can only be imputed to a deprivation of reason. But here we have to do with cool, deliberate, mercenary murder, nay, worse than this; for the ruffians who go on the highway, or the pirates who infest the seas, at least expose their persons, and, by their courage, throw a kind of false glare over their crimes. But these wretches dare not do this. They employ others as base as themselves, only that they are less cowardly; they set on men to rob and kill, in whose spoils they are willing to share, though not in their dangers. Traders, or merchants, do they presume to call themselves! and in cities like London and Liverpool, the very creations of honest trade? I will give them the right name, at length, and call them cowardly suborners of piracy and mercenary murder! Seeing this determination, on the part of these infamous persons, to elude the Abolition Act, it is natural for me to ask, before I conclude, whether any means can be devised for its more effectual execution. I would suggest the propriety of obtaining from the Portuguese government, either in perpetuity, or for a term of years, the island of Bissao, situated on the African coast, and the only foreign settlement in that quarter where our commerce chiefly lies. This cession would leave us a coast of five hundred miles' extent, wholly uninterrupted, and greatly facilitating the destruction of the Slave Traffic in that part of Africa. I would next remark,
that the number of cruisers employed on the African coast is too scanty. It is thither, and not to America, that vessels intended to detect slave traders should be sent; because a slave-ship must remain for some weeks on the coast to get in her cargo, whereas she could run into her port of destination in the West Indies in a night, and thus escape detection; yet, to watch a coast so extensive as the African, we had never above two, and now have only one cruiser. I would recommend, that the ships thus employed should be of a light construction and small draught of water, that they may cross the bars of the harbours, in order to follow the slave-ships into the shallows and creeks, and up the mouths of rivers, and also that they should be well manned, and provided with boats, for the same purpose. It would be impossible to employ six or seven light ships better than on such a service. It is even more economical to employ a sufficient number; the occasion for them would, by this means, speedily cease. Once root out the trade, and there is little fear of its again springing up. The industry and capital required by it will find out other vents. The labour and ingenuity of the persons engaged in it will seek the different channels which will continue open. Some of them will naturally go on the highway, while others will betake themselves to piracy, and the law might, in due time, dispose of them.

But I should not do justice either to my own sentiments, or to the great cause which I am maintaining, were I to stop here. All the measures I have mentioned are mere expedients—mere makeshifts and palliatives, compared with the real and effectual remedy for this grand evil, which I have no hesitation in saying it is now full time to apply. I should, indeed, have been inclined to call the idea of stopping such a traffic by pecuniary penalties, an absurdity and inconsistency, had it not been adopted by Parliament, and were I not also persuaded, that in such cases it is necessary to go on by steps, and often to do what we can, rather than attempt what we wish. Nevertheless, I must say, after the trial that has been given to the Abolition law, I am now prepared to go much further, and to declare that the Slave trade should at once be made felony. When I consider how easily laws are passed, declaring those acts even capital offences, which have heretofore been either permitted, or slightly punished; when scarce a Session ends without some such extension of the criminal code; when even capital offences are among the most numerous progenies of our legislative labours; when I see the difficulty experienced by an honour-
able and learned friend of mine,* in doing away the capital part of the offence of stealing five shillings: when it is remembered that Lord Ellenborough, by one act created somewhere about a dozen capital felonies; when, in short so many comparatively trivial offences are so severely visited; can one, who knows what Slave Trading means, hesitate in admitting that it ought at length to be punished as a crime? Adverting, again to the record before mentioned, I find that the vessel, ready fitted out for the slave coast, has sold for about £11,000, including guns, tackle, cargo, and all; but making allowance for scamen’s wages, wear, and tear, &c. I calculate the whole expense of carrying 800 slaves over to America, at £20,000, and as they will sell for £100 a-head, the net profits would be near £60,000. Is this to be stopped by a pecuniary penalty? If one such speculation, in four or five, succeed, they are safe: there is even a temptation to engage in many speculations, because the adventurer thus insures against the risk of capture, and becomes his own underwriter against the chance of detection, which he could in no other way insure against. If an inhuman being of this class fit out ten or twelve such ships, and escape with three or four, his vile profits are enormous; but it should be recollected, that all his vessels, those which escape as well as those which are taken, spread devastation over the African continent; and even a single cargo is the utter ruin of whole villages. To this case, more than to any other that can be fancied, pecuniary checks are peculiarly inapplicable.—While you levy your pence, the wholesale dealers in blood and torture pocket their pounds, and laugh at your twopenny penalty.

I shall next advert to the 10th of Geo. II. for regulating watermen between Gravesend and Chelsea. If a person of this description carry above a certain number of persons, although no accident happen, he forfeits the use of the river; and if by accident any one be drowned, the boatman who so overloads is transported for seven years as a felon. How do we treat those who overload their vessels with miserable negroes, so as knowingly and wilfully to ensure the death of many, and the torments of all? Why, the Slave carrying bill, which is somewhat similar to the statute of George II. in its object, does not even deprive such offenders of the use of the sea, which they have so perverted and polluted by their crimes; far less does it transport for seven years, even where the deaths of hundreds on board of such vessels happen not by accident, but as a necessary consequence of the overloading. I make no reflection on the statute of George

* Sir Samuel Romilly.
11. but its provisions appear somewhat more applicable to the slave-trader, than to the boatman. What has the Divine Legislator said on this subject; There is a most false and unfounded notion, that the sacred writings are silent upon it; I shall prove the contrary. Whosoever, (says the Scripture) ‘‘stealeth a man, and selleth him, or in whose hands he shall be found, shall surely be put to death.’’ And what is our gloss or application of this divine text? ‘‘Whosoever, ’’ (says the English law) ‘‘stealeth a man, and tortureth him, and killetli him, or selleth him into slavery for all the days of his life, shall surely—pay twenty pounds!’’ I trust that this grievous incongruity will at length be done away, and I now pledge myself to bring in a bill to that effect early in the ensuing session but I earnestly hope, that in the meantime the House will leave nothing unattempted which may tend to diminish the great evils complained of, and give effect to one of the most holy of our laws.

I move, ‘‘That an humble Address be presented to his Majesty, representing to his Majesty, that this House has taken into its serious consideration the papers which his Majesty was graciously pleased to cause to be laid before this House upon the subject of the African Slave Trade.—That while this House acknowledges with gratitude the endeavours which his Majesty has been pleased to use, in compliance with the wishes of Parliament, to induce foreign nations to concur in relinquishing that disgraceful commerce, this House has to express its deep regret that those efforts have been attended with so little success.—That this House does most earnestly beseech his Majesty to persevere in those measures which may tend to induce his allies, and such other foreign states as he may be able to negotiate with, to co-operate with this country in a general Abolition of the Slave Trade, and to concur in the adoption of such measures as may assist in the effectual execution of the laws already passed for that purpose.—That this House has learnt with the greatest surprise and indignation, that certain persons in this country have not scrupled to continue in a clandestine and fraudulent manner the detestable traffic in slaves.—And that this House does most humbly pray his Majesty that he will be graciously pleased to cause to be given to the commanders of his Majesty’s ships and vessels of war, the officers of his Majesty’s customs, and the other persons in his Majesty’s service, whose situation enables them to detect and suppress these abuses, such orders as may effectually check practices equally contemptuous to the authority of parliament, and derogatory to the interests and the honour of the country.’’
CASE
OF THE
REV. JOHN SMITH,
MISSIONARY IN DEMERARA.

INTRODUCTION.

OPPRESSION OF THE MISSIONARIES—MOTION OF CENSURE
ON THE DEMERARA GOVERNMENT—EFFECT OF THE
DISCUSSION UPON PUBLIC OPINION.

There never has been any case of Colonial oppression at-
tended with such important consequences, and seldom any
that excited so lively an interest as that of the Missionary
Smith, in 1823. This venerable person belonged to the sect
of Independents,—a class of men famous in all ages for their
tolerant principles, as well as for their love of liberty, and to
whom this country owes a lasting debt of gratitude, for their
strenuous exertions in the troubles of the seventeenth century,
those troubles in which the cradle of English liberty was
rocked. He had been sent to Demerara by the London
Missionary Society, and its worthy head the truly respecta-
ble Mr. Alers Hankey. An insurrection of the Negroes having
broken out, in the fever of alarm which generally attends such
events, among a set of men justly conscious like the planters
both of the Negro's continued wrongs, and of their own im-
minent dangers, it was fancied that Mr. Smith had in some
way contributed to the movement. That such a rumour
once propagated should have gained ground among the mul-
titude, was perhaps not to be wondered at. But, that the
constituted authorities should have been so far moved by it
as to put the party on his trial, without the most careful pre-
vious investigation of all the circumstances, seems hardly
credible, when we reflect on the extreme delicacy of the
questions thus certain to be raised, and upon the religious feeling, still stronger than the political, sure to be excited. There were, however, stranger things, yet to be witnessed in the progress of this important affair. The popular agitation (if we may so call the excitement among the handful of Whites thinly scattered among the real bulk of the people) extended itself to the court, before whom the Missionary was tried; and the judges, partaking of the violence which inspired the planters and other slave-dealers, committed a series of errors so gross as to mock belief, and of oppressions which are unexampled in the dispensation of English justice. Among these acts, whether of matchless ignorance or of gross injustice, the most striking but not the only ones, were, the constant admission of manifestly illegal evidence, and the condemning to death a person only accused of misprison, a crime plainly not capital. The Missionary was cast into a small and loathsome dungeon, in a state of health which made any imprisonment dangerous. There, after some weeks of the most severe suffering, he yielded up his pious spirit, expiating with his guiltless blood the sin of which there is no remission in the West Indies,—the sin of having taught the slaves the religion of peace, and consoled them for the cruel lot inflicted by the crimes of this world, with the hopes of mercy in another.

The arrival of this intelligence in England, speedily produced all the feelings which might well have been expected. Pity for the victim; sympathy with his unhappy widow; fellow feeling for his bereaved flock; alarm at the sight of religious persecution; contempt for the ignorance of the legal, and the pusillanimity of the political authorities; indignation at the injustice of the Courts—were the sentiments that strove for mastery among the great body of the British people; and all were finally concentrated in one single, universal, and implacable feeling of revenge against that execrable system, which contrary to the law of God, pretends to vest in man a property in his fellow-creatures, as fatal to the character of the oppressor as to the happiness of his victim.

After maturely deliberating upon the course most fit to be taken, both with a view to attain the ends of justice, and to make the blow most effectual, which this question enabled him to level at Negro Slavery and colonial misgovernment, Mr. Brougham, on the 1st of June, brought forward his motion of censure upon the Demerara Government, and the Court, its instrument and accomplice in oppression. A debate of surpassing interest ensued. The most distinguished speakers
for the motion were Mr. Williams,* Mr. Denman,† and Dr. Lushington. On the other side, the majority inclined at first to resist the motion, and Colonial Under Secretary,‡ met it with a direct negative; but finding they were in peril of a defeat, Mr. Canning who did not very creditably distinguish himself on this occasion, concluded by moving the previous question, upon which the division was taken. Mr. Tindal,§ made on this occasion his first parliamentary speech, with distinguished ability; and Mr. Scarlett,‖ ably argued on the same side; Lord Palmerston and Messrs. Lamb and Grant,¶ voted in the ministerial majority, thus giving to the country an early pledge of those principles so hostile to Colonial liberty, on which they have since acted. The motion was lost by 146 to 193 votes, after an adjourned debate.

But the effect produced by this great discussion was extreme and powerful. The minds of men were turned to the real state of Negro bondage; the abuses and oppressions committed in the Colonies were fully examined; the impossibility of carrying the acts now every where loudly complained of unless by destroying so unnatural a system, was generally recognised. "The Missionary Smith's Case" became a watch-word and a rallying cry with all the friends of religious liberty, as well as the enemies of West Indian Slavery. The votes of those who had sided with the Government in resisting the motion were carefully recorded, for the purpose of preventing them from ever again being returned to Parliament. The measures of the abolitionists all over the country became more bold and decided, as their principles commanded a more general and warmer concurrence; and all men now saw that the warning given in the peroration of the latter of these two speeches, though sounded in vain across the Atlantic Ocean, was echoing with a loudness redoubled at each repetition through the British Isles, that it had rung the knell of the system, and that at the fetters of the slave a blow was at length struck which must, if followed up, make them fall off his limbs for ever.

The cause of Negro Emancipation has owed more to this case of individual oppression, mixed with religious persecution, than to all the other enormities of which Slavery has ever been convicted.

* Now a judge in the Court of Queen's Bench.
† Now Lord Chief Justice, who has recently shown his habitual love of liberty by declaring Slavery to be unlawful.
‡ Mr. W. Horton.
§ Now Chief Justice of the Common Pleas.
¶ Now Chief Baron of the Exchequer.
‖ Now Lord Melbourne and Glenelg.
SPEECH

IN THE CASE OF THE

REV. JOHN SMITH,
THE MISSIONARY.

DELIVERED IN THE HOUSE OF COMMONS.

June 1, 1824.

Mr. Speaker,—I confess, that in bringing before this House the question on which I now rise to address you, I feel not a little disheartened by the very intense interest excited in the country, and the contrast presented to those feelings by the coldness which prevails within these walls. I cannot conceal from myself, that, even in quarters where one would least have expected it, a considerable degree of disinclination exists to enter into the discussion, or candidly to examine the details of the subject. Many persons who have, upon all other occasions, been remarkable for their manly hostility to acts of official oppression, who have been alive to every violation of the rights of the subject, and who have uniformly and most honourably viewed with peculiar jealousy every infraction of the law, strange to say, on the question of Mr. Smith’s treatment, evince a backwardness to discuss, or even listen to. Nay, they would fain fasten upon any excuse to get rid of the subject. What signifies inquiring, say they, into a transaction which has occurred in a remote portion of the world? As if distance or climate made any difference in an outrage upon law or justice. One would rather have expected that the very idea of that distance—the circumstance of the event having taken place beyond the immediate scope of our laws, and out of the view of the people of this country—in possessions where none of the inhabitants have representatives in this House, and the bulk of them have no representatives at all,—one might have thought,
I say, that, in place of forming a ground of objection, their remote and unprotected situation would have strengthened the claims of the oppressed to the interposition of the British Legislature. Then, says another, too indolent to inquire, slow to hear, but prompt enough to decide, "It is true there have been a great number of petitions presented on the subject; but then every body knows how those petitions are procured, by what description of persons they are signed, and what are the motives which influence a few misguided, enthusiastic men, in preparing them, and the great crowd in signing them. And, after all, it is merely about a poor missionary!" I have now to learn, for the first time, that the weakness of the sufferer—his unprotected situation—his being left single and alone to contend against power exercised with violence,—constitutes a reason for this House shutting its ears against all complaints of such proceedings, and refusing to investigate the treatment of the injured individual. But it is not enough that he was a missionary; to make the subject still more unpalatable,—for I will come to the point, and at once use the hateful word,—he must needs also be a Methodist. I hasten to this objection, with a view at once to dispose of it. Suppose Mr. Smith had been a Methodist—what then? Does his connection with that class of religious people, because, on some points essential in their conscientious belief, they are separated from the National Church, alter or lessen his claims to the protection of the law? Are British subjects to be treated more or less favourably in courts of law—are they to have a larger or a smaller share in the security of life and limb, in the justice dealt out by the Government—according to the religious opinions which they may happen to hold? Had he belonged to the society of the Methodists, and been employed by the members of that communion, I should have thought no worse of him or his mission, and felt nothing the less strongly for his wrongs. But it does so happen, that neither the one nor the other of these assumptions is true; neither the Missionary Society, nor their servants, are of the Methodist persuasion. The Society is composed indifferently of Churchmen and Dissenters: Mr. Smith is, or, as I unhappily must now say, was, a minister—a faithful and pious minister—of the Independents,—that body much to be respected indeed for their numbers, but far more to be held in lasting veneration for the unshaken fortitude with which in all times, they have maintained their attachment to civil and religious liberty, and, holding fast by their own principles, have carried to its uttermost
pitch the great doctrine of absolute toleration;—men to whose ancestors this country will ever acknowledge a boundless debt of gratitude, as long as freedom is prized among us: for they, I fearlessly proclaim it—they, with whatever ridicule some may visit their excesses, or with whatever blame others—they, with the zeal of martyrs, the purity of the early Christians, the skill and the courage of the most renowned warriors, gloriously suffered, and fought and conquered for England the free constitution which she now enjoys! True to the generous principles in Church and State which won those immortal triumphs, their descendants still are seen clothed with the same amiable peculiarity of standing forward among all religious denominations, preeminent in toleration; so that although, in the progress of knowledge, other classes of Dissenters may be approaching fast to overtake them, they still are foremost in this proud distinction. All, then, I ask of those who feel indisposed to this discussion is, that they will not allow their prepossessions, or I would rather say their indolence (for, disguise it as they will, indolence is at the bottom of this indisposition), to prevent them from entering calmly and fully into the discussion of the question. It is impossible that they can overlook the unexampled solicitude which it has excited in every class of the people out of doors. That consideration should naturally induce the House of Commons to lend its ear to the inquiry, which, however, is fully entitled, on its own merits, to command undivided attention.

It will be my duty to examine the charge preferred against the late Mr. Smith, and the whole of the proceedings founded on that charge. And in so doing, I have no hesitation in saying, that from the beginning of those proceedings to their fatal termination, there has been committed more of illegality, more of the violation of justice—violation of justice, in substance as well as form—than, in the whole history of modern times, I venture to assert, was ever before witnessed in any inquiry that could be called a judicial proceeding. I have tried the experiment upon every person with whom I have had an opportunity of conversing on the subject of these proceedings at Demerara, as well members of the profession to which I have the honour of belonging, as others acquainted with the state of affairs in our Colonies, and I have never met with one who did not declare to me, that the more the question was looked into, the greater attention was given to its details, the more fully the whole mass was sifted—the more complete was his assent to the conviction that there was never exhibited a greater breach of the law, a
more daring violation of justice, a more flagrant contempt of all those forms by which law and justice were wont to be administered, and under which the perpetrators of ordinary acts of judicial oppression are wont to hide the nakedness of their crimes.

It is now necessary to call the attention of the House to that unhappy state of things which existed in Demerara during the course of the past year. Certain Instructions had been forwarded from this country to those Slave Colonies which are more under the control of the Government than the other West-India Islands. Whether the Instructions were the best calculated to fulfil the intentions of those who issued them—whether the directions had not in some points gone too far, at least in prematurely introducing the object that they had most properly in view—and whether, in other points, they did not stop short of their purpose—whether, in a country where the symbol of authority was the constantly manifested lash of the driver, it was expedient at once to withdraw that dreadful title of ownership—I shall not now stop to inquire. Suffice it to say, that those instructions arrived at Demerara on the 7th of last July, and great alarm and feverish anxiety appeared to have been excited by them amongst the White part of the population. That the existence of this alarm so generally felt by the proprietors, and the arrival of some new and beneficial regulations, were marked and understood by the domestic Slaves, there cannot be a doubt. By them the intelligence was speedily communicated to the field Negroes. All this time there was no official communication of the Instructions from the Colonial Government. A meeting had been convened of the Court of Policy, but nothing had been made public in consequence of its assembling. A second meeting was held, and it was understood that a difference of opinion prevailed among the members, after a discussion, which, though not fierce, was still animated. The only means which the circumstances of the case naturally suggested do not appear to have been adopted by those at the head of affairs in Demerara. I do not impute to them any intentional disregard of duty. It is very possible that the true remedy for the mischief may have escaped them in the moment of excited apprehension—in the prevalence of general alarm, rendered more intense by the inquisitive anxiety of the Slave population—an alarm and anxiety continued by the state of ignorance in which the Slaves were kept as to the real purport of the Instructions from England. But most certainly, whatever was the cause, the authorities
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at Demerara overlooked that course of proceeding best calculated to allay at least the inquisitive anxiety of the Slaves; namely, promulgating in the colony what it really was that had been directed by the Instructions of the King's Ministers, even if they were not disposed at once to declare whether they would or would not carry those Instructions into execution. Unhappily they did not take that plain course. Week after week was suffered to elapse; and up to the period when the lamentable occurrence took place, which led to these proceedings, no authentic, or, at least authoritative communication, either of what had arrived from England, or of what was the intention of the authorities at Demerara, was made to the Slaves. This state of suspense occupied an interval of nearly seven weeks. The revolt broke out on the 18th of August. During the whole of that interval the agitation in the colony was considerable; it was of a two-fold character. There was on one side the alarm of the Planters, as to the consequences of the new Instructions received from his Majesty's Government; and on the other the naturally increasing anxiety of the Negro as to the precise purport and extent of those Instructions. There existed the general impression, that some extension of grace and bounty had been made to the Slaves. In the ignorance which was so studiously maintained as to the nature of it, their hopes were proportionably excited; they knew that something had been done, and they were inquisitive to learn what it was. The general conversation amongst them was, "Has not our freedom come out? Is not the King of Great Britain our friend?" Various speculations occupied them; reports of particular circumstances agitated them. Each believed in the detail as his fancy or credulity led him; but to one point all their hopes pointed;—"freedom! freedom!" was the sound unceasingly heard; and it continually raised the vision on which their fancy loved to repose.

And now, allow me to take the opportunity of reasserting the opinion which, with respect to that most important subject of Emancipation, I have uniformly maintained, not only since I have had the honour of a seat in this House, but long before, with no other difference, save, perhaps, in the manner of the expression, correcting that manner by the experience and knowledge which a more extended intercourse with human life must naturally have bestowed. My opinion ever has been, that it is alike necessary to the security of our White brethren, and just, and even merciful to the Negroes—those victims of a long-continued system of cruelty, impolicy, and injustice—to maintain firmly the legal authori-
ties, and with that view, to avoid, in our relations with the Slaves, a wavering uncertain policy, or keep them in a condition of doubt and solicitude, calculated to work their own discomfort, and the disquiet of their masters. Justice to the Whites, mercy to the Blacks, command us to protect the first from the effect of such alarms, and the last from the expectation, that, in the hapless condition in which they are placed, their emancipation can be obtained—meaning thereby their sudden, unprepared emancipation, by violent measures, or with an unjustifiable haste, and without previous instruction. The realization of such a hope, though carrying the name of a boon would inflict the severest misery on these beings, whose condition is already too wretched to require, or indeed to bear, any increase of calamity. It is for the sake of the Blacks themselves, as subsidiary to their own improvement, that the present state of things must for a time be maintained. It is because to them, the bulk of our fellow-subjects in the Colonies, liberty, if suddenly given, and, still more, if violently obtained by men yet unprepared to receive it, would be a curse, and not a blessing; that emancipation must be the work of time, and, above all, must not be wrested forcibly from their masters. Reverting to the occurrences at Demerara, it is undeniable that a great and unnecessary delay took place. This inevitably, therefore, gave rise to those fatal proceedings, which all of us, however we may differ as to the causes from which they originated, must unfeignedly deplore.

It appears that Mr. Smith had officiated as a minister of religion in the colony of Demerara for seven years. He had maintained during his whole life a character of the most unimpeachable moral purity, which had not only won the love and veneration of his own immediate flock, but had procured him the respect and consideration of all who resided in his neighbourhood. Indeed, there is not a duty of his ministry that he had not discharged with fidelity and zeal. That this was his character is evident even from the papers laid upon the table of this House. These documents, however, disclose but a part of the truth on this point. Before I sit down I shall have occasion to advert to other sources of information, which show that the character of Mr. Smith was such as I have described it; and that those who are best qualified to form an opinion, have borne the highest testimony to his virtuous and meritorious labour. Yet this Christian Minister, thus usefully employed, thus generally revered and beloved, was dragged from his house, three days after the revolt began, and when it had been substantially
quelled, with an indecent haste that allowed not the accommodation even of those clothes which, in all climates, are necessary to human comfort, but which, in a tropical climate, are absolutely essential to health. He was dragged, too, from his home and his family at a time when his life was attacked by a disease which, in all probability, would in any circumstances have ended in his dissolution; but which the treatment he then received powerfully accelerated in its fatal progress. He was first imprisoned in that sultry climate, in an unwholesome fetid room, exposed to the heat of the tropical sun. This situation was afterwards changed, and he was conveyed to a place only suited to the purposes of torture—a kind of damp dungeon, where the crazy floor was laid loosely over stagnant water, visible through the wide crevices of its boards. When Mr. Smith was about to be seized, he was first approached with the hollow demand of the officer who apprehended him, commanding him to join the militia of the district. To this he pleaded his inability to serve in that capacity, as well as an exemption founded on the rights of his clerical character. Under the pretext of this refusal, his person was arrested, and his papers were demanded, and taken possession of. Amongst them was his private journal—a part of which was written with the intention of being communicated to his employers alone, while the remaining part was intended for no human eye but his own. In this state of imprisonment he was detained, although the revolt was then entirely quelled. That it was so quelled, is ascertained from the dispatches of General Murray to Earl Bathurst, dated the 26th of August. At least the dispatch of that date admits that the public tranquillity was nearly restored; and, at all events, by subsequent dispatches, of the 30th and 31st, it appears that no further disturbance had taken place; nor was there from that time any insurrectionary movement whatever. At that period the colony was in the enjoyment of its accustomed tranquillity, barring always those chances of relapse, which, in such a state of public feeling, and in such a structure of society, must be supposed always to exist, and to make the recurrence of irritation and tumult more or less probable. Martial law, it will be collected, was proclaimed on the 15th of August, and was continued to the 15th January following—five calendar months—although there is the most unquestionable proof, that the revolt had subsided, and indeed that all appearance of insubordination had vanished.

In a prison such as I have described, Mr. Smith remained until the 14th day of October. Then, when every pretence
of real and immediate danger was over; when every thing like apprehension, save from the state of colonial society, was removed, it was thought fit to bring to trial, by a military court-martial, this Minister of the Gospel! I shall now view the out-side of that court-martial: it is fit that we look at its external appearance, examine the foundations on which it rests, and the structures connected with it, before we enter and survey the things perpetrated within its walls. I know that the general answer to all which has been hitherto alleged on this subject is, that martial law had been proclaimed in Demerara. But Sir, I do not profess to understand, as a lawyer, martial law of such a description: it is entirely unknown to the law of England—I do not mean to say in the bad times of our history, but in that more recent period which is called Constitutional. It is very true, that formerly the Crown sometimes issued proclamations, by virtue of which civil offences were tried before military tribunals. The most remarkable instance of that description, and the nearest precedent to the case under our consideration, was the well known proclamation of that august, pious, and humane pair, Philip and Mary, of happy memory, stigmatizing as rebellion, and as an act which should subject the offender to be tried by a court-martial, the having heretical, that is so say, Protestant books in one's possession, and not giving them up without previously reading them. Similar proclamations, although not so extravagant in their character, were issued by Elizabeth, by James the First, and (of a less violent nature) by Charles the First; until at length the evil became so unbearable, that there arose from it the celebrated Petition of Right, one of the best legacies left to his country by that illustrious lawyer, Lord Coke, to whom every man that loves the Constitution owes a debt of gratitude which unceasing veneration for his memory can never pay. The Petition provides that all such proceedings shall thenceforward be put down: it declares, "that no man shall be fore-judged of life or limb against the form of the Great Charter;" "that no man ought to be adjudged to death but by the laws established in this realm, either by the custom of the realm, or by Acts of Parliament;" and "that the commissions for proceeding by martial law should be revoked and annulled, lest, by colour of them, any of his Majesty's subjects be destroyed or put to death, contrary to the laws and franchise of the land." Since that time, no such thing as martial law has been recognised in this country; and courts founded on proclamations of martial law have been wholly unknown. And here I beg to
observe, that the particular grievances at which the Petition of Right was levelled, were only the trials under martial law of military persons, or of individuals accompanying, or in some manner connected with, military persons. On the abolition of martial law, what was substituted? In those days, a standing army in time of peace was considered a solecism in the Constitution. Accordingly, the whole course of our legislation proceeded on the principle, that no such establishment was recognised. Afterwards came the annual Mutiny Acts, and Courts Martial which were held only under those acts. These courts were restricted to the trial of soldiers for military offences; and the extent of their powers was pointed out and limited by law. But I will not go further into the consideration of this delicate constitutional question; for the present case does not rest on any niceties—it depends not on any fine-spun decisions with respect to the law. If it should be said, that, in the conquered colonies, the law of the foreign state may be allowed to prevail over that of England; I reply, that the Crown has no right to conquer a colony, and then import into its constitution all manner of strange and monstrous usages. If the contrary were admitted, the Crown would only have to resort first to one coast of Africa and then to another, and afterwards to the shores of the Pacific, and import the various customs of the barbarous people whom it might subdue; torture from one; the scalping knife and tomahawk from another; from a third, the regal prerogative of paving the palace courts with the skulls of the subject. All the prodigies and unutterable practices of the most savage nations might thus be naturalized by an act of the Crown, without the concurrence of Parliament, and to the detriment of all British subjects born, or resident, or settling for a season, in those new dominions. Nothing, however, is more clear, than that no practice inconsistent with the fundamental principles of the constitution—such, for instance, as the recourse to torture for the purpose of obtaining evidence—can ever be imported into a colony by any act of conquest. But all considerations of this nature are unnecessary on the present occasion; for this court was an English court-martial. The title by which it claimed to sit was the Mutiny Act, and the law of England. The members of the court are estopped from pleading the Dutch law, as that on which their proceedings were founded. They are estopped, because they relied for their right to sit on our own Mutiny Act, which they time after time refer to; and they cannot now pretend that they proceeded on any other ground.
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Let us now look for a few moments at the operations which preceded the trial of this poor Missionary. He was, as I have just stated, tried by a court-martial; and we are told by General Murray, in his dispatch of October 21, that it was all the better for him,—for that, if he had been tried in any other manner, he might have found a more prejudiced tribunal. Now, Sir, I have no hesitation in saying, that if I had been the party accused, or of counsel for the party accused, I would at once have preferred a civil jurisdiction to the very anomalous proceeding that took place. First of all, I should have gained delay, which in most cases is a great advantage to the accused. In this particular case it must have proved of inestimable benefit to him, as the fever of party rage and personal hostility would have been suffered gradually to subside. By proceeding under the civil jurisdiction, the addition of the Roman law to that of the common law necessarily occasioned great proximity in the trial. Months must have elapsed during those proceedings, and at every step the accused would have had a chance of escape. All this would have been of incalculable value; and all that was lost to the accused, by his being summarily brought before a military tribunal. The evidence of Slaves was admitted by the court without doubt or contest;—a point, however, on which I do not much rely; for I understand that in Demerara the usage in this respect differs from the usage of some other colonies, and that the evidence of Negroes against Whites is considered admissible, although it is not frequently resorted to. Still, however, there is this difference as respects such evidence between a civil and a military court; in the latter, it is received at once, without hesitation; whereas, if the matter is brought before a civil jurisdiction, a preliminary proceeding must take place respecting the admissibility of such witness. His evidence is compared with the evidence of other witnesses, or parts of his evidence are compared with other parts, and on the occurrence of any considerable discrepancy the evidence of that witness is finally refused. There are also previous proceedings, had the subject been brought before a civil jurisdiction, which might have had this effect; a discussion takes place before the Chief Justice and two assistants, on the admissibility of witnesses, who are not admitted as evidence in the cause until after a preliminary examination; and I understand, that the circumstance of a witness being a Slave whose evidence is to be adduced against a White man, in cases of doubt, always weighs in the balance against his admissibility. But I pass all this over. I rest the case only on that which is clear,
undeniable, unquestioned. By the course of the civil law, two witnesses are indispensably required to substantiate any charge against the accused. Let any one read the evidence on this trial, and say, how greatly the observance of such a rule would have improved the condition of the prisoner. Last of all, if the accused had been tried at common law, he would have had the advantage of a learned person presiding over the court, as the Chief Justice, who must have been individually and professionally responsible for his conduct; who would have acted in the face of the whole bar of the colony; who would also have acted in the face of that renowned English bar to which he once belonged, to which he might return, and whose judgment, therefore, even when removed from them by the breadth of the Atlantic, he would not have disregarded, while he retained the feelings of a man, and the character of an English advocate. He would have acted in the face of the whole world as an individual, doubtless not without assistance, but still with the assistance of laymen only, who could not have divided the responsibility with him. He would, in every essential particular, have stood forth single and supreme, in the eyes of the rest of mankind, as the Judge who tried the prisoner. In such circumstances, he must have conducted himself with an entire regard to his professional character, to his responsibility as a judge, to his credit as a lawyer.

