

Howard University

Digital Howard @ Howard University

History Department Faculty Publications

Department of History

4-1-1942

The British West Indian Slave Trade After It's Abolition in 1807

Eric Williams

Follow this and additional works at: https://dh.howard.edu/hist_fac



Part of the [Arts and Humanities Commons](#)

Recommended Citation

Williams, Eric, "The British West Indian Slave Trade After It's Abolition in 1807" (1942). *History Department Faculty Publications*. 43.

https://dh.howard.edu/hist_fac/43

This Article is brought to you for free and open access by the Department of History at Digital Howard @ Howard University. It has been accepted for inclusion in History Department Faculty Publications by an authorized administrator of Digital Howard @ Howard University. For more information, please contact digitalservices@howard.edu.

To Dr Charles H. Westcott
Eric Williams

THE BRITISH WEST INDIAN SLAVE TRADE AFTER ITS ABOLITION IN 1807

The real motives for the abolition of the slave trade by Great Britain have been either ignored or deliberately misrepresented by British historians who have sacrificed scholarship and integrity to patriotism and the philanthropic complex. We have now to treat an aspect of the British slave trade which has received no recognition from later historians and little from contemporary humanitarians. That aspect is the intercolonial slave trade between 1807 and 1833.

The Act of 1807 abolished the slave trade as a means of supplying labor to the British West Indian colonies. In 1811 slave trade was made a felonious offense, with the qualification, whether deliberate or not, that slaves could be transported from one British colony, settlement or island in the West Indies to another. The Law Officers of the Crown in England decided in 1815 that Honduras could not be considered a British colony in the West Indies according to the terms of the 1811 Act.¹ Whether the Bahamas fell within the terms of the Act or not was not clear,² but in 1833 it was laid down that slaves returning to the West Indies from Britain or from a British colony where slavery did not exist, did not fall in the category of illegal importa-

¹ C.O. 137/141 (Public Record Office). Law Officers to Bathurst, April 26, 1815.

² Plantations, Jamaica, 1815, No. 74: As to the Removal of Negroes from Bahamas to Jamaica. (This, and all similar papers referred to as Plantations, are unpublished documents among the Custom House Records, London. The papers, many in number, are not well arranged though I hasten to add that the Custom House is not a Library in which some systematic classification of records is to be expected, and this statement is not meant as a criticism of the Librarian of the Custom House, to whom I am deeply indebted for his kindness in facilitating my researches there. The references I have given follow the arrangement of the records which existed when I was working there in the autumn of 1937).

tions.³ There was nothing in the Acts of 1807 and 1811, however, to prevent the transfer of slaves from the older exhausted colonies to those acquired at the end of the French wars in 1815, Trinidad and British Guiana; nothing to prevent a colony like Barbados, for example, already holding out that promise of overpopulation which was to encourage it in its "mission civilisatrice" all over the Caribbean area in the nineteenth century, from going in for slave breeding on a large scale in the fashion of Virginia and from supplying its new neighbors with the sinews needed so badly after the slave trade had been cut off, at least on paper, at its source.

This intercolonial slave trade was carried on under the innocent guise of domestics in attendance upon their owners, in accordance with the provisions of an Act of 1819. Under this guise a trade of truly alarming proportions grew up. There were two aspects to this trade: their export from British to foreign colonies and their export from the old British colonies to the newer colonies acquired at the Congress of Vienna.

In Jamaica, Britain's largest island in the Caribbean, where there was almost certainly a sufficiency of slaves for internal purposes, the tendency was rather to export slaves under the cloak of domestic servants than to import them. The Committee of Correspondence of the Jamaica House of Assembly wrote to its agent in England in 1819 stressing the refusal of all inhabitants to violate the Abolition Laws and their determination to prosecute all such violations.⁴ The Governor of the island spoke of "the utmost alacrity" shown in apprehending a certain offender charged with illegal introduction of Negroes, a fact which, to his mind, showed conclusively "that no desire exists here to contravene the provisions of the Abolition Acts."⁵ When it came to the export of slaves, however, the inhabitants were not

³ Plantations, Barbados, 1832-1834, No. 220: Opinion of Commissioner of Customs, England, Sept. 3, 1833.

⁴ C.O. 137/148. Sept. 2, 1819.