Now, Sir, let us look at the constitution of the court before which Mr. Smith was actually tried. Upon a reference to the individuals of whom it was composed, I find, what certainly appears most strange, the president of the civil court taking upon himself the functions of a member of the court martial, under the name of an officer of the militia staff. It appears to be the fact, that this learned individual was invested with the rank and degree of lieutenant-colonel of the militia, a few days before the assembling of the court martial, in order that he, a lawyer and civil judge, might sit as a military judge and a soldier! Sir, he must have done this by compulsion. Martial law was established in the colony by the power to which he owed obedience. He could not resist the mandate of the Governor. He was bound, in compliance with that mandate, to hide his civic garb, to cover his forensic robe under martial armour. As the aid-de-camp of the Governor, he was compelled to act a mixed character—part lawyer, part soldier. He was the only lawyer in a court where a majority of the soldierly overwhelmed him. Having no responsibility, he abandoned—or was compelled to sit helpless and unresisting, and see
others abandoning—principles and forms which he could not, which he would not, which he durst not, have abandoned, had he been sitting alone in his own court, in his ermined robe, administering the civil law. After this strange fact respecting the higher members of the court, it is not surprising that one as strange should appear with regard to its subordinate officers. The Judge-Advocate of a court martial, although certainly sometimes standing in the situation of a prosecutor, nevertheless, in all well regulated courts martial, never forgets that he also stands between the prisoner and the bench. He is rather, indeed, in the character of an assessor to the court. On this point, I might appeal to the highest authority present. By you, Sir, these important functions were long, and correctly, and constitutionally performed; and in a manner equally beneficial to the army and to the country. But I may appeal to another authority, from which no one will be inclined to dissent. A revered judge, Mr. Justice Bathurst, in the middle of the last century, laid it down as clear and indisputable, that the office of a Judge-Advocate was to lay the proof on both sides before the court; and that whenever the evidence was at all doubtful, it was his duty to incline towards the prisoner. No such disposition, however, appears in this Judge-Advocate, I should rather say in these Judge-Advocates; for, one not being considered enough, two deputies were appointed to assist him. These individuals exercised all their address, their caution, and their subtlety, against the unfortunate prisoner, with a degree of zeal bordering upon acrimony. Indeed, the vehemence of the prosecution was unexampled. I never met with any thing equal to it; and I am persuaded, that if any such warmth had been exhibited before a civil judge by a prosecuting counsel, he would have frowned it down with sudden indignation.

In the first instance, the Judge-Advocate concealed the precise nature of the accusation. The charges were drawn up so artfully, as to give no notice to the prisoner of the specific accusation against him. They were drawn up shortly, vaguely, and obscurely; but short, vague, and obscure as they were, they were far from being as short, as vague, and as obscure as the opening speech of the prosecutor. That speech occupies about half a page in the minutes of the trial, which yet give it verbatim. But scarcely had the prisoner closed his defence, than a speech was pronounced, on the part of the prosecution, which eighteen pages of the minutes scarcely contain. In this reply the utmost subtlety is exhibited. Topic is urged after topic with the great,
est art and contrivance. Every thing is twisted for the pur-
purpose of obtaining a conviction; and, which is the most mon-
strous thing of all, when the prisoner can no longer reply,
new facts are detailed, new dates specified, and new persons
introduced, which were never mentioned, or even hinted at,
on any one of the twenty-seven preceding days of the trial!
Again, Sir, I say, that had I been the accused person, or his
counsel, I would rather a thousand-fold have been tried by
the ordinary course of the civil law, than by such a court.
To return, however, to its composition—I rejoice to observe,
that the President of the supreme civil judicature, although
he was so unwise as to allow his name to be placed on the
list of the members, or so unfortunate as to be compelled to do
so, refused to preside over the deliberations of this court.
Although he was the person of the highest rank next to the
Governor, and although in a judicial inquiry he must natur-
ally have been more skilful and experienced than any man in
the colony, nevertheless there he is in the list among the or-
dinary members of the court; and as he must have been
appointed to preside, but for his own repugnance to the
office, I am entitled to conclude that he refused it with a
firmness not to be overcome. Against the other members I
have nothing whatever to say. The president of the court,
however, was Lieutenant-Colonel Goodman. Now, that gal-
lant officer, than whom I believe no man bears a higher cha-
acter, unfortunately, beside bearing his Majesty’s commis-
sion, holds an office in the colony of Demerara, which ren-
dered him the last man in the world who ought to have been
selected as President of such a judicature. Let the House,
Sir, observe, that the reason assigned by Governor Mur-
ray for subjecting Mr. Smith to be a trial before such a
tribunal, was not only that he might have in reality a
fair trial, but that he might not even appear to be the
victim of local prejudice, which it seems would have been
surmised, had his case been submitted to a jury, or a
court, of planters. How is it, then, that with this feeling
the Governor could name Lieutenant-Colonel Goodman to
be president of the court? For that gallant officer does, in
point of fact, happen to hold the situation of Vendemaster in
the colony of Demerara, without profit to whom not a single
slave can be sold by any sale carried on under the authority
of the courts of justice. Accordingly, it did so turn out, that
a few days before the breaking out of the revolt, there were
advertised great sales of Negroes by auction, which most na-
turally excited sorrow and discontent among many of the
Slaves. There was one sale of fifty-six of those hapless beings,
who were to be torn from the place of their birth and residence, and perhaps separated for ever from their nearest and dearest connections. I hold in my hand a Colonial Gazette, containing many advertisements of such sales, and to every one of them I find attached the signature "S. A. Goodman." One of the advertisements, that, I think, for the sale of fifty-six Negroes, states, that among the number there are many "valuable carpenters, boat-builders, &c., well worthy the attention of the public." Another speaks of "several prime single men." One party of slaves consists of a woman and her three children. Another advertisement offers a young female slave who is pregnant. Upon the whole, there appear to have been seventy or eighty slaves advertised to be sold by auction in this single gazette, in whose sale Lieutenant-Colonel Goodman, from the nature of his office, had a direct interest. I do not for a moment affirm that this circumstance was likely to warp his judgment. Probably, indeed, he was not personally aware of it at the time. But I repeat, that, if this proceeding were intended to be free from all suspicion, Lieutenant-Colonel Goodman was one of the last men to select as the President of the court. That however, is nothing compared to the appointment of the Chief-Justice of the colony as one of its members. I.e., the civil judge of the colony, to be forced to sit as member of a court martial, and under the disguise of a militia officer by way of qualification! He to whom an appeal lay against any abuse of which that court martial might be guilty! From whom but from him could Mr. Smith have obtained redress for any violation of the law committed in his person? Yet, as if for the express purpose of shutting the door against the possibility of justice, he is taken by the Governor and compelled to be a member of the Court. That this tribunal might at once be clothed with the authority of the laws which it was about to break, and exempted from all risk of answering to those laws for breaking them, the only magistrate who could vindicate or enforce them is identified with the court, and at the same time so outnumbered by military associates, as to be incapable of controverting, or even influencing, its decision, while his presence gives them the semblance of lawful authority, and places them beyond the reach of legal revision.

Sir, one word more, before I advert to the proceedings of the court, on the nature of its jurisdiction. Suppose I were ready to admit, that on the pressure of a great emergency, such as invasion or rebellion, when there is no time for the slow and cumbersome proceedings of the civil law, a proclama-
tion may justifiably be issued for excluding the ordinary tribunals, and directing that offences should be tried by a military court—such a proceeding might be justified by necessity; but it could rest on that alone. Created by necessity, necessity must limit its continuance. It would be the worst of all conceivable grievances—it would be a calamity unspeakable—if the whole law and constitution of England were suspended one hour longer than the most imperious necessity demanded. And yet martial law was continued in Demerara for five months. In the midst of tranquility, that offence against the constitution was perpetrated for months, which nothing but the most urgent necessity could warrant for an hour. An individual in civil life, a subject of his Majesty, a clergyman, was tried at a moment of perfect peace, as if rebellion raged in the country. He was tried as if he had been a soldier. I know that the proclamation of martial law renders every man liable to be treated as a soldier. But the instant the necessity ceases, that instant the state of soldiership ought to cease, and the rights, with the relations, of civil life to be restored. Only see the consequences which might have followed the course that was adopted. Only mark the dilemma in which the Governor might have found himself placed by his own acts. The only justification of the court martial was his proclamation. Had that court sat at the moment of danger, there would have been less ground for complaint against it. But it did not assemble until the emergency had ceased; and it then sat for eight-and-twenty days. Suppose a necessity had existed at the commencement of the trial, but that in the course of the eight-and-twenty days it had ceased;—suppose a necessity had existed in the first week, who could predict that it would not cease before the second? If it had ceased with the first week of the trial, what would have been the situation of the Governor? The sitting of the court martial at all, could be justified only by the proclamation of martial law; yet it became the duty of the Governor to revoke that proclamation. Either, therefore, the court martial must be continued without any warrant or colour of law, or the proclamation of martial law must be continued only to legalise the prolonged existence of the court martial. If, at any moment before its proceedings were brought to a close, the urgent pressure had ceased which alone justified their being instituted, according to the assumption I am making in favour of the court, and for argument's sake; then to continue martial law an hour longer would have been the most grievous oppression, the plainest violation of all law; and to abrogate martial law would have
been fatal to the continuance of the trial. But the truth is, that the court has no right even to this assumption, little beneficial as it proves; for long before the proceedings commenced, all the pressure, if it ever existed, was entirely at an end.

I now, Sir, beg the House will look with me, for a moment, at the course of proceeding which the Court, constituted in the manner and in the circumstances that I have described, thought fit to adopt. If I have shewn that they had no authority, and that they tried this clergyman illegally, not having any jurisdiction, I think I can prove as satisfactorily that their proceedings were not founded on any grounds of justice, or principles of law, as I have proved that the Court itself was without a proper jurisdiction. And here, I beg leave to observe, that the minutes of the proceedings on the table of the House are by no means full, although I do not say they are false. They do not perhaps misrepresent what occurred, but they are very far indeed, from telling all that did occur; and the omissions are of a material description. For instance, there is a class of questions which it is not usual to permit in courts of justice, called leading questions? the object of which is to put into the witness’s mouth the answers which the examiner desires he should make. This is in itself objectionable? but the objection is doubled, if in a report of the examination, the questions are omitted, and the answers are represented as flowing spontaneously from the witness, and as being the result of his own recollection of the fact, instead of the suggestions of another person. I will illustrate what I mean by an example. On the fifth day of the trial, Bristol, one of the witnesses, has this question put to him: “You stated, that, after the service was over, you stayed near the chapel, and that Quamina was there: did you hear Quamina tell the people what they were to do?” To that the answer is, “No, Sir.” The next question but one is, “Did you hear Quamina tell the other Negroes, that on the next Monday they were all to lay down their tools and not work?” To which the witness (notwithstanding his former negative) says, “Yes, I heard Quamina say so a week before the revolt broke out.” Now, in the minutes of evidence laid on the table of the House, both the questions and the answer to the first are omitted, and the witness is described as saying without any previous prompting, “A week before this revolt broke out, I heard Quamina tell the Negroes that they were to lay down their tools and not work.”

The next instance which I shall adduce, of the impropriety
of the proceedings of the Court, is very remarkable, compr
hending, as it does, almost all that I can conceive of gross
unfairness and irregularity: I mean the way in which the
Court attended to that which, for want of a better word, I
shall call hearsay evidence; although it is so much worse in
its nature than anything which, in the civil and even the
military courts of this country we are accustomed to stigma
tize and reject under this title, that I feel I am calumniating
the latter by the assimilation. In the proceedings before this
Court at Demerara, the hearsay is three or four deep. One
witness is asked what he has heard another person say was
imputed to a third. Such evidence as that is freely admitted
by the Court in a part of its proceedings. But before I shew
where the line was drawn in this respect, I must quote a
specimen or two of what I have just been adverting to. In
the same page from which I derived my last quotation, the
following questions and answers occur:—“How long was it
that Quamina remained there?—Three days: they said some
of the people had gone down to speak to Mr. Edmonstone;
that Jack had gone with them.” “Do you know what has
become of him (Quamina)?—After I came here, I heard he
was shot by the bucks, and gibbeted about Success middle
path.” And this, Sir, is the more material, as the whole
charge against Mr. Smith rested on Quamina’s being an
insurgent, and Mr. Smith’s knowing it. So that we are here
not on the mere outworks but in the very centre and heart of
the case. And this charge, be it observed, was made against
Mr. Smith after Quamina was shot. It would appear, indeed,
that in these colonies it was sufficient evidence of a man’s
being a revoler that he was first shot and afterwards gibbeted.
In one part of the examination, a witness is asked,
“Do you know that Quamina was a revoler?” The witness
answers in the affirmative. The next question is, “How do
you know it?” Now, mark, the witness is asked, not as to
any rumour, but as to his own knowledge; his answer is,
“I know it, because I heard they took him up before the
revolt began!” This evidence is to be found in pages twenty-
four and twenty-five of the London Missionary Society’s
Report of the Proceedings. In page thirty-five of the same
publication, I find the following questions and answers in the
evidence of Mr. M’Turk:—Where were you on that day (the
18th of August)?—On plantation Felicity, until five o’clock
in the afternoon. “Did anything particular occur on that
day;—I was informed, (mark informed,) I was informed by
a coloured man, about four o’clock, that the Negroes intend-
ed revolting that evening; and he gave me the names of
two, said to be ringleaders, viz. Cato and Quamina, of plantation Success." Here, Sir, we have a specimen of the nature of the evidence adduced upon this most extraordinary trial.—In pages 101 and 102 of the Missionary Society's Report, I find the following passage in the evidence of John Stewart, the manager of plantation Success; and be it in the recollection of the House, that the questions were put by the Court itself before which this unfortunate man was tried:

"Did Quamina, Jack, Bethney, Britton, Dick, Frank, Hamilton, Jessamine, Quaco, Ralph, and Windsor, belong to plantation Success at the time of the revolt?—Yes.

"Did any of these attend the chapel?—The whole of these, except Ralph.

"Have the whole, or any of these, except Quamina, been tried by a court martial, and proved to have been actually engaged in the rebellion?—I have been present at the trial of Ralph and Jack; and I have seen Ralph, Jack, Jessamine, Bethney, and Dick, but have heard only of the others."

"Who," again asks the Court, "was the most active of the insurgents in the revolt on plantation Success?—Richard was the most desperate and resolute; Bethney and Jessamine were very active, and all those mentioned, except Quamina and Jack, whom I did not see do any harm; they were keeping the rest back, and preventing them doing any injury to me."

The Court goes to ask, "Was not Quamina a reputed leader (I beg the House to mark the word reputed, and in a question put by the Court) in the revolt?—I heard him to be such; but I did not see him."

Here, then, we have hearsay evidence with a vengeance; reputation proved by rumour; what a man is reputed to be—which would be no evidence of his being so if you had it at first hand—proved by what another has heard unknown persons say,—which would be no evidence of his being reputed so, if reputation were proof. There are here at least two stages distance from any thing like evidence; but there may be a great many more. The witness had heard that Quamina had been a reputed leader; but how many removes there were in this reputed charge we are unable to learn. I next come to the evidence of the Rev. William Austin; and I find, in page 112, that on the cross-examination by the Judge-Advocate, ample provision is made for letting in this evidence of reputation and hearsay. The Judge-Advocate says,—
"Did any of these Negroes ever insinuate that their misfortunes were occasioned by the prisoner's influence on them, or the doctrines he taught them?—I have been sitting for some time as a member of the Committee of inquiry; the idea occurs to me that circumstances have been detailed there against the prisoner, but never to myself individually in my ministerial capacity."

This line of examination is too promising, too likely to be fruitful in irregularity, for the Court to pass over; they instantly take it up, and, very unnecessarily distrust the zeal of the Judge-Advocate, pursue it themselves.

By the Court.—"Can you take upon yourself to swear that you do not recollect any insinuations of that sort at the Board of Evidence?"

The witness here objected to the question; because he did not conceive himself at liberty to divulge what had passed before the Board of Inquiry, but particularly to the form or wording of the question, which he considered highly injurious to him. The President insisted (for it was too much to expect that even the chaplain of the government should find favour before that tribunal) upon the Reverend witness's answering the question; observing that the Court was the best judge of its propriety. The witness then respectfully requested the opinion of the Court, and it was cleared. Upon re-entering, the Assistant Judge-Advocate said, "The Court is of opinion that you are bound to answer questions put by the Court, even though they relate to matters stated before the Board of Evidence." And, again, the opportunity is eagerly seized of letting in reputation and hearsay evidence. The Court itself asks—

"Did you hear before the Board of Evidence, any Negro imputing the cause of the revolt to the prisoner?"—Yes, I have."

I shall now state to the House some facts with which they are, perhaps, unacquainted, as it was not until late on Saturday that the papers were delivered. Among the many strange things which took place, not the least singular was, that the prisoner had no counsel allowed, until it was too late to protect him against the jurisdiction of the court. Most faithfully and most ably did that learned person perform his duty when he was appointed; but had he acted from the beginning, he, doubtless, would have objected at once to the power of the court, as I should have done, had I been the Missionary's defender. I should have protested against the manner in which the court was constituted; I should have objected, that the men who sat in judgment in that case had
previously sat upon many other cases, where the same evidence, mixed with different matter not now produced, but all confounded together in their recollection, had been repeated over and over for the conviction of other persons. I ask this House whether it was probable that the persons who formed that court, should have come to the present inquiry with pure, unprejudiced, and impartial judgments, or even with their memories tolerably clear and distinct? I say it was impossible; and, therefore, that they ought not to have sat in judgment upon this poor Missionary at all. But is this the only grievance? Have I not also to complain of the manner in which the Judge-Advocate and the Court allowed hearsay evidence to be offered to the third, the fourth, age, even to the fifth degree? Look, Sir, to what was done with respect to the confession, as they called it, of the Negro Paris. I do not wish to trouble the House by reading that confession, as I have already trespassed at some length upon their attention. It will be sufficient to state that finding his conviction certain, and perhaps judging but too truly from the spirit of the Court, that his best chance of safety lay in impeaching Mr. Smith, he at once avows his guilt, makes what is called a full confession, and throws himself upon the mercy of the court. This done, he goes on with one of—I will say not merely the falsest—but one of the wildest and most impossible tales that ever entered into the mind, of man, or that could be put to the credulity even of this court of soldiers. And yet, upon the trial of Mr. Smith, the confession of this man was kept back by the prosecutors; that is to say, it was not allowed to be directly introduced, but was introduced by means of the questions I have last read, as matter of hearsay, which had reached different persons through various and indirect channels. In that confession, Paris falsely says, that Mr. Smith administered the sacrament to them (the form of which he describes) on the day preceding the revolt; and that he then exhorted them to be of good heart, and exert themselves to regain their freedom; for if they failed then, they would never succeed in obtaining it. He says, in another place, that Mr. Smith asked him whether, if the Negroes conquered the colony, they would do any harm to him? to which Paris replied in the negative. Now, Sir, only mark the inconsistency of this man's confession. In one place, Mr. Smith is represented as anxious for his personal safety, and yet, in almost the same breath, it is said that this very Mr. Smith was the ringleader of the revolt—the adviser and planner of the insurrection—the man
who joined Mr. Hamilton in recommending that the Negroes should destroy the bridges, to prevent the Whites from bringing up cannon to attack them. This Negro is made to swear, "I heard Mr. Hamilton say, that the President's wife should be his in a few days; then Jack said the Governor's wife was to be his father's wife; and that if any young ladies were living with her, or she had a sister, he would take one for his wife." Mr. Smith is pointed out as the future emperor; Mr. Hamilton was to be a general, and several others were to hold high offices of different descriptions. Again; Mr. Smith is made to state, that, unless the Negroes fought for their liberty upon that occasion, their children's children would never attain it. Now, I ask, is this story probable? Is there any thing like the shadow of truth in it? I said just now, that there was no direct mention of Paris's evidence on the trial: it was found too gross a fabrication to be produced. There were several others who, before the Board of evidence, had given testimony similar to this, though somewhat less glaringly improbable; but their testimony also was kept back; and they themselves were sent to speedy execution. The evidence of Sandy was not quite so strong; but he, as well as Paris, was suddenly put out of the way. The tales of these witnesses bear palpable and extravagant perjury upon the face of them; they were therefore not brought forward; but the prosecutors, or rather the Court, did that by insinuation and side-wind, which they dared not openly to attempt.

I say that the Court did this; the Court, well knowing that no such witnesses as Paris and Sandy could be brought forward—men, the excesses of whose falsehoods utterly counteracted the effect of their statements—contrived to obtain the whole benefit of those statements, unexposed to the risk of detection, by the notable device of asking one who had heard them, a general question as to their substance; the prisoner against whom this evidence was given, having no knowledge of the particulars, and no means of showing the falsehood of what was told, by questioning upon the part which was suppressed, "Did you hear any Negro, before the Board of Evidence, impute the cause of the revolt to the prisoner?" When, compelled to answer this monstrous question, the witness could only say, Yes; he had heard Negroes impute the cause to the prisoner but they were the Negroes Paris and Sandy (and those who put this unheard-of question knew it but he against whom the answer was levelled knew it not)—Paris and Sandy, whose whole tale was such a tissue of enormous falsehoods as only required to be
heard to be rejected in an instant; and whose evidence for that reason had been carefully suppressed.

Having said so much with respect to the nature of the evidence offered against the prisoner, and having had occasion to speak of the confessions, I shall now call the attention of the House to a letter which has been received from a gentleman of the highest respectability, and entitled to the most implicit credit, but whose name I omit to mention because he is still resident in the colony. If, however, any doubt should attach to his statement, I shall at once remove it, by mentioning the name of a gentleman to whom reference can be made on the subject—I mean the Rev. Mr. Austin. He is a man who had no prejudices or prepossessions on the subject: he is a clergyman of the Church of England, chaplain of the colony, and I believe the curate of the only English Established Church to which 77,000 Slaves can have recourse for religious instruction. I mention this in passing, only for the purpose of shewing, that if the Slaves are to receive instruction at all, they must receive it in a great degree from members of the Missionary Society. [Mr. Brougham here read a letter, in which it was stated that the Rev. Mr. Austin had received the last confession of Paris, who stated that Mr. Smith was innocent, and he (Paris) prayed that God would forgive him the lies that Mr. —— had prevailed upon him to tell.] I shall not mention the name of the person alluded to by Paris as having put the lies into his mouth: it is sufficient at present to say, that he took a most active part in getting up the prosecution against this poor Missionary. The letter goes on to state, that similar confessions had been made by Jack and Sandy. The latter had been arrested and sent along the coast to be executed, without Mr. Austin's knowledge (as it appeared, from a wish to prevent him from receiving the confession); but that gentleman, hearing of the circumstance, proceeded with all speed to the spot, and received his confession to the above effect. He also went to see Jack, who informed him that Mr. Smith was innocent, and that he (Jack) had said nothing against him but what he had been told by others. Now I beg the House to attend to what Jack, at his trial, said against Mr. Smith; giving a statement which had been put into his mouth by persons who wished to injure Mr. Smith, and bring the character of Missionaries generally into disrepute. This poor wretch said that he had lived thirty years on Success estate, and that he would not have acted as he had done, if he had not been told that the Negroes were entitled to their freedom, but that their masters
kept it from them. He went on to say, that not only the deacons belonging to Bethel Chapel, but even Mr. Smith himself, had affirmed this, and were acquainted with the fact of the intended revolt; and this he stated as if, instead of being on his own trial, he was a witness against Mr. Smith. He also threw himself on the mercy of the Court. Now what did the Court do? They immediately examined a Mr. Herbert, and another gentleman, as to this confession. The former stated, that he took the subsance of the confession down in the Negro's own language to a certain point; the rest was taken down by a gentleman whom I refrain from naming, but who, I am bound so say, deserves no great credit for the part which he acted in this unhappy scene. Jack, in this defence, thus prepared and thus anxiously certified, says, or is made to say,—"I am satisfied I have had a fair trial. I have seen the anxiety with which every member of this court martial has attended to the evidence, and the patience with which they have listened to my cross-examination of the witnesses. From the hour I was made prisoner by Captain M'Turk up to this time, I have received the most humane treatment from all the Whites; nor have I had a single insulting expression from a White man, either in prison or anywhere else. Before this Court, I solemnly avow that many of the lessons and discourses taught, and the parts of Scripture selected for us in Chapel, tended to make us dissatisfied with our situation as Slaves: and, had there been no Methodists on the east coast, there would have been no revolt, as you must have discovered by the evidence before you: the deepest concerned in the revolt were the Negroes most in Parson Smith's confidence. The half sort of instruction we received I now see was highly improper: it put those who could read on examining the Bible, and selecting passages applicable to our situation as Slaves; and the promises held out therein were, as we imagined, fit to be applied to our situation, and served to make us dissatisfied and irritated against our owners, as we were not always able to make out the real meaning of these passages: for this I refer to my brother-in-law, Bristol, if I am speaking the truth or not. I would not have avowed this to you now, were I not sensible that I ought to make every atonement for my past conduct, and put you on your guard in future." Wonderful indeed are the effects of prison discipline within the tropics! I would my Honourable Friend, the Member for Shrewsbury, were here to witness them. Little indeed does he dream of the sudden change which a few weeks of a West-Indian dungeon can effect upon a poor,
rude, untutored African! How swiftly it transmutes him into a reasoning, speculating creature; calmly philosophizing upon the evils of half education, and expressing himself in all but the words of our poet, upon the dangers of a little learning; yet evincing by his own example, contrary to the poet’s maxim, how wholesome a shallow draught may prove when followed by the repose of the gaol! Sir, I defy the most simple of mankind to be for an instant deceived by this mean and clumsy fabrication. Every line of it speaks its origin, and demonstrates the base artifices to which the Missionary’s enemies had recourse, by putting charges against him into the mouth of another prisoner, trembling upon his own trial, and crouching beneath their remorseless power.

I have stated that, up to a certain point, the court received hearsay evidence, and with unrestricted liberality. But the time was soon to come when a new light should break in—the eyes of those just judges be opened to the strict rules of evidence,—and every thing like hearsay be rejected. In page 116 I find, that, when the prisoner was questioning Mr. Elliott as to what another person, Mr. Hopkinson, had said, an objection was taken, the court was cleared, and, on its being re-opened, the Assistant Judge-Advocate thus addressed Mr. Smith:—” The Court has ordered me to say, that you must confine yourself to the strict rules of evidence; and that hearsay evidence will not in future be received. “Will not in future be received!!! Up to that period in had been received; nay, the judges themselves had put the very worst questions of that description. I say, that great as had been the blame due to the Judge-Advocate upon this occasion; violent, partial, unjust, and cruel as had been his conduct towards the prisoner; much as he had exceeded the limits of his duty; flagrantly as he had throughout wronged the prisoner in the discharge—I was about to say in the breach—of his official duty; and grievously culpable as were some other persons to whom I have alluded,—their conduct was decorous in itself, and harmless in its consequences, compared with the irregularity, the gross injustice, of the judges who presided. Well, than, when the prosecutor’s case was closed, and sufficient matter was supposed to have been obtained by the most unblushing contempt of all rules, from the cross-examination of the prisoner’s witnesses, those same judges suddenly clothed themselves with the utmost respect for those same rules, in order to hamper the prisoner in his defence, which they had systematically violated in order to assist his prose-
ution. After admitting all hearsay, however remote,—after labouring to overwhelm with rumour, and reputation, and reports of reputation, and insinuation at second hand,—they strictly prohibited every thing like hearsay where it might avail him for his defence. Nay, in their eagerness to adopt the new course of proceeding, and strain the strict rules of law to the uttermost against him, they actually excluded, under the name of hearsay, that which was legitimate evidence. The very next question put by Mr. Smith went to show that he had not concealed the movements of the Slaves from the manager of the estate; the principle charge against him being concealment from "the owners, managers, and other authorities." Did any conversation pass on that occasion between Mr. Stewart, yourself, and the prisoner, relative to Negroes; and if so, will you relate it?"—Rejected. "Did the prisoner tell Mr. Stewart, that several of the Negroes had been to inquire concerning their freedom, which they found had come out for them?"—Rejected. These questions, and several others, which referred to the very essence of the charge against him, were rejected. How then can any effrontery make man say that this poor Missionary had an impartial trial? To crown so glaring an act of injustice can any thing be wanting? But if it were, we have it here. The Court resolved that its worst acts should not appear on the minutes: it suppressed those questions; and expunged also the decision, forbidding hearsay evidence for the future! But the rule having, to crush the prisoner, been laid down, we might at least have expected that it would be adhered to. No such thing. The moment that an occasion presents itself, when the rule would hamper the prosecutor and the judges, they abandon it, and recur to their favourite hearsay. In the very next page, we find this question put by the Court,—"Previous to your going to chapel, were you told that plenty of people were there on that day?" If hearsay evidence was thus received or rejected as best suited the purpose of compassing the prisoner’s destruction, other violations of law, almost as flagrant, were resorted to, with the same view. Conversations with Mrs. Smith, in her husband’s absence, were allowed to be detailed: the sentences passed upon five other persons, previously tried, were put in; and I should suppose privately read by the Court, as I find no allusion to them in the prisoner’s most able and minute defence, which touches on every other particular of the case; and all mention of those sentences is suppressed in the minutes transmitted by the Court. For the manifest purpose of blackening him in the eyes of the people, and with no earthly
reference to the charges against him, a long examination is permitted into the supposed profits he made by a sale of Bibles, Prayer and Psalm-books, and Catechisms; and into the donations he received from his Negro flock, and the contributions he levied upon them for church dues: every one tittle of which is satisfactorily answered and explained by the evidence, but every one tittle of which was wholly beside the question.

I find, Sir, that many material circumstances which occurred on the trial are altogether omitted in the House copy. I find that the evidence is garbled in many places, and that passages of the prisoner's defence are omitted; some because they were stated to be offensive to the Government,—others because they were said to be of a dangerous tendency,—others, again, because the Court entertained a different opinion on certain points from the prisoner, or because they might seem to reflect upon the Court itself. Mr. Smith was charged with corrupting the minds of the Slaves, and enticing them to a breach of their duty, and of the law of the land, because he recommended to them not to violate the Sabbath. It was objected against him also by some, that he selected passages from the Old Testament; and by others, that he did not, as he ought, confine himself to certain parts of the New Testament; others, again, found fault with him for teaching the Negroes to read the Bible. And when, in answer to these charges, he cited passages from the Bible in his defence, he was told that he must not quote Scripture, as it was supposed that every member of the Court was perfectly acquainted with the Sacred Writings—a supposition which certainly does not occur to one on reading their proceedings. By others, again, this poor man was held up as an enthusiast, who performed his functions in a wild and irregular manner. It was said that his doctrines were of a nature to be highly injurious in any situation, but peculiarly so amongst a Slave population. In proof of this assertion, it was stated, that the day before the revolt he preached from Luke xix. 41, 42—"And when He was come near, He beheld the city, and wept over it; saying, If thou hadst known, even thou, in this thy day, the things which belong unto thy peace! but now they are hid from thine eyes." Thus was this passage, which has been truly described by the Rev. Mr. Austin as a text of singular beauty, turned into matter of accusation and reproach against this unfortunate missionary. But if this text was held to be so dangerous—so productive of insubordination and rebellion—what would be said of the clergy of the Established Church, of whose
doctrines no fear was entertained? The text chosen by Mr. Smith on this occasion appeared, to the heated imagination of his judges, to be one which endangered the peace of a Slave community. Very different was the opinion of Mr. Austin, the colonial chaplain, who could not be considered as inflamed with any daring, enthusiastic, and perilous zeal. But what, I ask, might not the same alarmists have said of Mr. Austin, who, on that very day, the 17th of August, had to read, as indeed he was by the rubric bound to do, perhaps in the presence of a large body of black, white, and coloured persons, such passages as the following, which occur in one of the lessons of that day, the 14th chapter of Ezekiel. "When the land sinneth against me by trespassing grievously, then I will stretch out mine hand upon it, and will break the staff of the bread thereof, and will send famine upon it, and will cut off man and beast from it." "Though these three men" (who might easily be supposed to be typical of Mr. Austin Mr. Smith, and Mr. Elliot), "were in it, they shall deliver neither sons nor daughters: they only shall be delivered, but the land shall be desolate. Or if I bring a sword upon that land, and say, Sword, go through the land, so that I cut off man and beast from it; Though these three men were in it, as I live, saith the Lord God, they shall deliver neither sons or daughters; but they only shall be delivered themselves." Let me ask any impartial man if this is not a text much more likely to be mistaken than the other? And yet every clergyman of the Established Church was bound to read it on that day in that colony.

The charges against Mr. Smith are four. The first states, that, long before the 18th of August, he had promoted dissatisfaction amongst the slaves against their lawful masters. This charge was clearly beyond the jurisdiction of the court; for it refers to matters before martial law was proclaimed, and consequently before Mr. Smith could be amenable to that law. Supposing that, as a court martial, they had a right to try a clergyman for a civil offence, which I utterly deny, it could only be on the principle of martial law having been proclaimed that they were entitled to do so. The proclamation might place him, and every other man in the colony, in the situation of a soldier but if he was to be considered as a soldier, it could only be after the 19th of August. Admitting, then, that the Rev. John Smith was a soldier, under the proclamation, he was not such on the 18th, on the 17th, nor at any time before the transactions which are called the revolt of Demerara; and yet it was upon such a charge that the
court martial thought proper to try him, and upon which alone it could try him, if it tried him at all. But they had no more right, I contend, to try him for things done before the 19th, in the character of a soldier liable to martial law, than they would have to try a man, who had enlisted to-day, for acts which he had committed the day before yesterday, according to the same code of military justice. The same reasoning applies to three of the four charges. There is only one charge, that of communicating with Quamina touching the revolt, which is in the least entitled to consideration; yet this very communication might have been to discourage, and not to excite or advise the revolt. In fact, it was clearly proved to have been undertaken for that purpose, notwithstanding the promises of the Judge-Advocate to prove the contrary. There are three things necessary to be established before the guilt of this unfortunate man can be maintained on this charge; first, that Quamina was a revoler; secondly, that Mr. Smith knew him to be a revoler; and thirdly, that he had advised and encouraged him in the revolt;—for the misprison, the mere concealment, must be abandoned by those who support the sentence, inasmuch as misprison is not a capital offence. But all the evidence shews that Quamina did not appear in such a character—that Mr. Smith was ingorant of it even if he did—and that his communication was directed to discourage, and not to advise any rash step into which the sufferings of the slaves might lead them. As to his not having seized on Quamina, which is also made a charge, the answer which the poor man himself gave was a sufficient reply to any imputation of guilt that might be founded on this omission. "Look," said he, "on these limbs, feeble with dis ease, and say how was it possible for me to seize a powerful robust man, like Quamina, inflamed with the desire of liberty, as that slave must have been if he were a revoler, even if I had been aware that he was about to head a revolt." But, in truth, there is not a tittle of evidence that Mr. Smith knew of the revolt; while there is abundant proof that he took especial measures and watchful care to tell all he did know to the proper authorities, the managers, of the estate. If, again, the defenders of the court martial retreat from this to the lower ground of mere concealment, and thus admit the illegality of the sentence in order to shew something like matter of blame in the conduct of the accused, I meet them here as fearlessly upon the fact, as I have already done upon the law of their case; and I affirm, that he went the full length of stating to Mr. Stewart, the manager of the estate, his apprehensions with res-
pect to the impending danger; that "the lawful owners, proprietors, and managers" were put upon their guard by him, and were indebted to his intelligence, instead of having a right to complain of his remissness or disaffection; that he told all he knew, all he was entitled to consider as information (and no man is bound to tell mere vague suspicions, which cross his mind, and find no abiding place in it); and that he only knew any thing precise respecting the intentions of the insurgents from the letter delivered to him half an hour before the Negroes were up in arms, and long after the movement was known to every manager in the neighbourhood. The Court, then, having no jurisdiction to sit at all in judgment upon this preacher of the Gospel—their own existence as a court of justice being wholly without the colour of lawful authority—tried him for things which, had they ever so lawful a title to try him, were wholly beyond their commission; and of those things no evidence was produced upon which any man could even suspect his guilt, if the jurisdiction had been ever so unquestionable, and the accused had been undeniably within its range. But in spite of all the facts—in spite of his well-known character and upright conduct—it was necessary that he should be made an example for certain purposes; it was necessary that the missionaries should be taught in what an undertaking they had embarked; that they should be warned that it was at their peril they preached the Gospel; that they should know it was at the hazard of their lives that they opened the Bible to their flocks; and therefore it was that the court-martial deemed it expedient to convict Mr. Smith, and to sentence him to be hanged by the neck until he was dead!

But the Negroes, it seems, had grumbled at the reports which went abroad respecting their liberation by an act of his Majesty, and the opposition said to be given to it by their proprietors. Who propagated those reports? Certainly not Mr. Smith. It is clear that they originated, in one instance, from a servant who attended at the Governor's table, and who professed to have heard them in the conversations which took place between the Governor and his guests. Another account was, that a kept woman had disclosed the secret, having learnt it from her keeper, Mr. Hamilton. The Negroes naturally flocked together to inquire whether the reports were true or not; and Mr. Smith immediately communicated to their masters his apprehensions of what he had always supposed possible, seeing the oppression under which the slaves laboured, and knowing that they were men. But it is said, that at six o'clock on the Monday evening, one half hour
before the rebellion broke out, he did not disclose what he could not have known before,—namely, that a revolt was actually about to commence. Now, taking this fact, for the sake of argument, to be proved to its fullest extent, I say that a man convicted of misprison cannot by the law be hanged. The utmost possible vengeance of the law, according to the wildest dream of the highest prerogative lawyer, could not amount to anything like a sanction of this. Such I assert the law to be. I defy any man to contradict my assertion, that up to the present hour, no English lawyer ever heard of misprison of treason being treated as a capital offence; and that it would be just as legal to hang a man for a common assault. But if it be said that the punishment of death was awarded for having aided the revolt, I say the Court did not, could not, believe this; and I produce the conduct of the judges themselves to confirm what I assert. They were bold enough in trying, and convicting, and condemning the victim whom they had lawlessly seized upon; but they trembled to execute a sentence so prodigiously illegal and unjust; and having declared that, in their consciences and on their oaths, they deemed him guilty of the worst of crimes, they all in one voice add, that they also deem him deserving of mercy in respect of his guilt! Is it possible to draw any other inference from this marvellous recommendation, than that they distrusted the sentence to which it was attached? When I see them appalled by their own proceedings—starting back at the sight of what they had not scrupled to do—can I give them credit for any fear of doing injustice; they who from the beginning to the end of their course had done nothing else? Can I believe that they paused upon the consummation of their work from any motive but a dread of its consequences to themselves; a recollection tardy, indeed, but appalling, that “Whoso sheddeth man’s blood, by man shall his blood be shed?” And not without reason, not without irrefragable reason did they take the alarm; for verily if they had perpetrated the last act—if they had dared to take this innocent man’s life (one hair of whose head they durst not touch), they must themselves have died the death of the murderer! Monstrous as the whole proceedings were, and horrid as the sentence that closed them, there is nothing in the trial from first to last so astounding as this recommendation to mercy, coming from persons who affected to believe him guilty of such enormous crimes. If he was proved to have committed the offence of exciting the slaves to acts of bloodshed—if his judges believed him to have done what their sentence alleged
against him—how unspeakably aggravated was his guilt, compared with that of the poor untutored slaves, whom he had misled from their duty under the pretext of teaching them religion! How justly might all the blood that was shed be laid upon his head! How fitly, if mercy was to prevail, might his deluded instruments be pardoned, and himself alone singled out for vengeance, as the author of their crimes! Yet they are cut off in hundreds by the hand of justice, and he is deemed an object of compassion!

How many victims were sacrificed we know not with precision. Such of them as underwent a trial before being put to death, were judged by this court-martial. Let us hope that they had a fair and impartial trial, more fair and more impartial than the violence of political party and the zeal of religious animosity granted to their ill-fated pastor. But without nicely ascertaining how many fell in the field, or by the hands of the executioner, I fear we must admit that far more blood was thus spilt than a wise and a just policy required. Making every allowance for the alarms of the planters, and the necessity of strong measures to quell a revolt, it must be admitted, that no more examples should have been made than were absolutely necessary for this purpose. Yet, making every allowance for the agitation of men's minds at the moment of danger, and admitting (which is more difficult) that it extended to the colonial government, and did not subside when tranquillity was restored, no man can avoid suspecting, that the measure of punishment inflicted considerably surpassed the exigencies of the occasion. By the Negroes, indeed, little blood had been shed at any period of the revolt, and in its commencement none at all; altogether only one person was killed by them. In this remarkable circumstance, the insurrection stands distinguished from every other movement of this description in the history of colonial society. The slaves, inflamed by false hopes of freedom, agitated by rumours, and irritated by the suspense and ignorance in which they were kept, exasperated by ancient as well as more recent wrongs (for a sale of fifty or sixty of them had just been announced, and they were about to be violently separated and dispersed), were satisfied with combining not to work; and thus making their managers repair to the town, and ascertain the precise nature of the boon reported to have arrived from England. The calumniated minister had so far humanized his poor flock—his dangerous preaching had so enlightened them—the lessons of himself and his hated brethren had sunk so deep in their minds, that, by the testimony of the clergyman,
and even of the overseers, the maxims of the Gospel of peace were upon their lips in the midst of rebellion, and restrained their hands when no other force was present to resist them. "We will take no life," said they; "for our Pastors have taught us not to take that which we cannot give;" —a memorable peculiarity, to be found in no other passage of Negro warfare within the West-Indian seas, and which drew from the truly pious minister of the Established Church the exclamation, that "He shuddered to write that they were seeking the life of the man whose teaching had saved theirs!" But it was deemed fitting to make tremendous examples of those unhappy creatures. Considerably above a hundred fell in the field, where they did not succeed in putting one soldier to death. A number of the prisoners also, it is said, were hastily drawn out, at the close of the affray, and instantly shot. How many, in the whole, have since perished by sentences of the Court, does not appear; but up to a day in September, as I learn by the Gazette which I hold in my hand, forty-seven had been executed. A more horrid tale of blood yet remains to be told. Within the short space of a week, as appears by the same document, ten had been torn in pieces by the lash: some of these had been condemned to six or seven hundred lashes; five to one thousand each; of which inhuman torture one had received the whole, and two almost the whole at once. In deploiring this ill-judged severity, I speak far more out of regard to the masters than the slaves. Yielding thus unreservedly to the influence of alarm, they have not only covered themselves with disgrace, but they may, if cooler heads and steadier hands control them not, place in jeopardy the life of every White man in the Antilles. Look now to the incredible inconsistency of the authorities by whom such retribution was dealt out, while they recommend him to mercy, whom in the same breath they pronounced a thousand times more guilty than the Slaves. Can any man doubt for an instant that they knew him to be innocent, but were minded to condemn, stigmatise, and degrade him, because they durst not take his life, and yet were resolved to make an example of him as a preacher?

The whole proceedings demonstrate the hatred of his persecutors to be levelled at his calling and his ministry. He is denounced for reading the Old Testament; charged with dwelling upon parts of the New; accused of selling religious tracts; blamed for collecting his hearers to the sacrament and catechism; all under various pretences, as that the texts were ill chosen—the books sold too dear—the communicants made to pay high dues. Nay, for teaching obedience to the
law which commands to keep holy the Sabbath, he is directly, and without any disguise, branded as the sower of sedition. Upon this overt act of rebellion against all law, human and divine, a large portion of the prosecutor's invectives and of his evidence is bestowed. What though the Reverend Defendant shewed clearly, out of the mouths of his adversary's witnesses, that he had uniformly taught the Negroes to obey their masters, even if ordered by them to break the rest of the Sabbath; that he had expressly inculcated the maxim, Nothing is wrong in you which your master commands; and nothing amiss in him which necessity prescribes? What though he reminded the Court, that the seventh day, which he was charged with taking from the slaves, was not his to give or to withhold; that it had been hallowed by the Divine Lawgiver to his own use, and exempted in terms from the work of slave as well as master—of beast as well as man? He is arraigned as a promoter of discontent, because he, the religious instructor of the Negroes, enjoins them to keep the Sabbath holy, when their owners allow them no other day for working; because he, a Minister of the Gospel, preaches a duty prescribed by the laws of religion and by the laws of the land, while the planters live in the contempt of it. In short, no man can cast his eye upon this trial, without perceiving that it was intended to bring on an issue between the System of the Slave-law and the Instruction of the Negroes. The exemplar which these misguided men seem to have set before them is that of their French brethren in St. Domingo: one of whom, exulting in the expulsion of the Jesuits, enumerates the mischiefs occasioned by their labours. "They preached," says he, "they assembled the Negroes, made the masters relax in their exactions, catechised the Slaves, sung psalms, and confessed them." "Since their banishment," he adds, "marriages are rare; the Negroes no longer make houses for themselves apart: it is no longer allowable for two Slaves to separate for ever their interest and safety from that of the gang" (a curious circumlocutory form of speech to express the married state.) "No more public worship!" he triumphantly exclaims, "no more meetings in congregation! no psalm-singing, nor sermons for them!" "But they are still catechised; and may, on paying for it, have themselves baptized three or four times" (upon the principle, I suppose, that, like inoculation, it is safer to repeat it.) In the self-same spirit the Demerara public meeting of the 24th of February 1824, resolved forthwith to petition the Court of Policy "to expel all mission-
aries from the colony, and to pass a law prohibiting their
admission for the future.” Nor let it be said, that this
determination arose out of hatred towards sectaries, or was
gengendered by the late occurrences. In 1808, the Royal
Gazette promulgated this doctrine, worthy of all attention:
“He that chooses to make Slaves Christians, let him give
them their liberty. What will be the consequence when to
that class of men is given the title of beloved brethren
as actually is done? Assembling Negroes in places of
worship gives a momentary feeling of independence both of
thinking and acting, and by frequent meetings of this kind
a spirit of remark is generated; neither of which are sensa-
tions at all proper to be excited in the minds of Slaves.”
Again, in 1823, says the Government paper, “To address a
promiscuous audience of black or coloured people, bond and
free, by the endearing appellation of ‘My brethren and sisters,’
is what can no where be heard except in Providence Chapel;”
a proof how regularly this adversary of sectarian usages
had attended the service of the Church. And, in February
last, the same judicious authority, in discussing the cau-
es of the discontents, and the remedy to be applied, thus pro-
ceeds:—“It is most unfortunate for the cause of the planters,
that they did not speak out in time. They did not say, as
they ought to have said, to the first advocates of missions
and education, We shall not tolerate your plans till you prove
to us that they are safe and necessary; we shall not suffer
you to enlighten our Slaves, who are by law our property,
till you can demonstrate that when they are made religious
and knowing they will still continue to be our Slaves.”—
“In what a perplexing predicament do the colonial pro-
priators now stand! Can the march of events possibly ar-
rested! Shall they be allowed to shut up the chapels, and
banish the preachers and schoolmasters, and keep the Slaves
in ignorance? This would, indeed, be an effectual remedy;
but there is no hope of its being applied!!!”—“The ob-
vious conclusion is this,—Slavery must exist as it now is,
or it will not exist at all.” “If we expect to create a
community of reading, moral, church-going Slaves, we are
woefully mistaken.”—Ignorant! oh, profoundly ignorant,
of the things that belong to their peace! may we truly
say, in the words of the missionary’s beautiful text,—to
that peace, the disturbance of which they deem the last of
evils. Were there not dangers enough besetting them on
every side without this; The frame of West Indian society,
that monstrous birth of the accursed Slave trade, is so feeble
in itself, and, at the same time, surrounded with such perils
from without, that barely to support it demands the most temperate judgment, the steadiest and the most skilful hand; and, with all our discretion, and firmness, and dexterity, its continued existence seems little less, than a miracle. The necessary hazards; to which, by its very constitution, it is hourly exposed, are sufficient, one should think, to satiate the most greedy appetite for difficulties—to quench the most chivalrous passion for dangers. Enough that a handful of Slave-owners are scattered among myriads of Slaves—enough, that in their nearest neighbourhood a commonwealth of those Slaves is now seated triumphant upon the ruined tyranny of their slaughtered masters—enough, that exposed to this frightful enemy from within and without, the planters are cut off from all help by the ocean. But to odds so fearful, these deluded men must needs add new perils absolutely overwhelming! By a bond, which nature has drawn with her own hand, and both hemispheres have witnessed, they find leagued against them every shade of the African race, every description of those swarthy hordes, from the peaceful Eboe to the fiery Koromantyn. And they must now combine in the same hatred the Christians of the Old world with the Pagans of the New! Barely able to resign the natural love of freedom, they must mingle it with the enthusiasm of religion,—vainly imagining that spiritual thraldom will make personal subjection more bearable;—wildly hoping to bridle the strongest of the human passions, in union and in excess,—the desire of liberty irritated by despair, and the fervour of religious zeal by persecution exasperated to frenzy. But I call upon Parliament to rescue the West Indies from the horrors of such a policy; to deliver those misguided men from their own hands. I call upon you to interpose while it is yet time to save the West Indies; first of all, the Negroes, the most numerous class of our fellow-subjects, and entitled beyond every other to our care by a claim which honourable minds will most readily admit,—their countless wrongs, borne with such forbearance, such meekness, while the most dreadful retaliation was within their grasp; next, their masters, whose short-sighted violence is, indeed, hurtful to their slaves, but to themselves is fraught with fearful and speedy destruction, if you do not at once make your voice heard and your authority felt, where both have been so long despised.

I move you "That an Humble Address be presented to his Majesty, setting forth, that the House, having taken into their most serious consideration the proceedings which had taken place on the trial of the Reverend John Smith, at
Demerara contemplated with the most serious alarm the violation of Law and Justice which had there been committed; and they did earnestly pray, that His Majesty would be most graciously pleased to give orders for such an impartial and humane administration of the law in that Colony as may secure the rights not only of the Negroes, but of the Planters themselves."
I do assure the House, that I feel great regret at having to address them again so late in the night; but, considering the importance of the case, I cannot be satisfied to let it rest where it is, without trespassing upon their patience for a short time—and it shall be for as short a time as possible: indeed, that I rise at all is chiefly in consequence of the somewhat new shape into which the proposition of the right honourable gentleman opposite* has thrown the question. For, Sir, as to the question itself, on the merits of which I before presumed at such length on the indulgence of the House, not only have I heard nothing to shake the opinion which I originally expressed, or to meet the arguments which I feebly endeavoured to advance in its support, but I am seconded by the admissions of those who would resist the motion: for, beside the powerful assistance I have had the happiness of receiving from my honourable and learned friends on the benches around me, and who, one after another, have distinguished themselves in a manner never to be forgotten in this House, or by their country†—men of all classes,

* Mr. Canning.
† Mr. (now Lord Chief Justice) Deaman; Mr. (now Mr. Justice Williams); Sir James Mackintosh and Dr. Lushington. The speeches of the two former have already been mentioned. Dr. Lushington's was of the very highest merit. Sir J. Mackintosh's was excellent also.
and of all parties, without regard to difference of political sentiments or of religious persuasions, will hold them in lasting remembrance, and pronounce their honoured names with unceasing gratitude, for the invaluable service which their brilliant talents and honest zeal have rendered to the cause of truth and justice.—Beside this, what have I on the other side? Great ability, no doubt, displayed—much learning exhibited—men of known expertness and high official authority put in requisition—others for the first time brought forward in debate—an honourable and learned friend of mine, for whom I have the most sincere esteem, and the best grounded, because it rests on a long and intimate knowledge of his worth, and of those talents and accomplishments of which I did not for the first time to-night witness the exhibition, although they have now first met the universal admiration of this House;*—yet with all those talents, and all that research from him and from others who followed him, instead of an answer, instead of any thing to controvert the positions I set out with, I find support. I have an admission—for it amounts to nothing less than an admission—a confession—a plea of guilty, with a recommendation to mercy.

We have an argument in mitigation of the punishment of this Court Martial, and of the government who put their proceedings in motion—nothing against Mr. Smith, nothing on the merits or in favour of those proceedings. An attempt, no doubt, was made, by my honourable and learned friend the Attorney General,† to go a little further than any other gentleman who has addressed the House. He would fain have stept beyond the argument which alone has been urged from all other quarters against this poor missionary, and would have attempted to show that there was some foundation for the charge which makes him an accomplice, as well as guilty of misprision: all others, as well of the legal profession as laymen, and particularly the Secretary of State,‡ who spoke last but one, have at once abandoned, as utterly desperate, each and every of the charges against Mr. Smith, except that of misprision; and even this they do not venture very stoutly to assert. "It is something like a misprision, says the right honourable Secretary;—for the House will observe, that he would not take upon himself to say that the party had been guilty of misprision of treason, strictly so

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* Mr. (now Lord Chief Justice) Tindal, who then first spoke in Parliament.
† Sir J. Copley, now Lord Lyndhurst, who spoke with his accustomed ability.
‡ Mr. Canning, who moved the previous question after Mr. (now Sir R.) Wilmot Horton had met the motion with a negative.
called. He would not attempt to say there was any treason in existence, of which a guilty concealment could take place; still less would he undertake to affirm (which is, however, necessary, in order to make it misprision at all) that Mr. Smith had known a treason to exist in a specific and tangible shape, and that after this knowledge was conveyed to him, he had sunk it in his own breast instead of divulging it to the proper authorities.

All the charge was this—in this it began, in this it centered, in this it ended: "I cannot help thinking," said the right honourable gentleman, "when I take every thing into consideration, whatever may be the facts as to the rest of the case—I cannot get out of my mind the impression, that, somehow or other, he must have known that all was not right; must have suspected that there might be something wrong; and knowing, or suspecting there was something wrong, he did not communicate that something to the lawful authorities!" My honourable and learned friend,* indeed, went a little further: he felt, as a lawyer, that this was not enough, and particularly when we are talking, not merely of a crime, but of a capital crime—not merely of a charge of guilty, and of "something wrong," and of having a misgiving in your mind that that "something wrong" was known to him, and, being known to him, was concealed by him;—but that on this something was to be founded, not barely an accusation of wrong doing, but a charge of criminality; and not merely a charge, but a conviction; and not merely a conviction of guilt, but a conviction of the highest guilt, known to the law of this or of any country; and a sentence of death following that capital conviction; and that ignominious sentence standing unrepealed, though unexecuted; sanctioned, nay adopted, by the Government of this country, because suffered to remain unrepeind; and carried into effect, as far as its authors durst themselves give it operation, by treating its object as a criminal, and making him owe his escape to mercy, who was entitled to absolute acquittal. Accordingly what says my honourable friend,† in order to shew that there was some foundation for those proceedings? He feels that English law will not do; that is quite out of the question; so does the Attorney General. Therefore forth comes their Dutch code; and upon it they are fain, at least for a season, to rely. They say, "True it is, all this would have been too monstrous to be for one instant endured in any court in England;—true, there is nothing like a capital crime committed here;—certain it is, if treason had been committed by some men conspir-
ing the death of the king; if an overt act had been proved; if the very bond of the conspirators had been produced, with their seals, in court, to convict them of this treason; and if another man, namely, Smith, had been proved to have known it, to have seen the bond with the seals and the names of the conspirators upon it, had been the confidential despository of their secret treasons, and had done all but make himself their accomplice, he might have known it; he might have seen its details in black and white, he might have had it communicated to him by word or by writing, he might have had as accurate knowledge of it as any man has of his own household, and he might have buried the secret in his own breast, so that no one should learn it until the design, well matured, was at length carried openly into execution; and yet that knowledge and concealment, that misprision of treason, could not by possibility have subjected him to capital punishment in any English court of justice!"