⁵ *Ibid.* Manchester to Bathurst, August 6, 1814.

so law-abiding. The price of slaves was much higher in Cuba than in Jamaica, and in at least one instance the Governor was forced to censure a police officer for a gross violation or ignorance of his duty, because the latter neglected to investigate carefully a complaint made by a slave that he had been recently bought by a visitor to the island whose intention it was to take the slave back to Cuba.⁶

But it was in the older islands that this slave trade flourished. The planters of the older colonies had always been in favor, long before 1807, of preventing the slave trade to their newer rivals, Trinidad and British Guiana, as if the slave trade was immoral only when it concerned the newer colonies.⁷ Governor Beckwith of Barbados in 1810 opposed the exportation of slaves to the conquered foreign colonies in the West Indies on the ground that it would be "transferring the vital strength of the real British Possessions, to countries which at a peace may be ceded to foreign powers."⁸ The trade increased after the cessation of the war. The superiority of the soil in Guiana was too tempting to adventurers and to bankrupt planters in the older islands, attracted by the higher prices of slaves, and a large-scale exodus of pseudo domestic servants began. Visitors would come to Guiana, the Governor complained in 1819, chiefly from Barbados, with the professed intention of taking up residence in Guiana. They would come attended by two domestic slaves; soon after arrival, they would return to Barbados, on pretexts of business or ill health, taking out passports to go with two servants, but actually taking none; then they would return to Guiana with two more.⁹

⁶ Plantations, Jamaica, 1829-1830, No. 547: Proceedings under the Abolition Laws. Governor to Collector of Customs, Kingston, Dec. 26, 1829; Collector of Customs, Kingston, to Commissioners of Customs, London, Jan. 4, 1830.

⁷ See *Parl. Deb.*, II, 652. Speech of Ellis, a Jamaica planter, June 30, 1804.

⁸ C.O. 28/79. Beckwith to Collector and Comptroller of Customs, Nov. 22, 1810.

⁹ C.O. 111/27. Murray to Bathurst, April 27, 1819. (For the sake of convenience I have referred to Guiana as one colony. It was really at this date two distinct colonies, Demerara and Berbice.)

But the Governor really approved of this ingenious method of solving Guiana's labor problem. Guiana, he wrote, would labor under a great disadvantage if it could not have recourse to the islands for domestics. It would be highly desirable that the inhabitants of the colony should be allowed to obtain intelligent tradesmen from the old settled islands, which, "would contribute essentially to civilize the slaves of these colonies."¹⁰

Trinidad stood as much in need of slaves as Guiana, allowance being made for the difference in size between the two colonies. Both colonies found in the older islands a valuable means of mitigating to some extent their chronic shortage of labor. Between the years 1808 and 1812, more than 7,500 slaves were imported into Guiana under license alone,¹¹ and between 1821 and 1825 a further 1,750 were imported.¹² Between 1813 and 1821 Trinidad received over 3,800 new recruits, of whom nearly 1,100 hailed from Dominica and nearly 1,200 from Grenada.¹³

* * * * *

This slave trade had obviously reached proportions which could not be reconciled with the high-sounding pretensions of humanitarianism which had characterized the Abolition Act of 1807, and which were equally inconsistent with Britain's earnest efforts to induce the other countries of Europe to cease this great inhumanity of man to man. The result was the Consolidated Slave Act of 1825.

Whatever the Consolidated Slave Act did or was meant to do, it did not nor was it meant to abolish this slave trade. Only the emancipation of the slaves could have checked it, but perhaps the men of 1825 were not as humanitarian as those of 1833. The removal of domestics was henceforth made illegal except on certain conditions; the slave should be really and truly the property or in the domestic serv-

¹⁰ C.O. 111/29. Murray to Goulburn, Feb. 24, 1820.

¹¹ C.O. 111/37.

¹² C.O. 111/54.

¹³ C.O. 295/55.

ice of the party proposing to remove him; secondly, the owner should be domiciled and habitually resident in the colony from which the removal was to take place; thirdly, the real motive of removal should be that of having the attendance of the slave on the exporter's person in the character of a domestic servant; the slave, in the fourth place, was actually to accompany his owner in the exporting vessel; in addition, the necessary clearances and certificates had to be obtained and put aboard the ship, specifying not only the name of the slave but his precise occupation.¹⁴

What did all this amount to? Nothing. Did Trinidad and Guiana continue to recruit labor from the older colonies? The answer is they did. The Act of 1825 may have made such recruiting more difficult, but even this is doubtful. An interesting question arose as to whether an infant could properly be considered a domestic within the meaning of the act.¹⁵ But for all practical purposes the new regulations were of little avail. The Governor of Barbados issued export licenses on a scale which would have aroused the suspicions of anyone not disqualified from all public duties, as he was, by age and infirmities, and the Collector of Customs described it as "an open traffic . . . as in former times of the slave trade."¹⁶ The trade, wrote "a person of great respectability" to the Anti-Slavery Society in England, was increasing in magnitude.¹⁷ Guiana customs officers were at a loss to know what to do with the numbers of domestics arriving regularly in the service of ladies and strangers from Europe, and repatriated or left stranded in the colony when their owners departed.¹⁸ Gov-

¹⁴ See C.O. 295/79. Stephen to Twiss, Oct. 17, 1828; C.O. 28/102. Stephen to Hay, no date; Plantations, Trinidad, 1830-1831, No. 163: Various Proceedings under the Abolition Laws. Commissioners of Customs, Dec. 6, 1831.