This they know, and this they admit; and the question being, What shall we do, and how shall we express our opinion on the conduct of a Court Martial, which, having no jurisdiction with respect to the offence, even if the person of the prisoner had been under their authority, chose to try him over whom they had no jurisdiction of whatever offence he might be accused;—and, moreover, to try him capital for an offence for which no capital sentence could be passed, even if the party had been amenable to their jurisdiction, and if, when put upon his trial, he had at once pleaded guilty, and confessed that he had committed all he was accused of a hundred times over—this being the question before the House, —my honourable and learned friends being called upon to say how we shall deal with those who first arrogate to themselves an authority utterly unlawful, and then sentence a man, whom they had no pretence for trying, to be hanged for that which he never did, but which, had he done it, is not a capital crime:—such being the question, the gentlemen on the other side, feeling the pinch of it, and aware that there is no warrant for such a sentence in the English law, betake themselves to the Dutch, contending that it punishes misprison with death!

But here my honourable friend* gets into a difficulty, which all his acuteness only enables him to see the more clearly that there is no struggling against, and from which the whole resources of his learning have no power to extricate him. Nay—I speak it with the most sincere respect for him—I was not the only person who felt, as he was going

* Mr. Tiindal.
on, that in this part of his progress he seemed oppressed with the nature of his task, and, far from getting over the ground with as easy a pace and as firm a footstep as usual, he hesitated and even stumbled; as if unaware beforehand of the slipperiness of the path, and only sensible of the kind of work he had undertaken when already in the midst of it. The difficulty, the insurmountable difficulty, is this: You must choose between jurisdiction to try at all, and power to punish misprision capitally; both you cannot have by the same law. If the Dutch law make the crime capital, which the English does not, the Dutch law gives you no right to try by a military tribunal. The English law it was that alone could make the Court Martial legal; so, at least, the court and the prosecutor say. "Necessity," they assert, "has no law—proclaim martial law, every man is a soldier, and amenable to a military court." They may be right in this position, or they may be wrong; but it is their only defence of the jurisdiction which they assumed. By the law of England, then, not of Holland, was the court assembled. According to English forms it sate; to English law-principles it affected to square its modes of proceeding; to authorities of English law it constantly appealed. Here indeed, this night, we have heard Dutch jurists cited in ample profusion; the erudite Van Schooten, the weighty Voetius, the luminous Huber, ornaments of the Batavian school.—and Dommat, who is neither Dutch nor English, but merely French, and therefore has as much to do with the question, in any conceivable view, as if he were a Mogul doctor; yet his name too is brandished before us, as if to shew the exuberance and variety of the stores at the command of my honourable and learned friends.

But was any whisper of all this Hollandish learning ever heard in the court itself? Was it on those worthies that the parties themselves relied, for whom the fertile and lettered invention of the gentlemen opposite is now so nimbly forging excuses? No such thing. They appealed to the Institutes of that far-famed counsellor of justice, Blackstone; the edict of the States-General, commonly called the "Mutiny Act;" the Crown Law of that elaborate commentator of Rotterdam, Hawkins; and the more modern tractate upon Evidence of my excellent friend, the very learned professor Phillips of Leyden. It is to these authorities that the Judge Advocate, or rather the many Judge Advocates who were let loose upon the prisoner, constantly make their appeal; with quotations from these laws and these text-writers that they garnish their arguments; and Voet, and Van Schooten,
and Huber, are no more mentioned than if they had never existed, or Guiana had never been a colony of the Dutch. Thus, then, in order to get jurisdiction, without which you cannot proceed one step, because the whole is wrong from the beginning if you have it not, you must abandon your Dutch authors, leave your foreign codes, and be content, with that rude, old-fashioned system, part written, part traditional, the half-Norman half-Saxon code, which we are wont (and no man more than my honourable and learned friend, himself one of its choicest expounders) to respect, under the name of the old every-day law of England. Without that you cannot stir one step. Having gotten your foot on that you have something like a jurisdiction, or at least a claim to a jurisdiction, for the Court Martial. But, then, what becomes of your capital punishment? Where is your power of putting to death for misprision? Because, the instant you abandon the Dutch law, away goes capital punishment for misprison; and if you acquit this Court Martial of the monstrous solecism (I purposely avoid giving it a worse name) of having pronounced sentence of death for a clergyable offence, you can only do so by having recourse to the Dutch law, and then away goes the jurisdiction:—so that the one law takes from you the jurisdiction—the authority to try at all;—and the other takes away the right to punish as you have punished. Between the horns of this dilemma I leave my honourable and learned friend, as I must of necessity leave him where he has chosen to plant himself; suspended in such a fashion that he can never, by any possibility, quit the one point, without instantly being transfixed upon the other.

Now, this is no immaterial part of the argument; on the contrary, it lies at the foundation of the whole; and I cannot help thinking, that the practised understanding of my other learned friend* perceived its great importance, and had some misgivings that it must prove decisive of the question; for he applied himself to strengthen the weak part, to find some way by which he might steer out of the dilemma—some middle course, which might enable him to obtain the jurisdiction from one law, and the capital punishment from the other. Thus, according to him, you must neither proceed entirely by the Dutch, nor yet entirely by the English law, but just take from each what suits your immediate purpose, pursuing it no further than the necessities of your case require, and the flaws in that case render safe. The English law gives you jurisdiction: use it then to open the doors: but,

* The Attorney-General.
having them thus flung open, allow not to enter the gracious figure of English justice, with those forms, the handmaidens that attend her. Make way for the body of Dutch jurisprudence, and enthrone her, surrounded with her ministers, the Hubers, and Voets, and Van Schooten. Now this mode of treating a difficulty is one of the most ordinary, and among the least excusable, of all sophisms; it is that by which in, order to get rid of an absurdity inherent in any proposition, we arbitrarily and gratuitously alter its terms, as soon as we perceive the contradictory results to which it necessarily leads; carving and moulding our data at pleasure; not before the argument begins, but after the consequences are perceived. The alteration suddenly made arises, not out of the argument, or the facts, or the nature of things; but is made violently, and because there is no doing without it; and it is never thought of till this necessity is discovered. Thus, no one ever dreamt of calling in the Dutch code, till better lawyers than the Court Martial found that the English law condemned half their proceedings; and then the English was abandoned, until it was perceived that the other half stood condemned by the Dutch. Therefore a third expedient is resorted to, that of a party-coloured code; the law under which they claim their justification is to be part Dutch, when that will suit; part English, when they can't get on without it; something compounded of both, and very little like either;—showing to demonstration that they acted without any law, or only set about discovering by what law they acted after their conduct was impeached; and then were forced to fabricate a new law to suit their proceedings, instead of having squared those proceedings to any known rule of any existing law on the face of the earth.

To put all such arbitrary assumptions at once to flight, I need only remind the House how the jurists of Demerara treated the Dutch law. Admitting, for argument's sake, that the doors of the court were opened by the English law giving them jurisdiction, then that by violence the Dutch law was forced through the door, and made to preside, of course we shall find all appeal to English statutes, and forms, and common law, cease from the instant that they have served their purpose of giving jurisdiction, and every thing will be conducted upon Dutch principles. Was it so? Was any mention made, from beginning to end, of Dutch rules or Dutch forms? Was there a word quoted of those works now so glibly referred to? Was there a single name pronounced of those authorities, for the first time cited in this House tonight? Nothing of the kind. All was English, from first to
last: all the laws appealed to on either side, all the writers quoted, all the principles laid down, without a single exception, were the same that would have been resorted to in any court sitting in this country; and the Court Martial were content to rest their proceedings upon our own law, and to be an English judicature, or to be nothing at all.

Sir, I rejoice (well knowing that a legal argument, whether Dutch or English, or, like the doctrine I have been combating, made up of both, is at all times very little of a favourite with this House, and less than ever at the hour of the morning to which we are now approaching,) I rejoice greatly that what I have said, coupled with the far more luminous and cogent reasons which have been urged by my honourable and learned friends around me, may suffice to settle the point of law, and relieve me from the necessity of detaining you longer upon so dry a part of the question. My only excuse for having gone so far into it, is its intimate connexion with the defence of the court martial, of whose case it indeed forms the very corner-stone. And now, in passing to the merits of the inquiry, before that court, I have to wish that my honourable and learned friend, the member for Peterborough,* was here in his place; that, after the example of others who have gone before me, I too might in my turn have taken the opportunity of paying my respects to him. But, if he has gone himself, he has left a worthy representative in the honourable Under Secretary for Colonial Affairs,† by whom, in the quality for which his very remarkable speech the other night shone conspicuous—I mean, an entire ignorance of the facts of the case—he is, I will not say out done, because that may safely be pronounced to be beyond the power of any man, but almost, if not altogether, equalled. There was, however, this difference between the two, that the honourable Under Secretary, with a gravity quite imposing, described the great pains he had taken to master the details of the subject, whereas my honourable friend avowed that he considered it as a matter which any one might take up at an odd moment during the debate; that, accordingly, he had come down to the house perfectly ignorant of the whole question, and been content to pick up what he could, while the discussion went on, partly by listening, partly by reading. I would most readily have taken his word for this, as I would for any thing else he chose toassert; but if that had not been sufficient, his speech would have proved it to

* Mr. Scarlett.
† Mr. (now Sir R.) Wilmot Horton.

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demonstration. If, as he says, he came down in state of entire ignorance, assuredly he had not mended his condition by the sort of attention he might have given to the question in his place,—unless a man can be said to change his ignorance for the better, by gaining a kind of half-blind, left-handed knowledge, which is worse than ignorance, as it is safer to be uniformed than misinformed.

In this respect, too, the right honourable Secretary of State* is his worthy successor; for the pains which he has taken to inform himself, seem but to have led him the more widely astray. I protest I never in my life witnessed such an elaborate neglect of the evidence as pervaded the latter part of his speech, which affected to discuss it. He appeared to have got as far wrong without the same bias, as my honourable and learned friend was led by the jaundiced eye with which he naturally enough views such questions, from his West Indian connections, and the recollections associated with the place of his birth and the scene of his earliest years. Without any such excuse from nature, the right honourable Secretary labours to be in the wrong, and is eminently successful. His argument against Mr. Smith rests upon the assumption that he had an accurate knowledge of a plot, which the right honourable Secretary by another assumption supposes to have been proved; and he assumes that Mr. Smith had this knowledge twenty-four hours before he could possibly have known any thing of the matter. Every thing turns upon this; and whoever has read the evidence with attention, is perfectly aware that this is the fact. Tell me not of Jacky Reed’s letter, which was communicated to him on Monday evening at six o’clock, or later! Talk not to me of going to the constituted authorities as soon as he knew of a revolt! If he had known it the night before; if he had been aware of the design before the insurrection broke out—then, indeed, there might have been some ground for speaking about concealment. If he had obtained any previous intelligence, though nothing had been confided to him, by a figure of speech we might have talked of concealment—hardly of misprison. But when did the note reach him? The only discrepancy in the evidence is, that one witness says it was delivered at six o’clock, and he was the bearer of it; while another, ascertaining the time by circumstances, which are much less likely to deceive than the vague recollection of an hour, fixes the moment, by saying that it was at night-fall, half an hour later. But take it at the earliest period, and let it be six o’clock. When did the revolt break out? I hear it

* Mr. Canning.
said, at half-past six. No such thing: it broke out at half-past three: aye, and earlier. Look at the fifteenth page of the evidence, and you will find one witness speaking to what happened at half-past three, and another at half-past four. A most important step had then been taken. Quamina and Jack, the two alleged ringleaders—one of them, Jack, unquestionably was the contriver of the whole movement, or resolution to strike work, or call it what you will; and Quamina was suspected—and I believe the suspicion to have been utterly groundless; nor have I yet heard, throughout the whole proceedings, a word to confirm it—but both these men, the real and the supposed ringleader, had been actually in custody for the revolt, nay, had been both arrested for the revolt and rescued by the revolters, two or three hours before the letter came into Mr. Smith's hands! It is for not disclosing this, which all the world knew better than himself—for not telling them at night what they knew in the afternoon—that he is to be blamed! Why go and communicate to a man that the sun is shining at twelve o'clock in the day? Why tell this House that these candles are burning; that we are sitting in a great crowd, in no very pleasant atmosphere, and listening to a tedious speech? Why state things which were as plain as the day-light, and which every one knew better and earlier than Mr. Smith himself? He was walking with his wife under his arm, say the witnesses: he should have walked away with her, or hired a horse and rode to Georgetown, says the right honourable Secretary. Why, this would have been, at the least, only doing what was manifestly superfluous, and, because superfluous, ridiculous. But in the feeling which then prevailed; in the irritation of men's minds; in the exasperation towards himself, which, I am sorry to say, had been too plainly manifested; I believe such a folly would not have been considered as superfluous only: he would have been asked, 'Why are you meddling? what are you interfering about? keep you quiet at your own house: if you are indeed a peaceable missionary, don't enter into quarrels you have no concern in, or busy yourself with other people's matters.' Answers of that kind he had received before: rebuffs had been given him of a kind which might induce him to take an opposite course: not a fortnight previous to that very night he had been so treated. I, for one, am not the man to marvel that he kept himself still at his house, instead of going forth to tell tales which all the world knew, and to give information, extremely unlike that which the evidence would have communicated to the honourable Under Secretary, if he had read it correctly;
and to the Member for Peterborough, if he had read it at all. It would have informed no one, because all knew it.

But, says the right honourable gentleman, why did not this missionary, if he would not fly to the destruction of his friends upon some vague surmise—if he would not make haste to denounce his flock upon rumour or suspicion—if he would not tell that which he did not know—if he would not communicate a treason which probably had no existence, which certainly did not to his knowledge exist—if he would not disclose secrets which no man had entrusted to him—if he would not betray a confidence which no mortal had ever reposed in him for that is the state of the case up to the delivery of Jacky Reed's letter; that is the precise state of the case at the time of receiving the letter)—if he did not please to do all these impossibilities, there was one possibility, it seems, and that mentioned for the first time to night (I know not when it was discovered), which he might do: Why did he not go forth into the field, when the Negroes were all there, rebellious and in arms—some arrested and rescued, others taken by the insurgents and carried back into the woods—why did he not proceed where he could not take a step, according to the same authority that suggests such an oppperation, without seeing multitudes of martial slaves—why not, in this favourable state of things, at this very opportune moment, at a crisis so auspicious for the exertions of a peaceful missionary among his enraged flock—why not greedily seize such a moment, to reason with them, to open his Bible to them, to exhort them, and instruct them, and catechise them, and, in fine, take all those steps for having pursued which, in a season of profound tranquillity, he was brought into peril of his life!—wherefore not now renew that teaching and preaching to them, for which, and for nothing else, he was condemned to death, his exhausted frame subjected to lingering torture, and his memory blighted with the name of traitor and felon! Why, he was wise in not doing this! If he had made any such unseasonable and wild attempts, we might now think it only folly, and might be disposed to laugh at the ridiculous project; but at that moment of excitement, when the exasperation of his enemies had waxed to such a height as he knew it to have reached against him, and men's minds were in a state of feverish alarm that made each one deem every other he met his foe, and all who were in any manner of way connected with plantations fancied they saw the very bead and ringleader of their common enemy in whatever bore

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* Mr. Canning.
the shape of a Christian pastor—(this Mr. Smith knew, independent of his personal experience, independent of experience the most recent—experience within the last fortnight from the time when such courses are pointed out as rational, nay, obvious and necessary);—but if, with only his own general knowledge of the state of society, the recollection of what had happened to him in former times, and the impression which every page of his journal proves to have been the genuine result of all he saw daily passing before his eyes—if, in such a crisis, and with this knowledge, he had fared forth upon the hopeless errand of preaching peace, when the cutlasses of the insurgents were gleaming in his eyes, I say he would not merely have exposed himself to the just imputation of insanity from the candid and reflecting, but have encountered, and for that reason encountered the persecutions of those who now, with monstrous inconsistency, blame him for not employing his pastoral authority to restrain a rebellious multitude, and who pursued him to the death for teaching his flock the lessons of forbearance and peace!

Sir, I am told that it is unjust to censure the Court Martial so vehemently as I propose doing in the motion before you: and really to hear gentlemen talk of it, one would imagine that it charged enormous crimes in direct terms. Some have argued as if murder were plainly imputed to the Court: They have confounded together the different parts of the argument urged in support of the motion, and then imported into the motion itself that confusion, the work of their own brains. But even if the accusations of which they complain had been preferred in the speeches that introduced or supported the proposition, could anything be conceived more grossly absurd than to decide as if you were called upon to adopt or reject the speeches, and not the motion, which alone is the subject of the vote? Truly this would be a mode of reasoning surpassing anything the most unfair and illogical that I have ever heard attempted even in this place, where I have certainly heard at times reasonings not to be met with elsewhere. The motion conveys a censure, I admit; but in my humble opinion, a temperate and a mitigated censure. The law has been broken; justice has been outraged. Whoso believes not in this, let him not vote for the motion. But whosoever believes that a gross breach of the law has been committed; that a flagrant violation of justice has been perpetrated; is it asking too much at the hands of that man, to demand that he honestly speak his mind, and record his
sentiments by his vote? In former times, be it remembered, this House of Parliament has not scrupled to express, in words far more stringent than any you are now required to adopt, its sense of proceedings displaying the triumph of oppression over the law. When there came before the legislature a case remarkable in itself; for its consequences yet more momentous; resembling the present in many points; to the very letter in some things resembling it—I mean, the trial of Sydney—did our illustrious predecessors within these walls shrink back from the honest and manly declaration of their opinion in words suited to the occasion, and screen themselves behind such tender phrases as are tonight resorted to,—"Don't be too violent—pray be civil—do be gentle—there has only been a man murdered, nothing more—a total breach of all law to be sure; an utter contempt, no doubt of justice, and everything like it, in form as well as in substance; but that's all; surely, then you will be meek, and patient, and forbearing, as were the Demerara judges to this poor missionary; against whom, if somewhat was done, a great deal more was meditated than they durst openly perpetrate; but who, being condemned to die in despite of law and evidence, was only put to death by slow and wanton severity!"—In those days no such language was holden. On that memorable occasion, plain terms were not deemed too strong when severe truth was to be recorded. The word "murder" was used, because the deed of blood had been done. The word "murder" was not reckoned too uncourteously in a place where decorum is studied somewhat more scrupulously than even here: on the journals of the other House stands the appointment of Lords Committees, "to inquire of the advisers and prosecutors of the murder of Lord Russell and Colonel Sydney:" and their Lordships make a report, upon which the statute is passed to reverse those execrable attainters. I will not enter into any detailed comparison of the two cases, which might be thought fanciful; but I would remind the House, that no legal evidence was given of Mr. Smith's handwriting in his journal, any more than of Sydney's in his manuscript Discourse on Government. Every lawyer, who reads the trial, must at once perceive this. The witness who swears to Mr. Smith's hand, cannot say that he ever saw him write; and when asked how he knows, the court say "that question is unnecessary, because he has said he knows the hand!" although all the ground of knowledge he had stated was having received letters from him, without a syllable of having afterwards seen him to ascertain that they were his, or having written in an-
swer to them, or otherwise acted upon them. Now, in Sydney's case there was an endorsement on bills of exchange produced, and those bills had been paid; nevertheless, Parliament pronounced his conviction murder, for this, among other reasons, that such evidence had been received. The outrageous contempt of the most established rules of evidence, to which I am alluding, was indeed committed by a court of fourteen military officers, ignorant of the law; but, that their own deficiencies might be supplied, they had joined with them the first legal authority of the colony. Why then did they not avail themselves of Mr. President Wray's knowledge and experience? Why did they over-rule by their numbers what he must have laid down to them as the law? I agree entirely with my honourable and learned friend* that the President must have protested strenuously against such proceedings. I take for granted, as a matter of course, that he resisted them, to the utmost of his power. My honourable friend and I have too good an opinion of that learned judge, and are too well persuaded of his skill in our common profession, to have a doubt in our minds of his being as much astonished at those strange things as any man who now hears of them; and far more shocked, because they were done before his eyes; and, though really in spite of his efforts to prevent them, yet clothed in outward appearance with the sanction of his authority.

In Sydney's case, another ground of objection at the trial and of reprobation ever afterwards, was the seizure and production of his private manuscript, which he described, in eloquent and touching terms, as containing "sacred truths and hints that came into his mind, and were designed for the cultivation of his understanding, nor intended to be as yet made public." Recollect the seizure and production of the missionary's journal; to which the same objection and the same reprobation is applicable; with this only difference, that Sydney avowed the intention of eventually publishing his Discourse, while Mr. Smith's papers were prepared to meet no mortal eye but his own.—In how many other particulars do these two memorable trials agree! The Preamble of the Act rescinding the attainder seems almost framed to describe the proceedings of the court at Demerara. Admission of hearsay evidence; allowing matters to be law for one party, and refusing to the other the benefit of the same law; wresting the evidence against the prisoner; permitting

* Mr. Scarlett.
proof by comparison of hands—all these enormities are to be found in both causes.

But, Sir, the demeanour of the judges after the close of the proceedings, I grieve to say it, completes the parallel. The Chief Justice who presided, and whom a profligate government made the instrument of Sydney's destruction, it is stated in our most common books—Collins and I believe also Rapin—"when he allowed the account of the trial to be published, carefully made such alterations and suppressions as might shew his own conduct in a more favourable light." That judge was Jeffries, of immortal memory! who will be known to all ages as the chief—not certainly of ignorant and inexperienced men, for he was an accomplished lawyer, and of undoubted capacity—but as the chief and head of unjust, and cruel, and corrupt judges! There, in that place, shall Jeffries stand hateful to all posterity, while England stands; but there he would not have stood, and his name might have come down to us, with far other and less appropriate distinction, if our forefathers, who sat in this House, had consented to fritter away the expression of their honest indignation, to mitigate the severity of that record which should carry their hatred of injustice to their children's children—if, instead of deeming it their most sacred duty, their highest glory, to speak the truth of privileged oppressors, careless whom it might strike, or whom offend, they had only studied how to give the least annoyance, to choose the most courtly language, to hold the kindest and most conciliating tone towards men who showed not a gleam of kindness, conciliation, courtesy, no, nor bare justice, nor any semblance or form of justice, when they had their victim under their dominion. Therefore it is that I cannot agree to this previous question. Rather let me be met by a direct negative: it is the manlier course. I could have wished that the Government had still "screwed up their courage to the sticking-place," where for a moment it perched the first night of the debate, when by the honourable gentleman from the Colonial Department we were told that he could not consent to meet this motion in any way but the most triumphant—a decided negative.

Mr. Wilmot Horton.—"No!"

Mr. Brougham.—I beg the honourable Member's pardon. I was not present at the time but took my account of what passed from others, and from the usual channels of intelligence. I understood that he had given the motion a direct negative.
Mr. Wilmot Horton.—"I said no such thing; I said I should give my dissent to the motion without any qualification."

Mr. Brougham.—Sir, I was not bred up in the Dutch schools, nor have practised in the Courts of Demerara; and I confess my inability to draw the nice distinction, so acutely taken by the honourable gentleman, between a direct negative and a dissent without any qualification. In my plain judgment, unqualified dissent is that frame of mind which begets a direct negative. Well, then, call it which you will, I prefer, as more intelligible and more consistent, the direct negative, or unqualified dissent. What is the meaning of this "previous question," which the right honourable Secretary* has to-night substituted for it? Plainly this: there is much to blame on both sides; and for fear of withholding justice from either party, we must do injustice to both. That is exactly the predicament in which the right honourable gentleman's proposition would place the Government and the House, with respect to West-Indian interests.

But what can be the reason of all this extraordinary tenderness towards the good men of Demerara? Let us only pause for a moment, and consider what it can mean. How striking a contrast does this treatment of those adversaries of his Majesty's Ministers afford to the reception which we oftentimes meet with from them here! I have seen, in my short experience, many motions opposed by the gentlemen opposite, and rejected by the House, merely because they were accompanied by speeches unpalatable to them and their majorities. I have seen measures of the greatest importance, and to which no other objection whatever was made, flung out, only because propounded by Opposition men, and recommended by what were called factious arguments. I remember myself once moving certain resolutions upon the commercial policy of the country, all of which have, I think, either been since adopted by the Ministers (and I thank them for it,) or are in the course of being incorporated with the law of the state. At the time, there was no objection urged to the propositions themselves—indeed, the Chancellor of the Exchequer professed his entire concurrence with my doctrines—and as I then said I had much rather see his good works than hear his profession of faith, I am now happy that he has appealed to this test of his sincerity, and given me what I asked,—the best proof that the Government entirely approved of the measures I recommended. But, upon what grounds were they resisted

* Mr. Canning.
at the time? Why, nine parts in ten of the arguments I was met by, consisted of complaints that I had introduced them with a factious speech, intermixed them with party topics, and combined with the commercial part of the subject a censure upon the foreign policy of the Government, which has since been, I think, also well-nigh given up by themselves. Now, then, how have the Demerara men entitled themselves to the special protection and favour of those same Ministers? Have they shewn any signal friendship, or courtesy, or decent respect, towards his Majesty's Government? Far enough from it. I believe the gentlemen opposite have very seldom had to bear such violence of attack from this side of the House, bad though we be, as from their Guiana friends. I suspect they have not in any quarter had to encounter so much bitterness of opposition as from their new favourites, whom they are so fearful of displeasing. Little tenderness, or indeed forbearance, have they shown towards the Government which anxiously cherishes them. They have held public meetings to threaten all but separation; they have passed a vote of censure upon one Minister by name; and, that none might escape, another upon the whole Administration in a mass: and the latest accounts of their proceedings left them contriving plans in the most factious spirit, in the very teeth of the often-avowed policy of the Government, for the purpose of prohibiting all missions and expelling all missionaries from the settlement. Sir, missions and missionaries may divide the opinions of men in any other part of our dominions except the slave colonies, and the most opposite sentiments may honestly and conscientiously be entertained upon their expediency; but in those countries it is not the question, whether you will have missionary teachers or no, but, whether you will have teachers at all or no. The question is not, shall the Negroes be taught by missionaries, but shall they be taught at all? For it is the unvarying result of all men's experience in those parts, members of the Establishment as well as Dissenters—nay, the most absolute opinions on record and the most strongly expressed, have come from Churchmen—that there is but this one way practicable of attempting the conversion of these poor heathens. With what jealousy, then, ought we to regard any efforts, but especially by the constituted authorities who bore a part in those proceedings, to frustrate the positive orders for the instruction of the slaves, not only given by his Majesty's Government, but recommended by this House,—a far higher authority as it is, higher still as it might be, if
it but dared now and then to have a will of its own, and, upon questions of paramount importance, to exercise fearlessly an unbiased judgment? To obtain the interposition of this authority for the protection of those who alone will, or can, teach, the Negroes, is one object of the motion upon which I shall now take the sense of the House. The rest of it relates to the case of the individual who has been persecuted. The right honourable gentleman seems much disposed to quarrel with the title of martyr, which has been given him. For my own part, I have no fault to find with it; because I deem that man to deserve the name, as in former times he would have reaped the honours of martyrdom, who willingly suffers for conscience. Whether I agree with him or not in his tenets, I respect his sincerity, I admire his zeal; and when, through that zeal, a Christian minister has been brought to die the death, I would have his name honoured and holden in everlasting remembrance. His blood cries from the ground—but not for vengeance! He expired, not imprecat ing curses upon his enemies, but praying for those who had brought him to an untimely grave. It cries aloud for justice to his memory, and for protection to those who shall tread in his footsteps, and—tempering their enthusiasm by discretion; uniting with their zeal knowledge; forbearance with firmness; patience to avoid giving offence, with courage to meet oppression, and to resist when the powers of endurance are exhausted—shall prove themselves worthy to follow him, and worthy of the cause for which he suffered. If theirs is a holy duty, it is ours to shield them, in discharging it, from that injustice which has persecuted the living, and has sought to blast the memory of the dead.

Sir, it behoves this House to give a memorable lesson to the men who have so demeaned themselves. Speeches in a debate will be of little avail. Arguments on either side neutralize each other. Plain speaking on the one part, met by ambiguous expressions—half censure, half acquittal, betraying the wish to give up, but with an attempt at an equivocal defence—will carry out to the West Indies a motley aspect; conveying no definite or intelligible expression, incapable of commanding respect, and leaving it extremely doubtful whether those things, which all men are agreed in reprobating have actually been disapproved of or not. Upon this occasion, most eminently a discussion is nothing, unless followed up by a vote to promulgate with authority what is admitted to be universally felt. That vote is called for, in tenderness to the West Indians themselves—in fairness to those other colonies which have not shared the guilt of
Demerara. Out of a just regard to the interests of the West Indian body, who, I rejoice to say, have kept aloof from this question, as if desirous to escape the shame when they bore no part in the crime, this lesson must now be taught by the voice of Parliament,—that the mother country will at length make her authority respected; that the rights of property are sacred, but the rules of justice paramount and inviolable; that the claims of the Slave owner are admitted, but the dominion of Parliament indisputable; that we are sovereign alike over the White and the Black; and though we may for a season, and out of regard for the interests of both, suffer men to hold property in their fellow-creatures, we never, for even an instant of time, forget that they are men, and the fellow-subjects of their masters; that, if those masters shall still hold the same perverse course—if, taught by no experience, warned by no auguries, scared by no menaces from Parliament, or from the Crown administering those powers which Parliament invoked it to put forth—but, blind alike to the duties, the interests, and the perils of their situation, they rush headlong through infamy to destruction; breaking promise after promise made to delude us; leaving pledge after pledge unredeemed, extorted by the pressure of the passing occasion; or only, by laws passed to be a dead letter, for ever giving such an elusory performance as adds mockery to breach of faith; yet a little delay; yet a little longer of this unbearable trilling with the commands of the parent state, and she will stretch out her arm, in mercy, not in anger, to those deluded men themselves; exert at last her undeniable authority; vindicate the just rights, and restore the tarnished honour of the English name!*

* It was in this memorable debate that Mr. Wilberforce spoke in Parliament for the last time. His journals show how intensely he felt on the subject. The motion was lost, and the previous question carried by 198 to 146.
SPEECH
ON
NEGRO SLAVERY.
DELIVERED IN THE HOUSE OF COMMONS,
JULY, 13, 1830.

The following Speech was delivered on the 13th of July 1830. It is believed to have mainly contributed towards Mr. Brougham's election as Member for the County of York, which took place a few weeks after.

SIR,—In rising to bring before the House a subject more momentous, in the eyes both of this country and of the world, than any that has occupied our attention during the whole of a long protracted Session, I am aware that I owe some apology for entering upon it at so late a day. I know, too, that I am blamed in many quarters, for not postponing it till another season. But the apology which I am about to offer is, not for bringing it forward to-day, but for having delayed it so long; and I feel that I should be indeed without excuse, that I should stand convicted of a signal breach of public duty, to the character and the honour of the House, to the feelings and principles of the people, nay, to the universal feelings of mankind at large, by whatever names they may be called, into whatever families distributed, if I had not an ample defence to urge for having so long put off the agitation of this great question. The occurrences which happened at the commencement of the Session, and the matters of pressing interest which have just attended its close, must plead my justification.

Early in the year I had hoped that the Government would redeem the pledges which they gave me last Session, and which then stayed my steps. I had expected to have the
satisfaction of seconding a measure propounded by the Mi-
nisters of the Crown for improving the administration of
justice in the Colonies, and especially for amending the law
which excludes the testimony of slaves. That those expect-
atations have been frustrated, that those pledges remain unre-
deemed, I may lament; but in fairness I am bound to say I
cannot charge this as matter of severe blame on the Govern-
ment, because I know the obstacles of a financial nature,
which have stood in the way of intentions sincerely enter-
tained, to provide a pure and efficient system of judicature
for the West-India Islands. Until I saw that no such re-
forms could be looked for in that high quarter, I was pre-
cluded from undertaking the subject, lest my efforts might
mar the work in hands far more able to execute it.

This is my defence for now addressing you at the end of
the parliamentary year. But to imagine that I can hold my
peace a moment longer, that I can suffer the Parliament to
be prorogued, and above all to be dissolved, and the country
to be assembled for the choice of new Representatives, with-
out calling on the House for a solemn pledge, which may
bind its successors to do their duty by the most defenceless
and wretched portion of their fellow subjects, is so manifest-
ly out of the question, that I make no apology for the late-
ness of the day, and disregard even the necessary absence of
many fast friends of the cause, and a general slackness of at-
tendance, incident to the season, as attested by the state of
these benches, which might well dissuade me from going on.

And now, after the question of Colonial Slavery has for so
many years been familiar to the House, and I fear still
more familiar to the country, I would fain hope that
I may dispense with the irksome task of dragging you
through its details, from their multiplicity so overwhelm-
ing, from their miserable nature so afflicting. But I
am aware that in the threshold of the scene, and to
scare me from entering upon it, there stands the phan-
tom of colonial independence, resisting parliamentary inter-
ference, fatiguing the ear with the thirce-told tale of their
ignorance who see from afar off, and pointing to the fatal
issue of the American war. There needs but one steady
glance to brush all such spectres away. That the colonial
legislatures have rights—that their privileges are to be re-
spected—that their province is not to be lightly invaded—
that the Parliament of the mother country is not, without
necessity, to trench on their independence—no man more
than myself is willing to allow. But when those local as-
semblies utterly neglect their first duties—when we see them,
from the circumstances of their situation, prevented from acting—struggling in these trammels for an independent existence—exhausted in the effort to stand alone, and to move one step wholly unable—when at any rate we wait for years, and perceive that they advance not by a hair’s breadth, either because they cannot, or because they dare not, or because they will not—then to contend that we should not interfere—that we should fail in our duty because they do not do theirs—nay, that we have no right to act, because they have no power or no inclination to obey us—would be, not an argument, but an abomination, a gross insult to Parliament, a mockery of our privileges—for I trust that we too have some left—a shameful abandonment of our duty, and a portentous novelty in the history of the Parliament, the Plantations, and the Country.

Talk not of the American contest, and the triumph of the colonists. Who that has read the sad history of that event (and I believe among the patriarchs of this cause whom I now address there are some who can remember that disgrace of our councils and our arms) will say, that either the Americans triumphed or we quailed on one inch of the ground upon which the present controversy stands? Ignorance the most gross, or inattention the most heedless, can alone explain, but cannot at all justify, the use of such a topic. Be it remembered—and to set at rest the point of right, I shall say no more—let it not once be forgotten, that the supremacy of the mother country never for an instant was surrendered at any period of that calamitous struggle. Nay, in the whole course of it, a question of her supremacy never once was raised; the whole dispute was rigorously confined to the power of taxing. All that we gave up, as we said voluntarily, as the Americans more truly said, by compulsion, was the power to tax; and by the very act which surrendered this power, we solemnly, deliberately, and unequivocally reasserted the right of the Parliament to give laws to the plantations in all other respects whatever. Thus speaks the record of history and the record of our Statute-book. But were both history and the laws silent, there is a fact so plain and striking, that it would of itself be quite sufficient to establish the doctrine of parliamentary supremacy.

I believe it may safely be affirmed, that on neither side of the water was there a man more distinguished for steady devotion to the cause of colonial independence, or who made his name more renowned by firm resistance to the claims of the mother country, than Mr. Burke. He was, in truth, throughout that memorable struggle, the great leader in Par.
liamant against the infatuated ministry, whose counsels ended in severing the empire; and far from abating in his opposition as the contest advanced, he sacrificed to those principles the favour of his constituents, and was in consequence obliged to withdraw from the representation of Bristol, which, till then he had held. His speech on the occasion of his retirement re-affirms the doctrines of American independence. But neither then, nor at any other time, did he ever think of denying the general legislative supremacy of Parliament; he only questioned the right of taxing the unrepresented colonies. But another fact must at once carry conviction to every mind. During the heat of the controversy, he employed himself in framing a code for the government of our sugar colonies. It was a bill to be passed into a law by the Legislature of the mother country; and it has fortunately been preserved among his invaluable papers. There is no minute detail into which its provisions do not enter. The rights of the slave—the duties of the master—the obligation to feed and clothe—the restriction of the power of coercion and punishment—all that concerns marriage and education and religious instruction—all that relates to the hours of labour and rest—every thing is minutely provided for, with an abundance of regulation which might well be deemed excessive, were not the subject that unnatural state of things which subjects man to the dominion of his fellow-creatures, and which can only be rendered tolerable by the most profuse enactment of checks and controls. This measure of most ample interference was devised by the most illustrious champion of colonial rights, the most jealous watchman of English encroachments. With his own hand he sketched the bold outline? with his own hand he filled up its details; with his own hand, long after the American contest had terminated, after the controversy on negro freedom had begun, and when his own principles, touching the Slave Trade and Slavery, had bent before certain West India prejudices, communicated by the party of the planters in Paris with whom he made common cause on French revolutionary politics,—even then, instead of rejecting all idea of interference with the rights of the colonial assemblies, he delivered over his plan of a slave code to Mr. Dundas. the Secretary for the Colonies, for the patronage and adoption of Mr. Pitt and himself. I offer this fact as a striking proof that it is worse than a jest, it is an unpardonable delusion, to fancy that there ever has existed a doubt of the right of Parliament to give the colonies laws.

But I am told, that, granting the right to be ours, we ought
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to shrink from the exercise of it, when it would lead to an en-
croachment upon the sacred rights of property. I desire the
House to mark the short and plain issue to which I am will-
ing to bring this matter. I believe there is no man, either
in or out of the profession to which I have the honour of be-
longing, and which, above all others, inculcates upon its
members an habitual veneration for civil rights, less disposed
than I am, lightly to value those rights, or rashly to inculcate
a disregard of them. But that renowned profession has taught
me another lesson also; it has imprinted on my mind the
doctrine which all men, the learned and the unlearned, feel
to be congenial with the human mind, and to gather, strength
with its growth—that by a law above and prior to all the laws
of human lawgivers, for it is the law of God—there are some
things which cannot be holden in property, and above every
thing else, that man can have no property in his fellow-
creature.

But I willingly avoid those heights of moral argument,
where, if we go in search of first principles, we see eternal
fogs reign, and "find no end, in wandering mazes lost." I
had rather seek the humbler regions, and approach the level
plain, where all men see clear, where there judgments agree,
and common feelings knit their hearts together; and standing
on that general level, I ask, what is the right which one man
claims over the person of another, as if he were a chattel,
and one of the beasts that perish? Is this that kind of pro-
erty which claims universal respect, and is clothed in the
hearts of all with a sanctity that makes it inviolable? I
resist the claim; I deny the title; as a lawyer I demur to
the declaration of the right; as a man I set up a law superi-
or in point of antiquity, higher in point of authority, than
any which men have framed—the law of nature; and, if you
appeal from that, I set up the law of the Christian dispensa-
tion, which holds all men equal, and commands that you treat
every man as a brother! Talk to me not of such monstrous
pretensions being decreed by Acts of Parliament, and recog-
nised by treaties! Go back a quarter of a century to a
kindred contest, when a long and painful struggle ended in
an immortal triumph. The self-same arguments were urged
in defence of the Slave-trade. Its vindication was rested up-
on the rights of property, as established by laws and treaties;
the right to trade in men was held to be as clear then, as the
right to hold men in property is held to be clear now. For
twenty-five years, I am ashamed to repeat, for twenty-five
years, to the lasting disgrace of the Parliament, the African
slave traffic was thus defended; and that which it was then

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maintained every one had a right to do, is now denounced by our laws as piracy, and whoso doeth it shall surely die the death of a felon.

But I am next told, that, be the right as it may, the facts are against me: that the theory may be with those who object to slavery, but the practice is in favour of the system. The negroes are well off, it seems; they are inured to the state in which they have been born and grown up; they are happy and contented, and we shall only hurt them by changing their condition, which the peasantry of England are desired to regard with envy. I will not stoop to answer such outrageous assertions by facts or by reasons. I will not insult your understanding, by proving, that no slave can taste happiness or comfort; that where a man is at the nod of another, he can know nothing of real peace or repose. But I will at once appeal to two tests; to these I shall confine myself, satisfied if they fail to decide the question, I may resort in vain to any argument which philosophers can admit, or political economists entertain, or men of ordinary common sense handle. The two tests or criteria of happiness among any people, which I will now resort to, are the progress of population, and the amount of crime. These, but the first especially, are, of all others, the most safely to be relied on. Every one who has studied the philosophy of human nature, and every one who has cultivated statesman-like wisdom, which indeed is only that philosophy reduced to practice, must admit, that the principle implanted in our nature, which ensures the continuance of the species, is so powerful that nothing can check its operation but some calamitous state of suffering, which reverses the natural order of things. Wherever, then, we see the numbers of men stationary, much more when we perceive them decreasing, we may rest assured that there is some fatal malady, some fundamental vice in the community, which makes head against the most irresistibile of all the impulses of our physical constitution. Now, look to the history of the black population, both free and slave in the Antilles. In the British islands, including Barbadoes, on a population of 670,000 slaves, there was a decrease of 31,500 in the six years which elapsed between 1818 and 1824; in Jamaica alone, upon the number of 330,000, a decrease of between 8,000, and 9,000. But not so with the free colouredmen; although placed in circumstances exceedingly unfavourable to increase of numbers, yet such is the natural fruitfulness of the negro race that they rapidly multiplied. The Maroons doubled between 1749 and 1782; and when
great part of them were removed after the rebellion of 1796, those who remained increased in six years, from 1810 to 1816, no less than eighteen per cent.; and in five years, from 1816 to 1821, fourteen per cent. In North America, where they are better fed, the negroes have increased in thirty years no less than 130 per cent. Look next to Trinidad: in four years, from 1825 to 1829, the slaves have fallen off from 23,117 to 22,436, notwithstanding a considerable importation under an order in council, being a decrease of at least a thirty fourth, but probably of a twentieth. But what has happened to the same race, and circumstances alike as to climate, soil, food—in short, everything save liberty? Nature has with them upheld her right; her first great law has been obeyed; the passions and the vigour of man have had their course unrestrained; and the increase of his numbers has attested his freedom. They have risen in the same four years from 13,995 to 16,412, or at a rate which would double their numbers in twenty years; the greatest rate at which population is, in any circumstances, known to increase. There cannot be a more appalling picture presented to the reflecting mind than that of a people decreasing in numbers. To him who can look beyond the abstract numbers, whose eye is not confined to the mere tables and returns of population, but ranges over the miseries of which such a diminution is the infallible symptom; it offers a view of all the forms of wretchedness, suffering in every shape, privations in unlimited measure—whatever is most contrary to the nature of human beings, most alien to their habits, most adverse to their happiness and comfort—all beginning in slavery, the state most unnatural to man; consummated through various channels in his degradation, and leading to one common end, the grave. Show me but the simple fact, that the people in any country are regularly decreasing, so as in half a century to be extinct; and I want no other evidence that their lot is that of the bitterest wretchedness: nor will any other facts convince me that their general condition can be favourable or mild. The second general test to which I would resort for the purpose of trying the state of any community, without the risk of those deceptions to which particular facts are liable, is the number of crimes committed. In Trinidad, I find that the slaves belonging to plantations, in number 16,580, appear, by the records printed, to have been punished in two years for 11,131 offences, that is to say, deducting the number of infants incapable of committing crimes, every slave had committed some offence in the course of those two years. It is true that the bulk of those offences, 7644, were connected

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with their condition of bondage—refusing to work, absconding from the estate, insolence to the owner or overseer, all incidental to their sad condition, but all visited with punishment betokening its accompanying debasement. Nevertheless, other crimes were not wanting: 713 were punished for theft, or above 350 in a year, on a number of about 12,000, deducting persons incapacitated by infancy, age, or sickness; from being the subjects of punishment. Let any one consider what this proportion would give in England: it would amount to 350,000 persons punished in one year for larceny. In Berbice, on a population of 21,000 plantation slaves, there were 9000 punishments; no record being kept of those in plantations of six slaves or under; and in Demerara, of 61,000, there were 20,567 punished, of whom 8461 were women.

I cannot here withhold from the House the testimony of the Protector of Slaves to the happiness of their condition. "I cannot," says that judicious officer, "refrain from remarking on the contented appearance of the negroes; and, from the opportunities of judging which I have, I think that generally they have every reason to be so." I would not have this Protector placed in the condition of the very happiest of this contented tribe, whose numbers are hourly lessening, and whose lives are spent in committing crime and in receiving punishments. No, not for a day would I punish his error in judgment, by condemning him to taste the comforts which he describes, as they are enjoyed by the very luckiest of those placed under his protection. But such testimony is not peculiar to this officer. Long before his protectorate commenced, before he even came into this world of slavery and bliss, of bondage and contentment, the like opinion had been pronounced in favour of West Indian felicity. I hold in my hand the evidence of Lord Rodney, who swore before the Privy Council that he never saw an instance of cruel treatment, that in all the islands "and," said his Lordship, "I know them all," the negroes were better off in clothing, lodging, and food, then the poor at home, and were never in any case at all overworked. Admiral Barrington, rising in ardour of expression, as he advanced in knowledge, declares that he has often wished himself in the condition of the slaves. Neither would I take the gallant Admiral at his rash word, sanctioned though it be by an oath. I would not punish his temerity so severely as to consign him to a station, compared with which he would in four and twenty hours have become reconciled to the hardest fare in the most crazy bark that ever rocked on the most perilous
wave; or even to the lot which our English seamen are the least inured to—the most disastrous combat that ever lowered his flag in discomfort and disgrace. But these officers confined not their testimony to the condition of slavery; they cast its panoply around the Slave-trade itself. They were just as liberal in behalf of the Guineaman, as of those whom his toils were destined to enrich. They gave just as Arcadian a picture of the slaver’s deck and hold, as of the enviable fields whither she was fraught with a cargo of happy creatures, designed by their felicitous destiny to become what are called the cultivators of those romantic regions. “The slaves on board are comfortably lodged,” says one gallant officer, “in rooms fitted up for them.” “They are amused with instruments of music: when tired of music, they then go to games of chance.” Let the inhabitants or the frequenter of our club-houses hear this and envy—those “famous wits,” to whom St. James’s purlicus are “native or hospitable;” let them cast a longing look on the superior felicity of their sable brethren on the middle passage. They toil not, neither do they spin, yet have they found for them all earthly indulgences; food and raiment for nothing; music to charm the sense; and when, sated with such enjoyment, the mind seeks a change, games of chance are kindly provided by boon traffic to stimulate the lazy appetite. “The slaves,” adds the Admiral, “are indulged in all their little humours.” Whether one of these caprices might be to have themselves tied up from time to time, and lacerated with a scourge, he has omitted to mention. “He had frequently,” he says, “seen them, and as happy as any of the crew, it being the interest of the officers and men to make them so.” But it is Admiral Evans who puts the finishing stroke to this fairy picture. “The arrival of a Guincaman,” he says, “is known in the West Indies by the dancing and singing of the negroes on board.”

It is thus that these cargoes of merry, happy creatures, torn from their families, their native fields, and their cottages, celebrate their reaching the land of promise, and that their coming is distinguished from the dismal landing of free English seamen, out of West India traders, or other receptacles of cruelty and wretchedness. But if all the deductions of philosophy, and all the general indications of fact, loudly prove the unalterable wretchedness of colonial slavery, where, may it be asked, are the particular instances of its existence? Alas! there is no want of these: but I will only cull out a few, dealing purposely with the mass rather by sample then by breaking its foul bulk. I shall illustrate, by
a few examples, the effects of slavery in communities to the exertions of which we are bid to look for the mitigation and final extinction of that horrid condition.

A certain Reverend Thomas Wilson Bridges was charged with an offence of the deepest dye. A slave girl had been ordered to dress a turkey for dinner, and the order having been disobeyed, he struck her a violent blow, which caused her nose and mouth to flow with blood, applying to her at the same time an oath, and a peculiarly coarse epithet, highly unbecoming in a clergyman, and indeed in any man, as it is the name most offensive to all womankind. He then commanded two men to cut bamboo rods and point them for her punishment. She was stripped of every article of dress, and flogged till the back part of her, from the shoulders to the calves of the legs, was one mass of lacerated flesh. She made her escape, and went to a Magistrate. The matter was brought before what is called a Council of Protection, where, by a majority of fourteen to four, it was resolved that no further proceedings should take place. The Secretary of State for the Colonies, however, thought otherwise, and in a dispatch, with no part of which have I any fault to find, directed the evidence to be laid before the Attorney General. I understand that the reverend gentleman has not been put on his trial. I hope I may have been misinformed: I shall rejoice to find it so. I shall also be glad to find that there is no ground for the charge; although the man's servants, when examined, all admitted the severity of the flogging; and himself allowed he had seen it, though he alleged he was not near, but could not deny he had heard the screams of the victim. This reverend Mr. Bridges I happened to know by his other works,—by those labours of slander which have diversified the life of this minister of peace and truth. For publishing one of these, a respectable bookseller has been convicted by a jury of his country: others have been passed over with contempt by their illustrious object—that venerable person, the great patriarch of our cause, whose days are to be numbered by acts of benevolence and of piety, whose whole life,—and long may it be extended for his own glory and the good of his fellow-creatures!—has been devoted to the highest interests of religion and of charity, who might have hoped to pass on his holy path undisturbed by any one calling himself a Christian pastor, even in a West Indian community. The man, however, has so far succeeded, whether by the treatment of his slaves, or the defamation of Mr. Wilberforce, in recommending himself to his fellow-citizens in Jamaica, that a great majority in the Protecting
Council forbade his conduct being inquired into. So vain is it to expect from the owners of slaves any active execution of the laws against slavery! And will you then trust those slave owners with the making of such laws! Recollect the memorable warning of Mr. Canning, given thirty years ago, and proved true by every day’s experience since. “Have a care how you leave to the owners of Slaves the task of making laws against Slavery. While human nature remains the same, they never can be trusted with it.”

It is now six years since I called the attention of Parliament to one of the most grievous outrages that ever was committed since the Caribbean Archipelago was peopled with negro slaves—the persecution unto death of a Christian minister, for no other offence than preaching the gospel of his Master. I was then told, that no such wrong would ever be done again. It was a single case, which never could recur: at all events, the discussion in this House, and the universal reprobation called forth, even from those who had not sufficient independence to give their voices for doing justice upon the guilty, would, I was told, effectually secure the freedom of religious worship in future. I was silenced by the Majority of votes, but not convinced by such reasons as these. And I now hold in my hand the proof that I was right. It is a statement promulgated by a numerous and respectable body of sincere Christians, with whom I differ both in religious and political opinions, but in whose conduct, if there be any thing which I peculiarly blame, it is their disinclination to deviate from a bad habit of passive obedience—of taking all that is done by men in authority to be right. They seem, however, now to be convinced that they have carried this habit too far, and that the time is come when they can no longer do their duty and hold their peace. The narrative which they have given, confirmed by the conduct of the Government itself, is such as would have filled me with indignation had I read it six years ago; but, after the warning voice so loudly raised in the debates upon the Missionary Smith’s murder, I gaze upon it astonished and incredulous. The simple and affecting story is told by Mr. Orton, a blameless and pious minister of the Gospel in Jamaica. He first alludes to the “daring attack made on the mission premises, at St. Ann’s Bay, on Christmas-day, 1826,” (the festival chosen by these friends of the Established Church for celebrating their brotherly love towards another sect.) “The attack,” say he, “was made by a party of white persons, of the light company of militia, who were stationed at St. Ann’s Bay as the Christmas guards,
The plan appeared to have been premeditated, and there remains but little doubt that the design was murderous. A great number of balls were fired into the chapel and house, fourteen of which I assisted to extract from various parts of the building; and upon noticing particularly the direction, and measuring the distance from which some of the shots must have been fired, it appeared that Mr. and Mr. Ratcliffe and their child most narrowly escaped the fatal consequences which were no doubt designed." All attempt to bring these criminals to justice failed, it seems, for want of evidence—a somewhat extraordinary incident in a community calling itself civilized, that so many persons as must have been concerned in it should all have escaped. In the course of the next summer, Mr. Grimsdall, another clergyman of the same persuasion, was arrested twice; the second time for having preached at a small place called Ocho Rios, in an unlicensed house, although a license had been applied for and refused, contrary to the judgment of the Custos and another Magistrate. He was flung into a noisome dungeon, "such," says the narrative, "as no person in Great Britain can have any conception of. His constitution, naturally strong, could not sustain the attack—he sunk under the oppression of those persecutors, and the deleterious effects of confinement in a noxious prison; and this devoted servant of God, after a painful sickness of sixteen days, was delivered by death from the further sufferings projected by his unfeelings persecutors. He died the 15th day of December 1827." Mr. Whitehouse, too, was a preacher of the Gospel, and consequently an object of persecution. In the summer of 1828, he was seized and carried before a Magistrate, accused of having preached without a license; that is, of having a license in one parish and preaching in another. He besought the Magistrates as a favour, to be bound in irons in the market-place, instead of being confined in the cell where his predecessor had been deprived of life. They treated his remonstrances with indifference, said they were resolved to do their duty, professed not to regard what the public might say of them, and added, that "whoever might come should be treated in the same manner." He was accordingly flung into the dungeon where Mr. Grimsdall had perished. "I found it," says he "occupied by an insane black woman. She was removed, but the cell was exceedingly filthy, and the stench unbearable. It was now eight o'clock in the evening, and the gaoler said he "must lock up." I desired that the cell floor might, at least, be swept, which a few friends immediately attended to.
There was no bed provided for me, not even one of straw; and it was not until I had made several requests to the gaoler, that a few benches from the chapel were allowed to be brought in, on which to make a bed. A large quantity of vinegar, and one of strong camphorated rum, was thrown upon the floor and walls, for the purpose of counteracting the very disagreeable effluvia which proceeded from the filth with which the place abounded; but this produced very little effect. The sea-breeze had subsided, and the only window from which I could obtain the least air, was just above the place in which all the filth of the premises is deposited.” Mr. Orton received the intelligence of his persecuted brother’s affliction, with a request that he would perform his pastoral duty to his congregation. He did so, and was forthwith committed to the same gaol. “Of the horrid state of the place,” he says, “an idea can scarcely be formed from any representation which can here be made, as common decency forbids the mention of its filthy condition, and the many unseemly practices which were constantly presented to our notice. The hospital, gaol, and workhouse, are united: the two former are under one roof, occupying an area of about twenty-five feet by thirty-five. On the ground-floor were three apartments. In the condemned cell were two unfortunate creatures awaiting their doom. In an adjoining cell were many Negroes, confined for petty offences; and in another apartment on the same floor, forty were crammed together, who had been taken in execution, and were waiting to be driven and sold in the market. This building, small and confined, was, especially during the night, literally stowed with persons, so that, from the number of the prisoners, and the extreme filth of the Negroes, it was almost unbearable.” Let us but reflect on the sufferings of imprisonment even in the best goal of our own temperate climate; and let us then add to those the torments of tropical heats! Think of being enclosed with crowds beyond what the air will supply with the needful nourishment of the lungs, while a fiery sun wheels round the clear sky from morning to night, without the veil of a single cloud to throw a shade between; where all matter passes instantly from life to putrescence, and water itself, under the pestilent ray, becomes the source of every frightful malady! Add the unnatural condition of the inmates, not there for debts or for offences of their own, but seized for their owner’s default, and awaiting, not the judgment of the law, or their liberation under an Insolvent Act, but till the market opens, when, like brute beasts, they are to be driven and
sold to the highest bidder! In such a dungeon was it that Mr. Orton and his brethren were immured; and when their strength began to sink, and it seemed plain that they must speedily follow their friend to the grave, they were taken before the Chief Justice, who instantly declared the warrant illegal, and their seventeen day's confinement to have been without the shadow of pretence.

Who then was in the right, six years ago, in the memorable debate upon the persecution of the Missionary Smith? You, who said enough had been done in broaching the subject, and that religion and her ministers would thenceforward be secure;—or I, who warned you, that if my Resolutions were rejected, he would not, by many a one, be the last victim? I would to God that the facts did not so plainly prove me to have foretold the truth.