¹⁵ Plantations, Grenada, 1827-1832, No. 119: Proceedings under the Abolition Laws. Opinion of the Solicitor-General, Grenada.

¹⁶ C.O. 28/102. Stephen to Hay, no date.

¹⁷ *Ibid.* Nov. 30, 1827.

¹⁸ Plantations, Barbados, 1829-1831, No. 152: Proceedings under the Abolition Laws. Letter from Collector of Customs, Demerara, to Commissioners of Customs, London, June 1831.

ernor Lyon of Barbados put the case in a nutshell: it was "a traffic which so long as the difference of value continues as great as it now is, notwithstanding the vigorous steps that have been and may be taken thereafter to suppress it, will undoubtedly prove a difficult matter altogether to effect."¹⁹

It was the superior value of slaves and the greater fertility of the soil of Trinidad and Guiana which formed the background to this intercolonial slave trade. The cost of a slave in Barbados or Antigua was only £35 or £40, in Guiana and Trinidad it was from £80 to £90.²⁰ The relative fertility of Demerara and Barbados, as judged by exports, was in the proportion of four to one.²¹ In Demerara it took 200 days' labor to produce 5,000 lbs. of sugar, in Barbados 400. In the former the sugar was produced without any outlay of capital for manure, in the latter it required twenty-five per cent of the labor of the plantation.²² The canes in Trinidad produced saccharine matter in the proportion of 2.5 to 1 as compared with the older islands;²³ the average output of sugar was three hogsheads per slave as compared with one in the older islands.²⁴ The Jamaica and Barbados of 1820 had in fact to compete with the Jamaica and Barbados of 1750. Only their limited slave population restrained the full development of these two new colonies: hence the trade in "domestics."

Were these slaves in reality domestics? The percentage of fraud was undoubtedly large. Whereas before the prohibitions of 1825 few people travelled with two servants or even one, now every free person going to a place where

¹⁹ C.O. 28/103. Lyon to Murray, Dec. 1, 1829.

²⁰ *The Speeches of the Right Honourable William Huskisson with a Biographical Memoir, Anonymous (London, 1831)*, III, 610. June 21, 1830.

²¹ C.O. 111/16. Codd to Bathurst, Nov. 18, 1813.

²² *Select Committee appointed to inquire into the Commercial State of the West India Colonies* (H. of C. Sess. Pap., Reports, Committees, 1831-1832, No. 381), page 15. Evidence of John P. Mayers, Agent for Barbados.

²³ C.O. 295/79. Marryat to Murray, Aug. 19, 1828.

²⁴ C.O. 295/78. Farquharson to Murray, Oct. 12, 1828.

slaves were most valuable carried two domestic slaves for each member of the family, however numerous.²⁵ Little attention was paid to the position in life or the health of the exporter or the sort of service he would require of the domestics. One Mr. Franklin, of Barbados, a man in very indigent circumstances, was permitted to take fourteen slaves in attendance on his family to Trinidad, five of them adults, one of whom was a carpenter, on board a vessel of twenty-two tons.²⁶ Attorney General Fuller of Trinidad did not hesitate to declare that a slave was property, that there was no law prohibiting the owner from changing his employment from domestic to agricultural labor. "It is not declared in any law that a slave once a domestic is always to remain so. It is a well known fact that the domestic slaves generally after they arrive at a certain age dislike such employment and prefer going to a plantation."²⁷

In actual fact, many of these "domestics" were put to work in the fields, once arrived in Trinidad or Guiana. Of 266 domestics imported into Trinidad from Barbados during the year 1827, 204 had changed their owners by the end of the year, and 81 had ceased to be domestics. "To my own mind," wrote Stephen, of the Colonial Office, an abolitionist, never lax in his watching brief on behalf of the Negroes, "there appears very strong ground for suspecting that the great comparative value of slaves in Trinidad has tempted many persons to make fraudulent importations from Barbados, by attributing the character of domestics to slaves whom it was never intended really to employ in that capacity."²⁸ A Mr. Hobson removed nine slaves from Dominica whom he had "bought on the eve of his own departure precisely as he might have purchased an equal number of horses or mules," for removal to "a

²⁵ C.O. 295/80. Grant to Murray, April 14, 1829.

²⁶ C.O. 28/103. Attorney General of Barbados to Governor Lyon, June 25, 1829.