I may seem to have said enough; but it is painful to me that I cannot stop here,—that I must try faintly to paint excesses unheard of in Christian times—which to match we must go back to heathen ages, to the days and to the stations, wherein absolute power made men, but Pagan men, prodigies of cruelty exaggerated by caprice,—that I must drag before you persons moving in the higher walks of life, and exerting proportionable influence over the society they belong to:—an English gentleman, and an English gentlewoman accused, guilty, convicted of the most infernal barbarity; and an English community, so far from visiting the enormity with contempt, or indignant execration, that they make the savage perpetrators the endued objects of esteem, respect, and affection! I read the recital from the despatch of the late Secretary for the Colonies,* a document never to be sufficiently praised for its statesman-like firmness, for the manly tone of feeling and of determination united, which marks it throughout. "The slave girl was accused of theft," he says; "but some disobedience in refusing to mend the clothes was the more immediate cause of her punishment. On the 22d of July 1826, she was confined in the stocks, and she was not released till the 8th of August following, being a period of seventeen days. The stocks were so constructed, that she could not sit up and lie down at pleasure, and she remained in them night and day. During this period she was flogged repeatedly,—one of the overseers thinks about six times,—and red pepper was rubbed upon her eyes to prevent her sleeping. Tasks were given her, which in the opinion of the same overseer, she was incapable of performing; sometimes because they were
beyond her powers; at other times because she could not see to do them on account of the pepper having been rubbed on her eyes; and she was flogged for failing to accomplish these tasks. A violent distemper had been prevalent on the plantation during the summer. It is in evidence, that on one of the days of her confinement she complained of fever, and that one of the floggings which she received was the day after she had made this complaint. When she was taken out of the stocks she appeared to be cramped, and was then again flogged. The very day of her release she was sent to field-labour, (though heretofore a house-servant,) and on the evening of the third day ensuing was brought before her owners as being ill and refusing to work, and she then again complained of having had fever. They were of opinion that she had none then, but gave directions to the driver, if she could be ill, to bring her to them for medicines in the morning. The driver took her to the negro-house, and again flogged her, though this time apparently without orders from her owners to do so. In the morning, at seven o’clock, she was taken to work in the field, where she died at noon." Mark the refinement of their wickedness! I nowise doubt, that to screen themselves from the punishment of death due to their crimes, these wretches will now say,—they did indeed say on their trial, that their hapless victim died of disease. When their own lives were in jeopardy, they found that she had caught the fever, and died by the visitation of God; but when the question was, shall she be flogged again? shall she, who has for twelve days been fixed in the stocks under the fiery beams of a tropical sun, who has been torn with the scourge from the nape of the neck to the plants of her feet, who has had pepper rubbed in her eyes to ward off the sleep that might have stolen over her senses, and for a moment withdrawn her spirit from the fangs of her tormentors—shall she be subjected by those accursed fiends to the seventh scourging? Oh! then she had no sign of fever! she had caught no disease! she was all hale, and sound, and fit for the lash! At seven she was flogged—at noon she died! and those execrable and impious murderers soon found out that she had caught the malady, and perished by the "visit.ation of God!" No, no! I am used to examine circumstances, to weigh evidence, and I do firmly believe that she died by the murderous hand of man! that she was killed and murdered! It was wisely said by Mr. Fox, that when some grievous crime is perpetrated in a civilized community, we are consoled by finding in all breasts a sympathy with the victim, and an approval of the punishment by which the
wrong-doer expiates his offence. But in the West Indies there is no such solace to the mind—there all the feelings flow in a wrong course—pervasive, preposterous, unnatural—the hatred is for the victim, the sympathy for the tormentor! I hold in my hand the proof of it in this dreadful case. The Mosses were condemned by an inequitable sentence; for it was only to a small fine and five month's imprisonment. The public indignation followed the transaction; but it was indignation against the punishment, not the crime; and against the severity, not the lenity of the infliction. The Governor, a British officer—and I will name him to rescue others from the blame—General Grant—tells us in his despatch, that "he had been applied to by the most respectable inhabitants to remit the sentence;" that "he loses no time in applying to Lord Bathurst to authorize the remission." He speaks of "the unfortunate Henry and Helen Moss;" says, "they are rather to be pitied for the untoward melancholy occurrence," (as if he were talking of some great naval victory over the Turk, instead of a savage murder,) and that "he hastens to prevent the impression, which the mention of the case might make on his Lordship's mind." In a second despatch, he earnestly renews the application; describes "the respectability of Mr. and Mrs. Moss, their general kindness to their Slaves, the high estimation in which they are held by all who have partaken of their hospitality;" tells us that "they have always been favourably spoken of in every respect, including that of Slave management;" states his own anxiety that "persons of their respectability should be spared from imprisonment;" and that at any rate "the mulct should be relinquished, lest they should be thought cruel and oppressive beyond others, and also in order to remove in some degree the impression of their being habitually and studiously cruel;" and he adds a fact, which speaks volumes, and may well shut all mouths that now cry aloud for leaving such things to the assemblies of the islands—"notwithstanding their being in goal, they are visited by the most respectable persons in the place, and by all who knew them before." The Governor who thus thinks and thus writes, has been removed from that settlement; but only, I say it with grief, to be made the ruler of a far more important colony. From the Bahamas he has been promoted to Trinidad—that great island, which Mr. Canning described as about to be made the model, by the Crown, for all Slave colonies. Over such a colony was he sent to preside, who, having tasted of the hospitality of the Mosses, could discern in their treatment of their slaves,
nothing out of the fair, ordinary course of humane management.

From contemplating the horrors of slavery in the West Indies, it is impossible that we can avoid the transition to that infernal traffic, alike the scourge of Africa and America, the disgrace of the old world and the curse of the new, from which so much wretchedness has flowed. It is most shocking to reflect that its ravages are still abroad, desolating the earth. I do not rate the importation into the Brazils too high, when I put it at 100,000 during the last twelve months. Gracious God! When we recollect that the number of seventy-three capital punishments, among which are but two or three for murder, in a population of twelve millions, excites our just horror in England, what shall we say of 100,000 capital crimes, committed by a handful of desperate men, every one of which involves and implies rapine, fraud, murder, torture, in frightful abundance? And yet we must stand by and see such enormities perpetrated without making any remonstrance, or even urging any representation! By the Treaty with Portugal, it is true, no such crimes can henceforth be repeated, for this year the traffic is to cease, and the mutual right of search is given to the vessels of both nations, the only possible security for the abolition being effectual. But there is another country nearer to us in position, and in habits of intercourse more familiar, one of far more importance for the authority of its example, in which the Slave Trade still flourishes in most portentous vigour, although denounced by the law, and visited with infamous punishment: the dominions of the Monarch who calls himself "Most Christian," and refuses the only measure that can put such wholesale iniquity down. There it must thrive as long as groundless national jealousies prevent the right of search from being mutually conceded. Let us hope that so foul a stain on the character of so great a nation will soon be wiped away; that the people who now take the lead of all others in the march of liberty, will cast far from their camp this unclean thing—by all lovers of freedom most abhorred. I have heard with amazement some thoughtless men say, that the French cannot enjoy liberty, because they are unused to it. I protest before God I could point to no nation more worthy of freedom, or which knows better how to use it, how to gain it, how to defend it. I turn with a grateful heart to contemplate the glorious spectacle now exhibited in France of patriotism, of undaunted devotion to liberty, of firm yet temperate resistance to arbitrary power. It is animating to every beholder; it is encouraging to all free-
men in every part of the world. I earnestly hope that it may not be lost on the Bourbon Monarch and his Councillors; for the sake of France and of England, for the sake of peace, for the sake of the Bourbon Princes themselves, I pray that they may be wise in time, and yield to the wish, the determination of their people; I pray, that, bending before the coming breeze, the gathering storm may not sweep them away! But of one thing I would warn that devoted race; let them not flatter themselves that by trampling upon liberty in France, they can escape either the abhorrence of man or the Divine wrath for the execrable traffic in Slaves, carried on under their flag, and flourishing under their sway in America. I will tell their ghostly counsellors, in the language of a book with which they ought to be familiar—"Behold, obedience is better than sacrifice, and to hearken than the fat of rams." To what should they lend an ear? To the commands of a God who loves mercy, and will punish injustice, and abhors blood, and will surely avenge it upon their heads; nothing the less because their patronage of Slavery in distant climes is matched by their hatred of liberty at home. Sir, I have done. I trust that at length the time is come when Parliament will no longer bear to be told, that Slave-owners are the best law-givers on slavery; no longer allow an appeal from the British public, to such communities as those in which the Smiths and the Grimsdalls are persecuted to death, for teaching the Gospel to the Negroes; and the Morses hold in affectionate respect for torture and murder: no longer suffer our voice to roll across the Atlantic in empty warnings, and fruitless orders. Tell me not of rights—talk not of the property of Planter in his Slaves. I deny the right—I acknowledge not the property. The principles, the feelings of our common nature, rise in rebellion against it. Be the appeal made to the understanding or to the heart, the sentence is the same that rejects it. In vain you tell me of laws that sanction such a claim! There is a law above all the enactments of human codes—the same throughout the world, the same in all times—such as it was before the dawning genius of Columbus pierced the night of ages, and opened to one world the sources of power, wealth, and knowledge; to another, all unutterable woes;—such it is at this day: it is the law written by the finger of God on the heart of man; and by that law, unchangeable and eternal, while men despise fraud, and loathe rapine, and abhor blood, they will reject with indignation the wild and guilty phantasy, that man can hold property in man! In vain you appeal to treaties, to covenants between nations: the covenants of the Almighty,
whether the Old covenant or the New, denounce such unholy pretensions. To those laws did they of old refer who maintained the African trade. Such treaties did they cite, and not untruly; for by one shameful compact you bartered the glories of Blenheim for the traffic in blood. Yet, in despite of law and of treaty, that infernal traffic is now destroyed, and its votaries put to death like other pirates. How came this change to pass? Not, assuredly, by Parliament leading the way; but the country at length awoke; the indignation of the people was kindled; it descended in thunder, and smote the traffic, and scattered its guilty profits to the winds. Now, then, let the Planters beware—let their Assemblies beware—let the Government at home beware—let the Parliament beware! The same country is once more awake,—awake to the condition of Negro Slavery; the same indignation kindles in the bosom of the same people; the same cloud is gathering that annihilated the Slave Trade; and, if it shall descend again, they, on whom its crash may fall, will not be destroyed before I have warned them: but I pray that their destruction may turn away from us the more terrible judgments of God! I therefore move you, "That this House do resolve, at the earliest practicable period of the next Session, to take into its serious consideration the state of the Slaves in the Colonies of Great Britain, in order to the mitigation and final abolition of their Slavery, and more especially in order to the amendment of the administration of justice within the same."
SPEECH

ON

THE SLAVE TRADE.

DELIVERED IN THE HOUSE OF LORDS,

JANUARY 29, 1838.

DEDICATION.

TO

RICHARD MARQUESS WELLESLEY, K. G.

ETC. ETC. ETC.

In compliance with the wishes of the friends of the Abolition, I have revised the report of this speech, in order that the facts which I yesterday brought before Parliament, and which all admitted to be truly stated, nay, to have been rather understated than exaggerated, may be made known through the country. I believe these pages contain, as nearly as it is possible, what I spoke in my place.

To your Lordship they are inscribed with peculiar propriety, because you are one of the oldest and most staunch friends of this great question, and because your animated descriptions of the Parliamentary struggles in its behalf, at which you have assisted, and of the eloquence of other times which it called forth, have formed one of the most interesting of the many conversations we have had upon the scenes of your earlier life. My own recollections do not reach so far back; but I have now been a zealous, though humble labourer, in the same cause upwards of six and thirty years; and it is truly melancholy to reflect that the Slave-
still desolates Africa, while it disgraces the civilized world, hardly covering with less shame those who suffer, than those who perpetrate the enormous crime.—May we hope that at length the object of our wishes is about to be attained!

This Dedication is offered without your permission having been asked. It gives me an opportunity of faintly expressing that admiration of your truly statesman-like genius which all your countrymen feel who have marked your illustrious career in Europe as well as Asia; and that gratitude for your past services which in the public mind never can exceed the affection of your private friends.

But I will confess that another motive contributes to this intrusion upon your retirement. During the years that the controversy has lasted, I have written and published many volumes upon it; this is the first page to which I have set my name; and I naturally feel desirous that it should have the advantage of appearing in company with one so incomparably more eminent.

BROUGHAM.

January 30, 1838.
S P E E C H.

My Lords,—I hold in my hand a petition from a numerous and most respectable body of your fellow citizens—the inhabitants of Leeds. Between 16 and 17,000 of them have signed it, and on the part of the other inhabitants of that great and flourishing community, as well as of the country at large in which it is situated, I can affirm with confidence that their statements and their prayer are those of the whole province whose people I am proud to call my friends, as it was once the pride of my life to represent them in Parliament. They remind your Lordships that between 18 and 19 millions have been already paid, and the residue of the 20 millions is in a course of payment to the holders of Slaves for some loss which it was supposed their property would sustain by the Emancipation Act; whereas, instead of a loss they have received a positive gain; their yearly revenues are increased, and the value of their estates has risen in the market. Have not these petitioners—have not the people of England a right to state, that but for the firm belief into which a generous Parliament and a confiding country were drawn, that the Bill of 1833 would occasion a loss to the Planter, not one million, or one pound, or one penny of this enormous sum would ever have been granted to the owners of the slaves? When it is found that all this money has been paid for nothing, have we not an equal right to require that whatever can be done on the part of the planters to further a measure which has already been so gainful to them, shall be performed without delay? Have we not an undeniable right to expect for the sake, not more of humanity towards the Negroes, than of strict justice to those whose money was so paid for nothing, under a mere error in fact, that we, who paid the money, shall obtain some compensation? And as all we ask is, not a return of it, not to have the sums paid under mistake refunded, but only the bargain carried into full effect, when the Colonial Legislatures refuse to perform their part, are we not well entitled to compel them? In a word, have not people of England a right to demand that the Slavery which still exists under the name of Indentured Apprenticeship, shall forthwith cease, all pretext for continuing it, from the alleged risk of the sudden
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change or the Negro's incapacity of voluntary labour, having been triumphantly destroyed by the universal and notorious fact of the experiment of total emancipation having succeeded wherever it has been tried, and of the Negro working cheerfully and profitably where he has been continued an apprentice? In presenting this petition from Yorkshire, and these thirteen others from various parts of the country, I have the honour of giving notice, that as soon as the unfortunate and pressing question of Canada shall have been disposed of by the passing or the rejection of the Bill expected from the Commons, that is, in about a week or ten days, I shall submit a motion to your Lordships with the view of enabling you to comply with the earnest prayer of your countrymen, by fixing the period of complete emancipation on the first of August in this year, instead of 1840.

But, my Lords, while I thus express my entire concurrence in the sentiments of these Petitions, and of the various others which I have presented upon this subject, I cannot conceal from myself that there is a very material difference between the subject of their complaint and of the complaint which I made at our last meeting respecting the continuance not of the Slavery but the Slave Trade, which I cannot delay for a single hour bringing before Parliament. The grievance set forth in the Petitions, is, that the Emancipation Act according to some did not go far enough and fast enough to its purpose—that while some hold it to have stopped short, in not at once and effectually wiping out the foul stain of slavery, others complain of our expectations having been frustrated in the working of the measure by the planters and the local authorities—that enough has not been done, nor with sufficient celerity to relieve the unhappy Slave of his burden—nevertheless all admit that whatever has been effected has been done in the right direction. The objections made are upon the degree, not upon the nature of the proceedings. It is that too little relief has been given to the Slave—that too late a day has been assigned for his final liberation—that he still suffers more than he ought: it is not that we have made Slavery more universal, more burthensome, or more bitter. But what would have been said by the English people—in what accents would they have appealed to this House—if instead of finding that the goal we aimed at was not reached—that the chains we had hoped to see loosened still galled the limbs—that the burden we had desired to lighten still pressed the Slave to the earth—it had been found that the curse and the crime of human bondage had extended to regions which it never before had
blighted—that the burden was become heavier and more
unbearable—that the fetters galled the victim’s limbs more
cruelly than ever—what I ask, would then have been the
language of your petitioners? What the sensation spread
through the country? What the cry of rage, echoing from
every corner of its extent, to charge us with mingled hypo-
crisy and cruelty, should we allow an hour to pass without
rooting out the monstrous evil? I will venture to assert
that there would have burst universally from the whole people
an indignant outcry to sweep away in a moment every ves-
tige of slavery, under whatever name it might lurk, and
whatever disguise it might assume; and the Negro at once
would have been a free man. Now this is the very charge
which I am here to make, and prepared to support with
proof, against the course pursued with a view to extinguish
the Slave Trade. That accursed traffic, long since con-
demned by the unanimous voice of all the rational world,
flourishes under the very expedients adopted to crush it;
and increases in consequence of those very measures re-
sorted to for its extinction. Yes, my Lords, it is my
painful duty to shew what, without suffering severely, it
is not possible to contemplate, far less to recite, but what
I cannot lay my head once more on my pillow without
denouncing, that at this hour, from the very nature of the
means used to extirpate it, this infernal traffic becomes armed
with new horrors, and continues to tear out, year after year,
the very bowels of the great African Continent—that scene
of the greatest sufferings which have ever scourged humani-
ty—the worst of all the crimes ever perpetrated by man!

When the act for abolishing the British Slave Trade passed
in 1807, and when the Americans performed the same act of
justice by abolishing their traffic in 1806, the earliest mo-
moment, it must to their honour be observed, that the Federal
Constitution allowed this step to be taken; and when,
at a later period, treaties were made, with a view to extin-
guish the traffic carried on by France, Spain, and Portugal,
the plan was in an evil hour adopted which up to the present
time has been in operation. The right of search and seizure
was confined to certain vessels in the service of the State,
and there was held out as an inducement to quicken the ac-
tivity of their officers and crews, a promise of head money,
—that is, of so much to be paid for each slave on board the
captured ship, over and above the proceeds of its sale upon
condemnation. The prize was to be brought in and proceed-
ed against; the slaves were to be liberated; the ship, with
her tackle and cargo, to be sold, and the price distributed;
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but beside this, the sum of five pounds for each slave taken on board was to be distributed among the captors. It must be admitted that the intention was excellent; it must further be allowed, that at first sight the inducement held out seemed likely to work well, by exciting the zeal and rousing the courage of the crews against those desperate miscreants who defiled and desecrated the great high-way of nations with their complicated occupation of piracy and murder. I grant it is far easier to judge after the event. Nevertheless, a little reflection might have sufficed to show that there was a vice essentially inherent in the scheme, and that by allotting the chief part of the premium for the capture of Slaves, and not of Slaveships, an inducement was held out, not to prevent the principal part of the crime, the shipping of the Negroes, from being committed, but rather to suffer this in order that the head-money might be gained when the vessel should be captured with that on board which we must still insult all lawful commerce by calling the cargo—that is, the wretched victims of avarice and cruelty, who had been torn from their country, and carried to the loathsome hold. The tendency of this is quite undeniable; and equally so is its complete inconsistency with the whole purpose in view, and indeed the grounds upon which the plan itself is formed; for it assumes that the head-money will prove an inducement to the cruisers, and quicken their activity; it assumes therefore, that they will act so as to obtain the premium: and yet the object in view is to prevent any slaves from being embarked, and consequently any thing being done which can entitle the cruiser to any head-money at all. The cruiser is told to put down the Slave Trade, and the reward held out is proportioned to the height which that trade is suffered to reach before it is put down. The plan assumes that he requires this stimulus to make him prevent the offence; and the stimulus is applied only after the offence has been in great part committed. The tendency, then, of this most preposterous arrangement cannot be questioned for a moment: but now see how it really works.

The Slave vessel is fitted out and sails from her port, with all the accommodations that distinguish such criminal adventures, and with the accustomed equipment of chains and fetters, to torture and restrain the Slaves—the investment of trinkets wherewith civilized men decoy savages to make war on one another, and to sell those nearest to them in blood—with the stock of muskets too, prepared by Christians for the trade, and sold at sixteen pence-a-piece, but not made to fire above once or twice without bursting in the hand of
the poor Negro, whom they have tempted to plunder his neighbour or to sell his child. If taken on her way to the African coast, she bears internal evidence, amply sufficient, to convict her of a Slave trading destination. I will not say that the cruisers having visited and inspected her, would suffer her to pass onward. I will not impute to gallant and honourable men a breach of duty, by asserting, that knowing a ship to have a guilty purpose, and aware that they had the power of proving this, they would voluntarily permit her to accomplish it. I will not even suggest that vessels are less closely watched on their route towards the coast than on their return from it. But I may at least affirm, without any fear of being contradicted, that the policy which holds out a reward, not to the cruiser who stops such a ship and interrupts her on the way to the scene of her crimes, but to the cruiser who seizes her on her way back when full of Slaves, gives and professes to give the cruiser an interest in letting her reach Africa, take in her cargo of Slaves, and sail for America. Moreover, I may also affirm with perfect safety, that this policy is grounded upon the assumption that the cruiser will be influenced by the hope of the reward, in performing the service, else of what earthly use can it be to offer it? and consequently I am entitled to conclude, that the offering this reward, assumes that the cruiser cares for the reward, and will let the Slaver pass on unless she is laden with Slaves. If this does not always happen, it is very certainly no fault of the policy which is framed upon such a preposterous principle. But I am not about to argue that any such consequences actually take place. It may or it may not be so in the result; but the tendency of the system is plain. The fact I stop not to examine. I have other facts to state about which no doubt exists at all. The statements of my excellent friend, Mr. Laird, who, with his worthy coadjutor, Mr. Oldfield, has recently returned from Africa, are before the world, and there has been no attempt made to contradict them. Those gallant men are the survivors of an expedition full of hardships and perils, to which, among many others, the learned and amiable Dr. Briggs, of Liverpool, unhappily fell a sacrifice—an irreparable loss to humanity as well as science.

It appears that the course pursued on the coast is this,—The cruiser stationed there to prevent the Slave trade, carefully avoids going near the harbour or the creek where the Slavers are lying. If she comes within sight, the Slaver would not venture to put his cargo on board and sail. Therefore she stands out, just so far as to command a view of the
port from the masthead, but herself quite out of sight. The Slaver believes the coast is clear; accomplishes his crime of shipping the cargo, and attempts to cross the Atlantic. Now, whether he succeeds in gaining the opposite shore, or is taken and condemned, let us see what the effect of the system is first of all, in the vessel's construction and accommodation—that is, in the comforts, if such a word can be used in connection with the hull of a Slave-ship—or the torments rather prepared for her unhappy inmates. Let us see how the unavoidable miseries of the middle passage are exasperated by the contraband nature of the adventure—how the unavoidable mischief is needlessly aggravated by the very means taken to extirpate it. The great object being to escape our cruisers, every other consideration is sacrificed to swiftness of sailing in the construction of the Slave-ships. I am not saying that humanity is sacrificed. I should of course be laughed to scorn by all who are implicated in the African traffic, were I to use such a word, in any connexion with it. But all other considerations respecting the vessel herself are sacrificed to swiftness, and she is built so narrow as to put her safety in peril, being made just broad enough on the beam to keep the sea. What is the result to the wretched slaves? Before the trade was put down by us in 1807, they had the benefit of what was termed the Slave Carrying Act. During the twenty years that we spent in examining the details of the question—in ascertaining whether our crimes were so profitable as not to warrant us in leaving them off—in debating whether robbery, piracy, and murder should be prohibited by law, or receive protection and encouragement from the State—we, at least, were considerate enough to regulate the perpetration of them; and while those curious and very creditable discussions were going on, Sir William Dolben's Bill gave the unhappy victims of our cruelty and iniquity the benefit of a certain space between decks, in which they might breathe the tainted air more freely, and a certain supply of provisions and of water to sustain their wretched existence. But now there is nothing of the kind; and the Slave is in the same situation in which our first debates found him above half a century ago, when the venerable Thomas Clarkson awakened the attention of the world to his sufferings. The scantiest portion which will support life is alone provided; and the wretched Africans are compressed and stowed into every nook and cranny of the ship, as if they were dead goods concealed on board smuggling vessels. I may be thought to have said enough; but I may not stop here. Far more remains to tell; and I
approach the darker part of the subject with a feeling of horror and disgust, which I cannot describe, and which three or four days gazing at the picture has not been able to subdue. But I go through the painful duty in the hope of inducing your Lordships at once to pronounce the doom of that system which fosters all that you are about to contemplate.

Let me first remind you of the analogy which this head-money system bears to what was nearer home, called blood-money. That it produces all the effects of the latter, I am certainly not prepared to affirm; for the giving a reward to informers on capital conviction had the effect of engendering conspiracies to prosecute innocent men, as well as to prevent the guilty from being stop'd in their career, until their crimes had ripened into capital offences; and I have no conception that any attempts can be made to capture vessels not engaged in the trade—not indeed could the head-money, from the nature of the thing, be obtained by any such means. But in the other part of the case the two things are precisely parallel, have the self same tendency, and produce the same effects; for they both appeal to the same feelings and motives, putting in motion the same springs of human action. Under the old bounty system no policeman had an interest in detecting and checking guilt until it reached a certain pitch of depravity, until the offences became capital and their prosecutor could earn forty pounds, they were not worth attending to. The cant expression, but the significant one is well known. "He (the criminal) is not yet weight enough—he does not weigh his forty pounds"—was the saying of those who cruised for head-money at the Old Bailey. And thus lesser crimes were connived at by some—encouraged, nurtured, fostered in their growth by others—that they might attain the maturity which the law had in its justice and wisdom said they must reach before it should be worth any one's while to stop the course of guilt. Left to itself wickedness could scarcely fail to shoot up and ripen. As soon as he saw that time come, the policeman pounced upon his appointed prey, made his victim pay the penalty of the crime he had suffered, if not encouraged him to commit, and himself obtained the reward provided by the State for the patrons of capital felony. Such within the tropics is the tendency, and such are the effects of our head-money system. The Slave-ship gains the African shores; she there remains unmolested by the land authorities, and unvisited by the sea; the human cargo is prepared for her; the ties that knit relatives together are forcibly severed; all the
resources of force and of fraud, of sordid avarice and of savage intemperance, are exhausted to fill the human market; to prevent all this, nothing, or next to nothing is attempted; the penalty has not as yet attached; the Slaves are not on board, and head-money is not due; the vessel, to use the technical phrase, does not yet weigh enough; let her ride at anchor till she reach her due standard of five pounds a Slave, and then she will be pursued! Accordingly, the landing is completed; the cruiser keeps out of sight; and the pirate puts to sea. And now begin those horrors—those greater horrors, of which I am to speak, and which are the necessary consequences of the whole proceeding, considering with what kind of miscreants our cruisers have to deal.

On being discovered, perceiving that the cruiser is giving chase, the Slaver has to determine whether he will endeavour to regain the port, escaping for the moment, and waiting for a more favourable opportunity, or will fare across the Atlantic, and so perfect his adventure, and consummate his crime, reaching the American shore with a part at least of his lading. How many unutterable horrors are embraced in the word that has slipt my tongue? A part of the lading! Yes—yes—For no sooner does the miscreant find that the cruiser is gaining upon him, than he bethinks him of lightening his ship, and he chooses the heaviest of his goods, with the same regard for them as if they were all inanimate lumber. He casts overboard, men and women and children! Does he first knock off their fetters? No! Why? Because those irons by which they have been held together in couples, for safety—but not more to secure the pirate crew against revolt, than the cargo against suicide—to prevent the Africans from seeking in a watery grave an escape from their sufferings—those irons are not screwed together and padlocked, so as to be removed in case of danger from tempest or from fire—but they are riveted—welded together by the blacksmith in his forge—never to be removed, nor loosened, until after the horrors of the middle passage, the children of misery shall be landed to bondage in the civilized world, and become the subjects of Christian kings! The irons, too, serve the purpose of weights; and, if time be allowed in the hurry of the flight, more weights are added, to the end that the wretches may be entangled, to prevent their swimming. Why? Because the Negro, with that herculean strength which he is endowed withal, and those powers of living in the water which almost give him an amphibious nature, might survive to be taken up by the cruiser, and become a witness against the murderer. The
escape of the malefactor is thus provided, both by lightening the vessel which bears him away, and by destroying the evidence of his crimes. Nor is this all. Instances have been recorded of other precautions used with the same purpose. Water-easks have been filled with human beings, and one vessel threw twelve overboard thus laden. In another chase, two Slave-ships endeavoured, but in vain, to make their escape, and, my blood curdles when I recite, that, in the attempt, they flung into the sea five hundred human beings, of all ages, and of either sex! These are things related—not by enthusiasts, of heated imagination—not by men who consult only the feelings of humanity, and are inspired to speak by the great horror and unextinguishable indignation that fill their breasts—but by officers on duty, men engaged professionally in the Queen's service. It is not a creation of fancy to add, as these have done to the hideous tale, that the ravenous animals of the deep are aware of their prey; when the Slave-ship makes sail, the shark follows in her wake, and her course is literally to be tracked through the ocean by the blood of the murdered, with which her enormous crimes stain its waters.

I have read of worse than even this! But it will not be believed! I have examined the particulars of scenes yet more hideous, while transfixed with horror, and ashamed of the human form that I wore—scenes so dreadful as it was not deemed fit to lay bare before the public eye! scenes never surpassed in all that history has recorded of human guilt to stain her pages, in all that poets have conceived to harrow up the soul! scenes, compared with which the blood-stained annals of Spain—cruel and sordid Spain—have registered only ordinary tales of avarice and suffering—though these have won for her an unenvied pre-eminence of infamy! scenes not exceeded in horror by the forms with which the great Tuscan poet peopled the hell of his fancy, nor by the dismal tints of his illustrious countryman's pencil, breathing its horrors over the vaults of the Sistine chapel! Mortua quin etiam jungebat corpora vivis! On the deck and in the loathsome hold are to be seen the living chained to the dead—the putrid carcase remaining to mock the survivor with a spectacle that to him presents no terrors—to mock him with the spectacle of a release which he envies! Nay, women have been known to bring forth the miserable fruit of the womb surrounded by the dying and the dead—the decayed corpses of their fellow victims.

Am I asked how these enormities shall be prevented? First ask me, to what I ascribe them? and then my answer
is ready. I charge them upon the system of head-money which I have described, and of whose tendency no man can pretend to doubt. Reward men for preventing the Slaver's voyage, not for interrupting it—for saving the Africans from the Slave-ship, not for seizing the ship after it has received them; and then the inducement will be applied to the right place, and the motive will be suited to the act you desire to have performed.

But I have hitherto been speaking of the intolerable aggravation which we superadd to the traffic. Its amount is another thing. Do all our efforts materially check it? Are our cruisers always successful? Are all flags and all the slavers under any flag subject to search and liable to capture? I find that the bulk of this infernal traffic is still undiminished; that though many Slave-ships may be seized, many more escape and reach the New World; and the numbers still carried thither are as great as ever. Of this sad truth the evidence is but too abundant and too conclusive. The premium of insurance at the Havannah is no higher than 12½ per cent. to cover all hazards. Of this 4½ per cent. is allowed for sea risk and underwriter's profits, leaving but 8 for the chance of capture. But in Rio it is as low as 11 per cent. leaving but 6¼ for risk of capture. In the year 1835, 80 Slave ships sailed from the Havannah alone; and I have a list of the numbers which six of those brought back, giving an average of about 360; so that above 28,000 were brought to that port in a year. In the month of December of that year, between 4000 and 5000 were so freely landed in the port of Rio, the capital of our good friend and ally, the Emperor of Brazil. It is frightful to think of the numbers carried over by some of these ships. One transported 570, and another no less than 700 wretched beings. I give the names of these execrable vessels—the Felicidad and the Socorro. Of all Slave-traders, the greatest—of all the criminals engaged in these guilty crimes, the worst—are the Brazilians, the Spaniards, and the Portuguese—the three nations with whom our commerce is the closest, and over whom our influence is the most commanding. These are the nations with whom we (and I mean France as well as ourselves) go on in lingering negotiation—in quibbling discussion—to obtain some explanation of some article in a feeble inefficient treaty, or some extension of an ineffectual right of search,—while their crimes lay all Africa waste, and deluge the seas with the blood of her inhabitants. Yet if a common and less guilty pirate dared pollute the sea, or wave his black flag over its waves, let him be of what nation he pleased to libel
by assuming its name, he would in an instant be made to pay
the forfeit of his crimes. It was not always so. We did not
in all times, nor in every cause, so shrink from our duty
through delicacy or through fear. When the thrones of an-
cient Europe where to be upheld, or their royal occupant to
be restored or the threatened privileges of the aristocracy
wanted champions, we could full swiftly advance to the en-
counter, throw ourselves into the breach, and confront alone
the giant arm of republics and of emperors wielding the
colossal power of France. But now when the millions of
Africa look up to us for help—when humanity and justice
are our only clients—I am far from saying that we do not
wish them well: I can believe that if a word could give them
success—if a wave of the hand sufficed to end the fray—the
word would be pronounced—the gesture would not be with-
holden; but if more be wanted,—if some exertion is requir-
ed—if some risk must be run in the cause of mercy—then
our tongue cleaves to the roof of our mouth; our hand falls
paralysed; we pause and falter, and blanch and quail before
the ancient and consecrated monarchy of Brazil, the awful
might of Portugal, the compact, consolidated, overwhelming
power of Spain! My lords, I trust—I expect—we shall
pause and falter, and blanch and quail no more! Let it be
the earliest, and it will be the most enduring glory of the new
reign, to extirpate at length this execrable traffic! I would
not surround our young Queen’s throne with fortresses and
troops, or establish it upon the triumphs of arms and the
trophies of war—no, not I!

Οὐ γὰρ λίθοις ἔτειχίσα τῶν πόλεως οὐδὲ πλάσθος ἐγώ, οὐδὲ ἐπὶ τούτως
μέγιστον τῶν ἐραυνῶν ἡμῶν: ἀλλὰ εἶν τὸν ἐμὸν τειχισμὸν, κ. τ. λ.*

I would build her renown neither upon military nor yet upon
naval greatness: but upon rights secured, upon liberties
extended, humanity diffused, justice universally promulgated.
In alliance with such virtues as these I would have her name
descend to after ages. I would have it commemorated for
ever, that in the first year of her reign, her throne was
fortified, and her crown embellished, by the proudest triumph
over the worst of crimes—the greatest triumph mortal ever
won, over the worst crime man ever committed!

* ΔΗΜ. Πεζί Στέφ.
SPEECH
ON THE
IMMEDIATE EMANCIPATION
OF THE
NEGRO APPRENTICES.
DELIVERED IN THE HOUSE OF LORDS,
FEBRUARY 20, 1838.

DEDICATION.

TO
THE MARQUESS OF SLIGO, K.P.
ETC. ETC. ETC.

LATE GOVERNOR AND CAPTAIN-GENERAL OF JAMAICA.

This Speech is inscribed with peculiar propriety to the humane and virtuous Viceroy, who, himself a Master of Slaves, gained by his just and beneficent Government of the greatest Slave colony in the world, the truly enviable title of the Poor Negro's Friend. The only other publication upon the subject to which I ever affixed my name, was dedicated to an illustrious Statesman, whose life has been devoted to his country's service, and whose noble ambition has always connected itself with the improvement of mankind, by that natural sympathy which unites brilliant genius with public virtue. But the fame with which your Admi-
nistration has surrounded your character makes it not unfit to name you even after a Wellesley.

The anxiety expressed from all parts of the country to obtain an authentic report of this Speech, and the acceptance with which my countrymen have honoured the humble though zealous efforts of their fellow labourer in this mighty work, I regard as by far the highest gratification of a long public life. The present occasion also affords me an opportunity of contradicting the studied misrepresentations of some injudicious supporters of the Government, who have not scrupled to assert that my principal object in proposing the measures of yesterday, was not the abolition of Negro Apprenticeship, but only the regulation of the Master's conduct. Nothing can be more wide of the fact than such a statement.

I appeal to your Lordship, and to all who heard me, whether my whole contention was not in behalf of Instant and Complete Emancipation, as the only effectual remedy, and whether I wasted more than a single sentence upon any mere palliatives. To regulate the master's conduct, while the abominable system is suffered to continue, was the purpose of the first five resolutions—but my whole forces, such as they are, were brought to bear upon the only position to take which I was very anxious, and, to force an immediate, unconditional surrender of the master's rights—an immediate, unconditional liberation of the slave.

I think I have some right to complain of these misstatements. It was surely enough that I should be resisted by the whole strength of the Government, and that, in consequence of their resistance, my great object of obtaining the Negro's freedom should be defeated, as well as, all hopes of effectually destroying the Slave Trade itself disappointed by the rejection of my other propositions. There is a refinement of subtle injustice in those men propagating a belief through the country, that the conduct of the Ministry, by which my motion was defeated, and by which I verily think their official existence is endangered, did not altogether thwart the intentions of the parties by whom that motion was brought forward and supported. The reader of this speech will be at no loss to perceive how entirely its object was the Immediate Destruction of Slavery, and how invariably every word of it was inspired by hostility to the existing system, inextinguishable and uncompromising.

BROUGHAM.

February 21, 1838.
SPEECH.

I do not think, my lords, that ever but once before, in the whole course of my public life, I have risen to address either House of Parliament with the anxiety under which I labour at this moment. The occasion to which alone I can liken the present, was, when I stood up in the Commons to expose the treatment of that persecuted Missionary whose case gave birth to the memorable debate upon the condition of our Negro brethren in the Colonies—a debate happily so fruitful of results to the whole of this great cause. But there is this difference between the two occasions to sustain my spirits now, that whereas, at the former period, the horizon was all wrapt in gloom, through which not a ray of light pierced to cheer us, we have now emerged into a comparatively bright atmosphere, and are pursuing our journey full of hope. For this we have mainly to thank that important discussion, and those eminent men who bore in it so conspicuous a part. And now I feel a further gratification in being the means of enabling your lordships, by sharing in this great and glorious work—nay, by leading the way towards its final accomplishment, to increase the esteem in which you are held by your fellow-citizens; or if, by any differences of opinion on recent measures, you may unhappily have lost any portion of the public favour, I know of no path more short, more sure, or more smooth, by which you may regain it. But I will not rest my right to your cooperation upon any such grounds as these. I claim your help by a higher title. I rely upon the justice of my cause—I rely upon the power of your consciences—I rely upon your duty to God and to man—I rely upon your consistency with yourselves—and, appealing to your own measure of 1833, if you be the same men in 1838, I call upon you to finish your own work, and give at length a full effect to the wise and Christian principles which then guided your steps.

I rush at once into the midst of this great argument. I drag before you, once more, but I trust for the last time, the African Slave Trade, which I lately denounced here, and have so often denounced elsewhere. On this we are all agreed. Whatever difference of opinion may exist on the question of Slavery, on the Slave traffic there can be none.
I am now furnished with a precedent which may serve for an example to guide us. On Slavery we have always held that the Colonial legislatures could not be trusted; that, to use Mr. Canning’s expression, you must beware of allowing the masters of Slaves to make laws upon Slavery. But upon the detestable traffic in Slaves, I can show you the proceeding of a Colonial Assembly, which we should ourselves do well to adopt after their example. These masters of Slaves, not to be trusted on that subject, have acted well and wisely on this. I hold in my hand a document, which I bless heaven that I have lived to see. The legislature of Jamaica, owners of Slaves, and representing all other Slave owners, feel that they also represent the poor Negroes themselves; and they approach the throne, expressing themselves thankful—tardily thankful, no doubt—that the traffic has been now for thirty years put down in our own Colonies, and beseeching the Sovereign to consummate the great work by the only effectual means—of having it declared piracy by the law of nations, as it is robbery, and piracy, and murder by the law of God. This address is precisely that which I desire your lordships now to present to the same gracious Sovereign. After showing how heavily the Foreign Slave Trade presses upon their interests, they take higher ground in this remarkable passage:—“Nor can we forego the higher position, as a question of humanity; representing all classes of the island, we consider ourselves entitled to offer to your Majesty our respectful remonstrance against the continuance of this condemned traffic in human beings. As a community, composed of the descendants of Africa as well as Britain, we are anxious to advance the character of the country; and we, therefore, entreat your Majesty to exert your interest with foreign powers to cause this trade at once to be declared piracy, as the only effectual means of putting it down, and thereby to grace the commencement of your auspicious reign.”

My Lords, I will not stop to remind the lawgivers of Jamaica why it is that the Slave traffic is a crime of so black a dye. I will not remind them that if Slavery were no more, the trade in Slaves must cease; that if the West Indies were like England, peopled with free men, and cultivated only by free hands, where no man can hold his fellow-creature in bondage, and the labourer cannot be tormented by his masters; if the cart-whip having happily been destroyed, the doors of the prison-house were also flung open, and chains, and bolts, and collars were unknown, and no toil endured but by the workmen’s consent, nor any effort ex-
torted by dread of punishment; the traffic which we justly call not a trade but a crime, would no longer inflict the miseries with which it now loads its victims, who, instead of being conveyed to a place of torture and misery, would be carried into a land of liberty and enjoyment. Nor will I now pause to consider the wishes of some colonies, in part, I am grieved to say, granted by the Government, that the means should be afforded them of bringing over what they call labourers from other parts of the globe, to share in the sufferings of Slavery, hardly mitigated under the name of apprenticeship. That you should ever join your voices with them on this matter, is a thing so out of the question that I will not detain you with one other remark upon it. But so neither have I any occasion to go at present into the subject of the Slave trade altogether, after the statements which I lately made in this place upon the pernicious effects of our head-money, the frightful extent of the Negro traffic, and the horrible atrocities which mark its course still more awfully now than before. In order to support my call upon your lordships for the measures which alone can extirpate such enormities, I need but refer you to those statements. Since I presented them here, they have been made public, indeed promulgated all over the kingdom, and they have met with no contradiction, nor excited the least complaint in any quarter except that many have said the case was understated; and that in one place, and only in one, I have been charged with exaggeration. I have read with astonishment, and I repel with scorn, the insinuation, that I had acted the part of an advocate, and that some of my statements were coloured to serve a cause. How dares any man so to accuse me? How dares any one, skulking under a fictitious name, to launch his slanderous imputation from his covert? I come forward in my own person. I make the charge in the face of day. I drag the criminal to trial. I openly call down justice on his head. I defy his attacks. I defy his defenders. I challenge investigation. How dares any concealed adversary to charge me as an advocate speaking from a brief, and misrepresenting the facts to serve a purpose? But the absurdity of this charge even outstrips its malice. I stated that the Negroes were thrown overboard in pairs during a chase to lighten the ship and enable her to escape; thrown overboard in fetters, that they might sink, and not be witnesses against the murderers. The answer is, that this man, if man he be, had been on board Slave ships, and never seen such cruelties. I stated that the fetters were not locked, but rivetted in the
forge. The answer is, that the writer had been on board of Slave vessels, and seen fetters which were locked, and not rivetted. How dares any man deny a statement made upon authority referred to by name, on such a trumpery story as this? As well might he argue that a murder sworn to by fifty or a hundred credible witnesses, had never been committed, because some one came forward and said he had not seen it done. Did I not give the particulars? Did I not avouch my authority? Did I not name the gallant officer from whose official report, printed and published, my account was taken? Did I not give the respected name of Commodore Hayes, one of the best esteemed officers in her Majesty's service? I, indeed, understated the case in many particulars. But, my lords, if I have not been chargeable with exaggeration—if all who took part in the former debate, whether in or out of office, agreed in acquitting me of that—so neither shall I be charged for the future with understating the atrocities of the case. What I then withheld, I will now tell—and not keeping back my authority now any more than I did before, I appeal to my noble friend near me* for the truth of the appalling story, himself a planter, and an owner of Slaves. I ask him if he did not know a vessel brought in with a cargo of a hundred and eighty or two hundred wretched beings jammed into a space three feet and a half in height.

**LORD SLIGO—Two and a half.**

**LORD BROUGHAM.—**There, my lord,—I am understating again. Into that space of two feet and a half between the decks, that number of miserable creatures were jammed, like inanimate lumber, certainly in a way in which no Christian man would crowd dumb animals. My Noble friend will say whether or not that vessel, whose slaves had never been released, or even washed, or in any way cleansed, since it left the African coast, presented an intolerable nuisance to all the senses—a nuisance unfit for any description. Nor is this all. I will be chargeable with understatement no more! The ophthalmia had broken out among the poor creatures thus kept in unspeakable torment; and as often as any one was seized, instead of affording him any medical or other assistance, he was instantly cast over-board, and sunk in his chains, with the view of stopping the infection. I will understate things no more! I said before that as many as 700 slaves were carried across the sea in one ship; there I stopped, for to those who know what a slave ship is, this sufficed

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* Lord Sligo.
NEGRO APPRENTICESHIP.

to harrow up every feeling of the soul. But another vessel brought away, first and last, in one voyage, 980 miserable, unoffending; simple beings; and of this number, without any chase, or accident, or violence, or any acts of wholesale murder, such as those we have been contemplating, six hundred perished in the voyage, through the hardships and sufferings inseparably connected with this execrable traffic. Of 23 or 2400 carried away by four other ships, no less than 1569 perished in like manner, having fallen a sacrifice to the pestilential hold. How this enormous crime of these Foreign nations is to be rooted out I know full well. You must no longer treat it as a mere contraband trade—no longer call murder smuggling, or treat pirates as offenders against the revenue laws. As long as our Slave Traders were so dealt with, they made this calculation—"If we escape three times in four, our profits are so large that the seizure and confiscation can be well afforded; nay, if we are taken as often as we escape, the ships netting 20, 30, even as much as 50 and 60,000 pounds a voyage, we can well afford to lose 1500 or 2,000 pounds when the adventure fails." So they ran the risk, and on a calculation of profit and loss were fully justified. But I had in 1811 the singular happiness of laying the axe to the root of this detestable system. I stopt all those calculations by making the trade felony and punishing it as such; for well I know that they who would run the risk of capture when all they could suffer by it was a diminution of their profits, would be slow to put their heads in the noose of the halter which their crimes so richly deserved. The measure passed through all its stages in both Houses without one dissenting voice; and I will venture to assert that ever since although English capital, I have too much reason to think, finds its way into the Foreign Slave Trade, no Englishman is concerned directly with it in any part of the world. Trust me, the like course must be taken if we would put an end to the same crimes in other countries. Piracy and murder must be called by their right names, and visited with their appropriate penalties. That the Spanish and Portuguese traders now make the same calculations which I have been describing, is a certain fact. I will name one—Captain Inza, of the ship Socorro, who, on being captured, had the effrontery to boast that he had made fourteen Slave voyages, and that this was the first time he had been taken. Well might he resolve to run so slight a risk for such vast gains; but had the fate of a felon pirate awaited him, not all the gains which might tempt his sordid nature would have prevailed upon him to encounter that hazard.
I formerly recounted instances of murder done by wholesale in the course of the chase of our cruisers. I might have told a more piteous tale; and I will no longer be accused of understating this part of the case either. Two vessels were pursued. One after another, Negroes were seen to be thrown overboard to the number of a hundred and fifty, of all ages—the elder and stronger ones loaded with their fetters, to prevent them from swimming or floating—the weaker were left unchained to sink or expire; and this horrible spectacle was presented to the eyes of our cruisers' men—they saw, unable to lend any help, the water covered with those hapless creatures, the men sinking in their chains—the women, and—piteous sight!—the infants and children struggling out their little strength in the water till they too were swallowed up and disappeared!

I now approach a subject, not, indeed, more full of horrors, or of greater moment, but on which the attention of the people has for some time past been fixed with an almost universal anxiety, and for your decision upon which they are now looking with the most intense interest, let me add, with the liveliest hopes. I need not add that I mean the great question of the condition into which the Slaves of our Colonies were transferred as preparatory to their complete liberation—a subject upon which your table has been loaded with so many petitions from millions of your fellow-countrymen. It is right that I should first remind your lordships of the anxious apprehension which were entertained in 1833, when the Act was passed, because a comparison of those fears with the results of the measure, will form a most important ingredient of the argument which I am about to urge for the immediate liberation of the apprentices. I will remember how uneasy all were in looking forward to the first of August, 1834, when the state of slavery was to cease, and I myself shared in those feelings of alarm when I contemplated the possible event of the vast but yet untried experiment. My fears proceeded first from the character of the masters. I knew the nature of man, fond of power, jealous of any interference with its exercise, uneasy at its being questioned, offended at its being regulated and constrained, averse above all to have it wrested from his hands, especially after it has been long enjoyed, and its possession can hardly be severed from his nature. But I also am aware of another and a worse part of human nature. I know that whoso has abused power, clings to it with a yet more convulsive grasp. I dreaded the nature of man prone to hate whom he has injured—because I knew that law of human weakness which makes the oppressor hate his victim,
NEGRO APPRENTICESHIP.

makes him who has injured never forgive, fills the wrong doer with vengeance against those whose right it is to vindicate those injuries on his own head. I knew that this abominable law of our evil nature was not confined to different races, contrasted hues and strange features, but prevailed also between white man and white—for I never yet knew any one hate me, but those whom I had served, and those who had done me some grievous injustice. Why then should I expect other feelings to burn within the planter’s bosom, and govern his conduct towards the unhappy beings who had suffered so much and so long at his hands? But, on the part of the Slaves, I was not without some anxiety, when I considered the corrupting effects of that degrading system under which they had for ages groaned, and recognised the truth of the saying in the first and the earliest of profane poets, that “the day which makes a man a Slave robs him of half his value.” I might well think that the West India Slave offered no exception to this maxim; that the habit of compulsory labour might have incapacitated him from voluntary exertion; that over much toil might have made all work his aversion; that never having been accustomed to provide for his own wants, while all his supplies were furnished by others, he might prove unwilling or unfit to work for himself, the ordinary inducements to industry never having operated on his mind. In a word, it seemed unlikely that long disuse of freedom, might have rendered him too familiar with his chains to set a right value on liberty; or that, if he panted to be free, the sudden transition from the one state to the other, the instantaneous enjoyment of the object of his desires, might prove too strong for his uncultured understanding, might overset his principles, and render him dangerous to the public peace. Hence it, was that I entertained some apprehensions of the event, and yielded reluctantly to the plan proposed of preparing the Negroes for the enjoyment of perfect freedom by passing them through the intermediate state of Indentured Apprenticeship. Let us now see the results of their sudden though partial liberation, and how far those fears have been realized; for upon this must entirely depend the solution of the present question—Whether or not it is safe now to complete the emancipation, which, if it only be safe, we have not the shadow of right any longer to withhold.—Well, then, let us see.

The First of August came, the object of so much anxiety and so many predictions—that day so joyously expected by the poor Slaves, so sorely dreaded by their hard
taskmasters; and surely if ever there was a picture interesting, even fascinating to look upon—if ever there was a passage in a people's history that rebounded to their eternal honour—if ever triumphant answer was given to all the scandalous calumnies for ages heaped upon an oppressed race, as if to justify the wrongs done them—that picture, and that passage, and that answer were exhibited in the uniform history of that auspicious day all over the Islands of the Western sea. Instead of the horizon being lit up with the lurid fires of rebellion, kindled by a sense of natural though lawless revenge, and the just resistance to intolerable oppression—the whole of that widespread scene was mildly illuminated with joy, contentment, peace, and good will towards men. No civilized nation, no people of the most refined character, could have displayed after gaining a sudden and signal victory, more forbearance, more delicacy, in the enjoyment of their triumph, than these poor untutored Slaves did upon the great consummation of all their wishes which they had just attained. Not a gesture or a look was seen to scare the eye—not a sound or a breath from the Negro's lips was heard to grate on the ear of the Planter. All was joy, congratulation, and hope. Everywhere were to be seen groups of these harmless folks assembled to talk over their good fortunes; to communicate their mutual feelings of happiness; to speculate on their future prospects. Finding that they were now free in name, they hoped soon to taste the reality of liberty. Feeling their fetters loosened, they looked forward to the day which should see them fall off, and the degrading marks which they left be effaced from their limbs. But all this was accompanied with not a whisper that could give offence to the Master by reminding him of the change. This delicate, calm, tranquil joy, was alone to be marked on that day over all the chain of the Antilles.—Amusements there were none to be seen on that day—not even their simple pastimes by which they had been wont to beguile the hard hours of bondage, and which reminded that innocent people of the happy land of their forefathers, whence they had been torn by the hands of Christian and civilized men. The day was kept sacred as the festival of their liberation; for the Negroes are an eminently pious race. They enjoy the advantages of much religious instruction, and partake in a large measure of spiritual consolation. These blessings they derive not from the ministrations of the Established Church—not that the aid of its priests is withheld from them, but the services of others, of zealous Missionaries, are found more acceptable and more effectual,
because they are more suited to the capacity of the people. The meek and humble pastor, although perhaps more deficient in secular accomplishments, is far more abounding in zeal for the work of the vineyard, and being less raised above his flock, is better fitted to guide them in the path of religious duty. Not made too fine for his work by pride of science, nor kept apart by any peculiar refinement of taste, but inspired with a fervent devotion to the interests of his flock, the Missionary pastor lives but for them; their companion on the week-day, as their instructor on the Sabbath; their friend and counsellor in temporal matters, as their guide in spiritual concerns. These are the causes of the influence he enjoys—this the source from whence the good he does them flows. Nor can I pass by this part of the West Indian picture without rendering the tribute of heartfelt admiration which I am proud to pay, when I contemplate the pious zeal, the indefatigable labours of these holy and disinterested men; and I know full well that if I make my appeal to my Noble friend* he will repeat the testimony elsewhere borne to the same high merits, when he promulgated his honest opinion, that "for the origin of all religious feeling among the Negroes, it is among the missionaries, and not the clergy, we must look." Therefore it was that fourteen years ago, I felt all the deep anxiety to which I this night began by referring, when it was my lot to drag before the Commons of England the persecutors of one among the most useful, most devoted, and most godly of that most estimable class of men, who for his piety and his self-devotion had been hunted down by wicked men, conspiring with unjust Judges, and made to die the death for teaching to the poor Negroes the gospel of peace. I am unspeakably proud of the part I then took; I glory mightily in reflecting that I then struck, aided and comforted by far abler men,† the first of those blows, of which we are now aiming the last, at the chains that bind the harmless race of our Colonial peasantry. The First of August came—and the day was kept a sacred holiday, as it will ever be kept to the end of time throughout all the West Indies. Every church was crowded from early dawn, with devout and earnest worshippers. Five or six times in the course of that memorable Friday were all those churches filled and emptied in succes-

* Lord Stingo.

† The great exceptions on that memorable occasion of Lord Chief Justice Denman, Dr. Lushington, and others, are well known; and the import of the interesting debate does them justice. But no one from merely reading it can form an adequate idea of Mr. Justice Williams's admirable speech, distinguished alike for closeness of argument and for the severity of Attic taste.
sion by multitudes who came, not coldly to comply with a formal ceremonial, not to give mouth worship or eye worship, but to render humble and hearty thanks to God for their freedom at length bestowed. In countries where the bounty of nature provokes the passions, where the fuel of intemperance is scattered with a profuse hand, I speak the fact when I tell that not one Negro was seen in a state of intoxication. Three hundred and forty thousand Slaves in Jamaica were at once set free on that day, and the peaceful festivity of these simple men was disturbed only on a single estate, in one parish, by the irregular conduct of three or four persons, who were immediately kept in order, and tranquility in one hour restored.

But the termination of Slavery was to be the end of all labour; no man would work unless compelled—much less would any one work for hire. The catwhip was to resound no more, and no more could exertion be obtained from the indolent African. I set the fact against these predictions. I never have been in the West Indies; I was one of those whom, under the name of reasoners, and theorists, and visionaries, all planters pitied for incurable ignorance of Colonial affairs; one of those who were forbidden to meddle with matters of which they could only judge who had the practical knowledge of experienced men on the spot obtained. Therefore I now appeal to the fact—and I also appeal to one who has been in the West Indies, is himself a planter, and was an eyewitness of the things upon which I call for his confirmatory testimony. It is to my noble friend* that I appeal. He knows, for he saw, that ever since Slavery ceased, there has been no want of inclination to work in any part of Jamaica, and that labour for hire is now to be had without the least difficulty by all who can afford to pay wages—the apprentices cheerfully working for those who will pay them, during the hours not appropriated to their masters. My noble friend made an inquiry as to the state of this important matter in a large part of his government; and I have his authority for stating, that, in nine estates out of ten, labourers for hire were to be had without the least difficulty. Yet this was the people of whom we were told with a confidence that set all contradiction at defiance, with an insulting pity for the ignorance of us who had no local experience, that without the lash there would be no work done, and that when it ceased to vex him the African would sink into sleep. The prediction is found

* Lord Sligo.
to have been ridiculously false; the Negro peasantry is as industrious as our own; and wages furnish more effectual stimulus than the scourge. O but, said the men of Colonial experience—the true practical men—this may do for some kinds of produce. Cotton may be planted—coffee may be picked—indigo may be manufactured—all these kinds of work the Negro may probably be got to do; but at least the cane will cease to grow—the cane-piece can no more be hoed, nor the plant be hewn down, nor the juice boiled, and sugar will utterly cease out of the land. Now, let the man of experience stand forward—the practical man, the inhabitant of the Colonies—I require that he now come forth with his prediction, and I meet him with the fact. Let him but appear, and I answer for him, we shall hear him prophecy no more. Put to silence by the fact, which even these confident men have not the courage to deny, they will at length abandon this untenable ground. Twice as much sugar by the hour was found, on my noble friend's* inquiry, to be made since the Apprenticeship as under the Slave system, and of a far better quality; and one planter on a vast scale has said, that, with twenty free labourers, he could do the work of a hundred Slaves. But linger not on the islands where the gift of freedom has been but half bestowed—look to Antigua and Bermuda, where the wisdom and the virtue has been displayed, of at once giving complete emancipation. To Montserrat the same appeal might have been made, but for the folly of the Upper House, which threw out the bill passed in the Assembly by the representatives of the planters. But in Antigua and Bermuda, where, for the last three years and a half, there has not even been an Apprentice—where all have been at once made as free as the peasantry of this country—the produce has increased, not diminished, and increased notwithstanding the accidents of bad seasons, droughts, and fires.

But then we were told by those whose experience was reckoned worth so much more than our reasoning, that even if by some miracle industry should be found compatible with liberty, of which indeed we in our profound ignorance of human nature had been wont to regard it as the legitimate offspring; at all events, the existence of order and tranquility was altogether hopeless. After so long being inured to the abject state of Slavery, its sudden cessation, the instant transition from bondage to freedom, must produce convulsions all over the Colonies, and the reign of rebellion and

* Lord Sligo.
anarchy must begin. Not content with reasoning, the prac-
tical men condescended to tax their luxuriant imagination for
tropes to dazzle and delude whom their arguments might fail to convince. The child could not walk alone if his lead-
ing strings were cut away—the full-grown tree could not be transplanted—the limbs cramped by the chain could not freely move—the maniac might not safely be freed from the keeper's control;—and Mr. Wyndham used to bring the play of his own lively fancy upon the question, and say,
that if it was a cruel thing to throw men out of the window, he saw no great kindness in making up for the injury you had done by throwing them back again into the house.
Alas! for all those prophecies, and reasonings, and theories, and figures of speech. The dawn of the First of August chased away the phantoms, and instead of revolt and con-
spiracy, ushered in order and peace. But the fanciful men of experience, the real practical visionaries of the West Indies, though baffled, were not defeated. Only wait, they said, till Christmas—all who know the Negro character then dread rebellion—all experience of Negro habits shows that to be the true season of revolt. We did wait till Christmas—and what happened? I will go to Antigua, because there the emancipation began suddenly, without any preparatory state of apprenticeship—with no gradual transition, but the chains knocked off at once, and the Slave in an instant set free. Let then the men of practical experience hear the fact. For the first time these thirty years on that day, Christmas 1834, martial law was not proclaimed in Antigua. You call for facts; here is a fact—a fact that speaks volumes. You appeal to experience—here is our experi-
ence, your own experience; and now let the man who scoffed at reasoning—who laughed us to scorn as visionaries, deriding our theories as wild fancies, our plans of liberty as frantic schemes which never could be carried into effect, whose only fruit must be wide spreading rebellion, and which must entail the loss of all other colonies—let him come forward now; I dare him to deny one of the state-
ments I have made. Let those who thought the phrases "Jamaica Fiancer"—"Colonial interest!"—"West Indian residence"—flung into the scale of oppression, could make that of mercy and freedom kick the beam—let them now hear the fact, and hold their peace; the fact, that neither on the first day of emancipation, nor on the Christmas following the Negro festival, was there any breach of the peace committed over all the West Indian world. Then, after these predic-
tions had all failed—these phantasies been all dispelled—the
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charges against the Negro race been thoroughly disproved—surely we might have looked for a submission to the test of experience itself, from the men of experience, and an acquittal of those so unjustly accused, after the case against them had been so signally defeated. No such thing! The accusers, though a second time discomfited, were not subdued; and there was heard a third appeal to a future day—an appeal which had I not read it in print, and heard of it in speeches, I could not have believed possible. Only wait, said these planters, till the anniversary of the first of August, and then you will witness the effects of your rash counsels! Monstrous effort of incurable prejudice—almost judicial blindness! As if they whom the event of liberation itself could not excite to commit the least disorderly act, would be hurried into rebellion by the return next year of the day on which it had happened; and having withstood all temptation to irregular conduct in the hour of triumph, would plunge into excess in celebrating its anniversary! I will not insult the understandings of your Lordships by adding that this prediction shared the fate of all the rest. And are we then now to set at nought all the lessons of real and long continued and widely extended experience? Are we never to profit by that of which we are for ever to prate? I ask you not to take advantage, of other men's experience, by making its fruits your own—to observe what they have done or have suffered, and, wise by the example, to follow or to avoid. That indeed is the part of wisdom, and reflecting men pride themselves upon pursuing such a course. But I ask nothing of the kind—my desires are more humble—my demand is more moderate far. I only ask you to be guided by the results of your own experience, to make some gain by that for which you have paid so costly a price. Only do not reject the lesson which is said, in the Book you all revere, to teach even the most foolish of our foolish kind; only show yourselves as ready to benefit by experience as the fool whom it proverbially is able to teach—and all I desire is gained.

But now, my lords, my task is accomplished, my work is done. I have proved my case, and may now call for judgment. I have demonstrated every part of the proposition which alone it is necessary that I should maintain, to prove the title of the apprentice to instant freedom from his taskmasters, because I have demonstrated that the liberation of the Slave has been absolutely, universally safe—attended with not even inconvenience—nay, productive of ample benefits to his master. I have shown that the apprentice
works without compulsion, and that the reward of wages is a better incentive than the punishment of the lash. I have proved that labour for hire may anywhere be obtained as it is wanted and can be purchased—all the apprentices working extra hours for hire, and all the free Negroes, wherever their emancipation has been complete, working harder by much for the masters who have wherewithal to pay them, than the Slave can toil for his owner or the Apprentice for his master. Whether we look to the noble minded Colonies which have at once freed their Slaves, or to those who still retain them in a middle and half free condition, I have shown that the industry of the Negro is undeniable, and that it is constant and productive in proportion as he is the director of its application and the master of its recompense. But I have gone a great deal further—I have demonstrated by a reference to the same experience—the same unquestioned facts—that a more quiet, peaceful, inoffensive, innocent race, is not to be found on the face of this earth, than the Africans—not while dwelling in their own happy country, and enjoying freedom in a natural state, under their own palm trees, and by their native streams—but after they have been torn away from it, enslaved, and their nature perverted in your Christian land, barbarised by the policy of civilized states—their whole character disfigured, if it were possible to disfigure it—all their feelings corrupted, if you could have corrupted them. Every effort has been made to spoil the poor African—every resource of wicked ingenuity exhausted to deprave his nature—all the incentives to misconduct placed around him by the fiend-like artifice of Christian, civilized men—and his excellent nature has triumphed over all your arts—your unnatural culture has failed to make it bear the poisonous fruit that might will have been expected from such abominable hus-bandy—though enslaved and tormented, degraded and debased, as far as human industry could effect its purpose of making him blood-thirsty and savage, his gentle spirit has prevailed, and preserved, in spite of all your prophecies, aye, and of all your efforts, unbroken tranquillity over the whole Caribbean chain! Have I not then proved my case? I shew you that the whole grounds of the arrangement of 1833, the very pretext for withholding complete emancipation, alleged incapacity for labour, and risk of insurrection, utterly fail. I rely on your own records; I refer to that record which cannot be averred against; I plead the record of your own statute. On what ground does its preamble rest the necessity of the intermediate, or apprentice state—all admitting that nothing but necessity could justify it? "Whereas it is expedient that
provision should be made for promoting the industry, and securing the good conduct of the manumitted Slaves.” These are the avowed reasons for the measure—these its only defence. All men confessed, that, were it not for the apprehension of liberated Slaves not working voluntarily, and not behaving peaceably—of Slavery being found to have unfitted them for industry, and of a sudden transition to complete freedom being fraught with danger to the peace of society—you had no right to make them indent ed apprentices, and must at once set them wholly free. But the fear prevailed, which, by the event, I have now a right to call a delusion; and the apprenticeship was reluctantly agreed to. The delusion went further. The planter succeeded in persuading us that he would be a vast loser by the change, and we gave him twenty millions sterling money to indemnify him for the supposed loss. The fear is found to be utterly baseless—the loss is a phantom of the brain—a shape conjured up by the interested parties to frighten our weak minds—and the only reality in this mockery is the payment of that enormous sum to the crafty and fortunate magician for his incantations. The spell is dissolved—the charm is over; the unsubstantial fabric of calculating alarm, reared by the colonial body with our help, has been crushed to atoms, and its fragments scattered to the wind. And now, I ask, suppose it had been ascertained in 1833, when you made the apprenticeship law, that these alarms were absolutely groundless—the mere phantom of a sick brain, or contrivance of a sordid ingenuity—would a single voice have been raised in favour of the intermediate state? Would the words Indentured Apprenticeship ever have been pronounced? Would the man have been found endued with the courage to call for keeping the Negro in chains one hour after he had been acknowledged entitled to his freedom?

I freely admit that formerly, and before the event, when the measure was passed, the proof was upon us, who maintained that the experiment of emancipation was safe. We did not pretend to deny all risk; we allowed the possibility of a loss being sustained by the planters; may, we did more; we took for granted there would be a loss, and a loss to the amount of twenty millions, and that vast sum we cheerfully paid to indemnify them. Then we had not the facts with us; all experience was said to be the other way; and because we could only offer argument against the opinions of practical men of local knowledge, we were fain to let them take every thing their own way, and receive our money by way of securing them against the possibility of damage.
But now the case is reversed; the facts are all with us; experience has pronounced in our favour, and the burden of the proof is thrown on the planter, or whoever would maintain, contrary to the result of the trial already made, that there is any risk whatever in absolute emancipation. The case lies in a narrow compass; the sudden transition from absolute slavery to apprenticeship—from the condition of chattels to that of men—has been made without the least danger whatever, though made without the least preparation. It is for those who, in spite of this undoubted fact, maintain that the lesser step of substituting freedom for apprenticeship will be dangerous, though made after a preparation of three years, to prove their position. Therefore I am not bound to maintain the opposite proposition, by any one argument or by a single fact. Nevertheless, I do prove the negative, against those upon whom it lies to prove the affirmative; I gratuitously demonstrate, both by argument and by fact, that the transition to freedom from apprenticeship may be safely made. I appeal to the history of Antigua and Bermuda, where the whole process took place at once—where both steps were taken in one—and where, notwithstanding, there was more tranquillity than had ever before been enjoyed under the death-like silence of Slavery. Nay, I prove even more than the safety of the step in question; for in those Colonies the transition being so made at once, it follows, a fortiori, that the making the half transition, which alone remains to be made in the rest, is doubly free from all possible risk of any kind, either as to voluntary labour or orderly demeanour.

But this is not all—let us look at the subject from another point. The twenty millions have been paid in advance, on the supposition of a loss being incurred. No loss, but a great gain has accrued to the planter. Then he has received our money for nothing; it is money paid under a mistake in fact, to propagate which he himself contributed. If such a transaction had happened between private parties, I know not that the payer of the money might not have claimed it back as paid under mistake; or if deception had been practised, that he was not equitably entitled to recover it. But without going so far, of this I am certain, that all men of honourable minds would in such circumstances have felt it hard to keep the party to his bargain. Again, view the matter from a different point, for I am desirous to have it narrowly examined on all sides. Suppose it is still maintained that the second step we require to be taken will be attended with risk—how much is the loss likely to be? Six years
apprenticeship and the emancipation were reckoned at twenty millions. No loss has as yet accrued, and four years have elapsed. Then what right have you to estimate the loss of the two years that remain at more than the whole sum? But unless it exceeds that sum, the planter, by giving up these two years, manifestly loses nothing at all; for he has his compensation, even supposing the total loss to happen in two years, for which the money was given, on the supposition of a six years' diminished income. But suppose I make a present of this concession likewise, and admit that there may be a loss in the next two years as there has been a gain in the former four, have not I a right to set off that gain against any loss, and then unless twice as much shall be lost yearly in future as has been gained in past years, the planter is on the whole a gainer, even without taking the twenty millions into the account, and although there should be that double rate of loss, contrary to all probability: even without these twenty millions, he will on the whole have lost nothing. But I will not consent to leave that vast sum out of the account. It shall go in diminution of the loss, if any has been suffered. It shall be reckoned as received by the planters, and unless they lose, during the next two years, more than twenty millions over and above the gains they have made during the last four, I insist upon it that they be deemed to have suffered no loss at all, even if, contrary to all experience and all reason, they lose by the change. What is the consequence of all this? That at the very least we have a right to make the planters bring their twenty millions to account, and give us credit for that sum — so that until their losses exceed it, they shall have no right whatever to complain. Take, now, a new view of the subject, in order that we may have left no stone unturned, no part of the whole subject unexplored — have we not at the very least a title to call upon the planters to consign the money into a third party's hands, to pay it, as it were, into Court, until it shall be ascertained whether they sustain any loss at all, and, if any, to what amount? I defy all the quibblers in the world to shew what right the planters can have, if they insist upon retaining our money, now given for nothing, to keep the Negroes out of their liberty, that money having been paid to compensate a supposed loss, and experience having demonstrated that instead of loss, the present change has already been to them a gain. My proposal is this, and if the planters be of good faith it must at once settle the question, at least it must bring their sincerity to the test. They say they are afraid of a loss
apprentice allowance in Barbadoes, and other colonies, from which we have the returns, there being none in this particular from Jamaica itself. The allowance to prisoners is fourteen pints weekly of Indian corn, and different quantities of other grain, but comparing one will be sufficient for our purpose. In Barbadoes the allowance to apprentices is only ten pints, while in the Leeward Islands and Dominica it is no more than eight pints; for the Crown colonies, the Slave allowance, before 1834, was twenty-one pints; in the same colonies the apprentice receives but ten; so that in the material article of food there is the very reverse of an improvement, effected upon the Negro's condition. Next as to time—it is certain that he should have half a day in the week, the Friday, to work his own provision-ground, beside Saturday to attend the market, and the Sabbath for the rest and religious instruction. The Emancipation Act specifies forty-five hours as the number which he shall work weekly for his master. But these are now so distributed as to occupy the whole of Friday, and even in some cases to trench upon Saturday too. The planter also counts those hours invariably from the time when the Negro, having arrived at the place of work, begins his labour. But as it constantly happens that some at least of the Negroes on an estate have several miles to walk from their cottages, all the time thus consumed in going and returning is wholly lost to the Negro. Nay, it is lost to the master as well as the apprentice, and so long as he is not compelled to reckon it in the statutory allowance, it will continue a loss to both parties. For as no reason whatever can be assigned why the Negro huts should be on the frontier of the plantation, only make the time, frequently as much at present as three or four hours a day, consumed in going and returning, count for part of the forty-five hours a week, and I'll answer for it, all the Negroes will be provided with cottages near the place of their toil.

I come now to the great point of the Justice administered to the people of colour. And here let me remind your Lordships how little that deserves the name of justice, which is administered wholly by one class, and that the dominant class, in a society composed of two races wholly distinct in origin and descent, whom the recollection of wrongs and sufferings has kept still more widely apart, and taught scarcely to regard each other as brethren of the same species. All judicial offices are filled by those whose feelings, passions, and interests are constantly giving them a bias towards one, and from the other, of the parties directly
appearing before the judgement-seat. If to a great extent this is an unavoidable evil, surely you are bound, by every means possible, to prevent its receiving any unnecessary aggravation. Yet we do aggravate it by appointing to the place of Puisne Judge natives of the colonies, and proprietors of estates. From the same privileged class are taken all who compose the juries, both in criminal and in civil cases, to assess damages for injuries done by whites to blacks—to find bills of indictment for crimes committed upon the latter class—to try those whom the Grand Jury presents—to try Negroes charged with offences by their masters. Nay, all magistrates, goalers, turn-keys—all concerned in working every part of the apparatus of jurisprudence, executive as well as administrative, are of one tribe alone. What is the consequence? It is proverbial that no bills are found for maltreatment, how gross soever, of the Negroes. Six were preferred by a humane individual at one assize, and all flung out. Some were for manslaughter, others for murder. Assize after assize presents the same result. A wager was on one occasion offered, that not a single bill would be found that assize, and nobody was found to take it; prudent was the refusal proved by the result: for all the bills were ignored, without any exception. Now, your Lordships will observe that in no one case could any evidence have been examined by those Grand Juries, except against the prisoner. In cases of murder sworn to, as plainly as the shining of the sun at noon-day tide, by witness after witness—still they said, "No Bill." Nay, they sometimes said so when only part of the witnesses for the prosecution had been heard, and refused to examine the others that were tendered.

The punishments inflicted are of monstrous severity. The law is wickedly harsh; its execution is committed to hands that exasperate that cruelty. For the vague, undefinable offence of insolence, thirty-nine lashes; the same number for carrying a knife in the pocket; for cutting the shoot of a cane-plant, fifty lashes, or three months imprisonment in that most loathsome of all dungeons a West Indian goal. There seems to have prevailed at all times among the lawgivers of the Slave Colonies a feeling, of which—I grieve to say, those of the mother country have partaken; that there is something in the nature of a Slave—something in the disposition of the African race—something in the habits of those hapless victims of our crimes, our cruelties and frauds—which requires a peculiar harshness of treatment from their rulers, and makes what in other men's cases we call justice and mercy, cruelty to society and injustice to the
law in theirs—inducing us to visit with the extremity of rigour in the African what if done by our own tribes would be slightly visited or not at all, as though there were in the Negro nature something so obdurate that no punishment with which they can be punished would be too severe. Prodigious, portentous injustice! As if we had a right to blame any but ourselves for whatever there may be of harsh or cunning in our Slaves—as if we were entitled to visit upon them that disposition, were it obdurate, those habits, were they insubordinate, those propensities, were they dishonest, (all of which I deny them to be, and every day's experience justifies my denial), but were these charges as true as they are foully slanderous and absolutely false—is it for us to treat our victims harshly for failings or for faults with which our treatment of them has corrupted and perverted their nature, instead of taking to ourselves the blame—punishing ourselves at least with self-abasement, and atoning with deepest shame for having implanted vice in a pure soil? If some capricious despot were, in the career of ordinary tyranny, to tax his pampered fancy to produce something more monstrous, more unnatural than himself; were he to graft the thorn upon the vine, or place the dove among vultures to be reared—much as we might marvel at this freak of a perverted appetite, we should marvel still more if we saw tyranny exceed even its own measure of proverbial unreasonableness, and complain because the grape was not gathered from the thorn, or because the dove so trained had a thirst for blood. Yet this is the unnatural caprice—this the injustice—the gross, the foul, the outrageous, the monstrous, the incredible injustice of which we are daily and hourly guilty towards the whole of the ill-fated African race!

My lords, we fill up the measure of this injustice by executing laws wickedly conceived, in a yet more atrocious spirit of cruelty. Our whole punishments smell of blood. Let the treadmill stop, from the weary limbs and exhausted frame of the sufferers no longer having the power to press it down the requisite number of turns in a minute—the lash instantly resounds through the mansion of woe! Let the stone spread out to be broken, not crumble fast enough beneath the arms already scarred, flayed, and wealed by the whip—again the scourge tears afresh the half-healed flesh! Within the last hour before I entered this House, I heard from an eye-witness of the fact as disgusting as it was appalling, that a leper among the prisoners was cut to pieces by stripes with the rest. And in passing, let me here note the universal but cruel practice of placing the patients stricken
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with infectious diseases in hospitals, and in prisons among others, upon almost all private estates; and the no less unjust and exclusively West Indian practice of cruelly and stingly compelling the prisoners to go out daily and find their own food, instead of the master supplying them in the gaol—a refinement of harshness and meanness not, I venture to assert, ever reached by the tyrant master of the Siberian mines. But I was speaking of the public prison, and there as the leper had been scourged, so when a miserable wretch, whose legs were one mass of ulcerated flesh from former inflictions, gave some offence to his task-masters, he was on those limbs mangled anew by the merciless application of the lash. I have told you how the bills for murdering Negroes were systematically thrown out by the Grand Jurys. But you are not to imagine that bills are never found by those just men, even bills against Whites. A person of this cast had, unable to bridle his indignation, roused by the hideous spectacle I have described (so disgusting, but that all other feelings are lost in pity for the victim, and rage against his oppressor), repaired to the Governor, and informed him of what he had witnessed. Immediately the Grand Jury, instead of acknowledging his humane, and, in a Slave colony, his gallant conduct, found a bill against him, and presented him as a nuisance!

My lords, I have had my attention directed within the last two hours to the new mass of papers laid on our table from the West Indies. The bulk I am averse to break; but a sample I have culled of its hateful contents. Eleven females were punished by severe flogging—and then put on the treadmill, where they were compelled to ply until exhausted nature could endure no more. When faint, and about to fall off, they were suspended by the arms in a manner that has been described to me by a most respectable eye-witness of similar scenes, but not so suspended as that the mechanism could revolve clear of their persons: for the wheels at each turn bruised and galled their legs, till their sufferings had reached the pitch when life can no longer even glimpse in the socket of the weary frame. In the course of a few days these wretched beings languished, to use the language of our law—that law which is thus so constantly and systematically violated—and "languishing, died." Ask you if crimes like these, murderous in their legal nature as well as frightful in their aspect, passed unnoticed—if inquiry was neglected to be made respecting these deaths in a prison? No such thing! The forms of justice were on this head peremptory, even in the West Indies—and those forms, the handmaids of Justice, were
present, though their sacred Mistress was far away. The coroner duly attended—his jury were regularly impanneled—eleven interrogations were made in order—and eleven verdicts returned. Murder! manslaughter! misdemeanor! misconduct! No—but "Died by the visitation of God!"—Died by the visitation of God! A lie!—a perjury!—a blasphemy! The visitation of God! Yes, for it is among the most awful of those visitations by which the inscrutable purposes of his will are mysteriously accomplished, that he sometimes arms the wicked with power to oppress the guiltless; and if there be any visitation more dreadful than another—any which more tries the faith and vexes the reason of erring mortals, it is when Heaven showers down upon the earth the plague—not of scorpions, or pestilence, or famine, or war—but of Unjust Judges and perjured Jurors—wretches who pervert the law to wreak their personal vengeance or compass their sordid ends, forsaking themselves on the Gospels of God, to the end that injustice may prevail, and the innocent be destroyed!

Sed nos immensus spatius conferimus aequor,
Et jam tempus equum humanitatem solvere colla.

I hasten to a close. There remains little to add. It is, my lords, with a view to prevent such enormities as I have feebly pictured before you, to correct the administration of justice, to secure the comforts of the Negroes, to restrain the cruelty of the tormentors, to amend the discipline of the prisons, to arm the Governors with local authority over the police; it is with these views that I have formed the first five of the resolutions now upon your table, intending they should take effect during the very short interval of a few months which must elapse before the sixth shall give complete liberty to the slave. I entirely concur in the observation of Mr. Burke, repeated and more happily expressed by Mr. Canning that the masters of Slaves are not to be trusted with making laws upon Slavery; that nothing they do is ever found effectual; and that if by some miracle they ever chance to enact a wholesome regulation, it is always found to want what Mr. Burke calls "the executory principle;" it fails to execute itself. But experience has shewn that when the lawgivers of the Colonies find your are firmly determined to do your duty, they anticipate you by doing theirs. Thus, when you announced the bill for amending the Emancipation Act, they outstrip you in Jamaica, and passed theirs before yours could reach them. Let then your resolutions only show you to be in good earnest now, and I have no doubt a corresponding disposition will be evinced on the other side.
of the Atlantic. These improvements are, however, only to be regarded as temporary expedients—as mere palliatives of an enormous mischief, for which the only effectual remedy is that Complete Emancipation which I have demonstrated by the unerring and incontrovertible evidence of facts, as well as the clearest deductions of reason, to be safe and practicable, and therefore proved to be our imperative duty at once to proclaim.

From the instant that glad sound is wafted across the ocean, what a blessed change begins; what an enchanting prospect unfolds itself! The African, placed on the same footing with other men, becomes in reality our fellow-citizen—to our feelings, as well as in his own nature our equal, our brother. No difference of origin or of colour can now prevail to keep the two castes apart. The Negro, master of his own labour, only induced to lend his assistance if you make it his interest to help you, yet that aid being absolutely necessary to preserve your existence, becomes an essential portion of the community, nay, the very portion upon which the whole must lean for support. This ensures him all his rights; this makes it not only no longer possible to keep him in thrall, but places him in a complete and intimate union with the whole mass of Colonial, society. Where the driver and the goatherd once bore sway, the lash resounds no more; nor does the clank of the chain any more fall upon the troubled ear; the fetter has ceased to gall the vexed limb, and the very mark disappears which for a while it had left. All races and colours run together the same glorious race of improvement. Peace unbroken, harmony uninterrupted, calm unruffled, reigns in mansion and in field—in the busy street, and the fertile valley, where nature, with the lavish hand she extends under the tropical sun, pours forth all her bounty profusely, because received in the lap of cheerful industry, not extorted by hands cramped with bonds. Delightful picture of general prosperity and social progress in all the arts of civility and refinement! But another form is near!—and I may not shut my eyes to that less auspicious vision. I do not deny that danger exists—I admit it not to be far distant from our path. I descry it, but not in the quarter to which West Indian eyes forever turn. The planter, as usual, looks in the wrong direction. Averting his eyes from the real risk, he is ready to pay the price of his blindness, and rush upon his ruin. His interest tells him he is in jeopardy, but it is a false interest, and misleads him as to the nature of the risk he runs. They, who always dreaded Emancipation—who were alarmed at the prospect
of Negro idololence—who stood aghast at the vision of Negro rebellion should the chains cease to rattle, or the lash to sound through the air—gathering no wisdom from the past, still persist in affrighting themselves and scaring you, with imaginary apprehensions from the transition to entire freedom out of the present intermediate state. But that intermediate state is the very source of all their real danger; and I disguise not its magnitude from myself. You have gone too far if you stop here and go no further; you are in imminent hazard if, having loosened the fetters, you do not strike them off—if, leaving them ineffectual to restrain, you let them remain to gall, and to irritate, and to goad. Beware of that state, yet more unnatural than slavery itself—liberty bestowed by halves—the power of resistance given—the inducement to submission withheld.—You have let the Slave taste of the cup of freedom; while intoxicated with the draught, beware how you dash the cup away from his lips. You have produced the progeny of liberty—see the prodigious hazard of swathing the limbs of the gigantic infant—you know not the might they may animate it. Have a care, I beseech you have a care, how you rouse the strength that slumbers in the sable peasant's arm! The children of Africa, under the tropical sun of the West, with the prospect of a free Negro Republic in sight, will not suffer themselves to be tormented when they no longer can be controlled. The fire in St. Domingo is raging to windward, its sparks are borne on the breeze, and all the Caribbean sea is studded with the materials of explosion. Every tribe, every shade of the Negro race will combine from the fiery Koromantin to the peaceful Eboee, and the ghastly shape of Colonial destruction meets the astonished eye—

"If shape it may be called that shape has none
Distinguishable in member, joint or limb,
Or substance may be called that shadow seems,
For each seems either; black it stood as night,
Fierce as ten Tokyo, terrible as hell!!"

I turn away from the horrid vision that my eye may rest once more on the prospect of enduring empire, and peace founded upon freedom. I regard the freedom of the Negro as accomplished and sure. Why? because it is his right—because he has shown himself fit for it—because a pretext, or a shadow of a pretext, can no longer be devised for withholding that right, from its possessor. I know that all men at this day take a part in the question, and they will no longer bear to be imposed upon, now they are well informed. My reliance is firm and unflinching upon the great change which I have
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witnessed—the education of the people, unfettered by party or by sect—witnessed from the beginning of its progress, I may say from the hour of its birth. Yes! It was not for a humble man like me to assist at Royal births with the illustrious Prince who condescended to grace the pageant of this opening session, or the Great Captain and Statesman in whose presence I am now proud to speak. But with that illustrious Prince, and with the father of the Queen, I assisted at that other birth, more conspicuous still. With them, and with the Head of the House of Russell, incomparably more illustrious in my eyes, I watched over its cradle—I marked its growth—I rejoiced in its strength—I witnessed its maturity—I have been spared to see it ascend the very height of supreme power; directing the councils of State; accelerating every great improvement; uniting itself with every good work; propping all useful institutions; extirpating abuses in all our institutions; passing the bounds of our European dominion, and in the New World, as in the Old, proclaiming that freedom is the birthright of man—that distinction of colour gives no title to oppression—that the chains now loosed must be struck off, and even the marks they have left effaced—proclaiming this by the same eternal law of our nature which makes nations the masters of their own destiny, and which in Europe has caused every tyrant's throne to quake! But they need feel no alarm at the progress of light who defend a limited monarchy and support popular institutions—who place their chiefest pride not in ruling over slaves, be they white or be they black, not in protecting the oppressor, but in wearing a constitutional crown, in holding the sword of justice with the hand of mercy, in being the first citizen of a country whose air is too pure for Slavery to breathe, and on whose shores, if the captives's foot but touch, his fetters of themselves fall off. To the resistless progress of this great principle I look with a confidence which nothing can shake; it makes all improvement certain; it makes all change safe which it produces; for none can be brought about unless all has been prepared in a cautious and salutary spirit. So now the fullness of time is come for at length discharging our duty to the African captive. I have demonstrated to you that every thing is ordered—every previous step taken—all safe, by experience shewn to be safe, for the long-desired consummation. The time has come, the trial has been made, the hour is striking: you have no longer a pretext for hesitation, or falttering, or delay. The Slave has shown, by four years' blameless behaviour, and devotion to
the pursuits of peaceful industry, that he is as fit for his freedom as any English peasant, aye or any Lord whom I now address. I demand his rights; I demand his liberty without stint. In the name of justice and of law—in the name of reason—in the name of God, who has given you no right to work injustice—I demand that your brother be no longer trampled upon as your slave! I make my appeal to the Commons, who represent the free people of England; and I require at their hands the performance of that condition for which they paid so enormous a price—that condition which all their constituents are in breathless anxiety to see fulfilled! I appeal to this House. Hereditary judges of the first tribunal in the world—to you I appeal for justice! Patrons of all the arts that humanize mankind—under your protection I place humanity herself! To the merciful Sovereign of a free people I call aloud for mercy to the hundreds of thousands for whom half a million of her Christian sisters have cried aloud—I ask that their cry may not have risen in vain. But first I turn my eye to the throne of all justice, and devoutly humbling myself before Him who is of purer eyes than to behold such vast iniquities, I implore that the curse hovering over the head of the unjust and the oppressor be averted from us—that your hearts may be turned to mercy—and that over all the earth His will may at length be done!

END OF VOLUME FIRST.