²⁷ C.O. 295/78. Aug. 14, 1828.

²⁸ C.O. 295/79. Stephen to Twiss, Oct. 17, 1828.

place where their value, considered as articles of traffic, was immediately doubled, and where the motives to retain them in slavery were strengthened, and the price of freedom was increased exactly in the same proportion.’²⁹ Governor Grant of Trinidad suggested a specific prohibition that all persons removed from one colony to another as domestics should not be liable to be placed to work in the fields in the colony to which they were removed.³⁰ The Controller of Customs at Barbados argued that such cases of domestic slaves imported for the purposes of agricultural labor might not be numerous, because of the power of the slave to appeal to the Protector of Slaves, an official peculiar to the Crown Colonies of Trinidad and Guiana. The Colonial Office made the marginal comment: “Probably they take the place of native domestics who can thus be transferred to the field.”³¹

* * * * *

The arguments used by the planters in both the new and the old colonies were so specious that this alone should have aroused suspicions. The Greeks were bearing gifts, yet no one seemed to distrust them. The Consolidated Slave Act had insisted that removal should be in the interest of the slave, a direct encouragement to the planter to mumble humanitarianism for his purpose. Mr. Bowell was anxious, on grounds of humanity of course, to remove his three hundred slaves from Barbados to Trinidad; the rich soil of Trinidad did not need the labor of manuring, and he was eager “by such location to ease these Barbados labourers of the most grievous part of the toil which is employed on sugar plantations.”³² A Colonial Office official—reflecting on the “Ten-Acre Men” in Barbados, small proprietors, low miserable white creoles, “living in idleness and drunkenness upon the labour of the one or two slaves who consti-

²⁹ C.O. 295/86. Stephen to Howick, Dec. 6, 1830.

³⁰ C.O. 295/80. Grant to Murray, April 14, 1829.

³¹ C.O. 295/81. Pankhurst to Governor Grant, Aug. 13, 1829.

³² C.O. 28/102. Bowell to Murray, Aug. 25, 1828.

tute nearly the whole of (their) means, and treating them in the manner which is to be expected from low vicious and indigent people possessed of unlimited powers,"—thought that the removal of such slaves to Trinidad might well be essential to their well-being.³³ Humanity, equity, and perhaps policy united, in the opinion of the Governor of Guiana, to recommend the transfer of slaves from most of the West Indian islands to the fertile and abundant region of Guiana, happily placed beyond the track of hurricanes.³⁴

The older colonies, it was argued, were overpopulated, and could not feed their Negro population. On barren Antigua the law compelled a greater population to remain than it was capable of supporting, "while their better interests call them elsewhere." Thus wrote Mr. Charles Shand, "official conservator of the British colonial interest," emphasizing "not only the sound policy but also the humanity of permitting the free emigration" of Negroes to colonies which were far better able to compete with Brazil than the older colonies.³⁵ The poor black wretches, pleaded the Governor of Trinidad with a laudable philanthropy matched only by that of the planters in his government, had only six pints of corn meal per week in the older islands,³⁶ like Tortola and the lesser islands in its vicinity, the most miserable of all the colonies.³⁷ In Trinidad, on the other hand, no one starved, a Negro had not only his pig, but half a dozen goats or dogs as well,³⁸ while the richness and extent of the soil permitted the planters to give the slaves more ground for the cultivation of their own produce.³⁹ At the same time, so the Governor argued, the richness of the soil diminished the labor of the slaves—a most dishonest or stupid argument which elicited from the Colo-

³³ *Ibid.* H. T. to Hay, Jan. 23, 1829.

³⁴ C.O. 111/25. Murray to Bathurst, March 28, 1818.

³⁵ C.O. 111/66. Shand to Huskisson, March 29, 1828.

³⁶ C.O. 295/76. Woodford to Horton, July 9, 1827.

³⁷ C.O. 295/78. Governor Farquharson, Oct. 12, 1828.

³⁸ C.O. 295/76. Woodford to Horton, July 9, 1827.

³⁹ C.O. 295/78. Governor Farquharson, Oct. 12, 1828.

nial Office the comment: "This is not only a non sequitur, but I should think a nusquam sequitur. Where the soil is rich less labour is required to raise a given amount of produce, but more produce will be raised, not less labour employed."⁴⁰

These arguments did not exhaust the armory of planter casuistry. At a time when Trinidad cocoa was already beginning to feel the chill blast of Brazilian competition, Governor Woodford was expatiating on the advantages of transferring Negroes from the arduous operations of sugar cultivation in the older island to "the labour of this beautiful cultivation (which) is light, easy and comfortable: the Negro being sheltered during the heat of the day under a double shade as cool as it is refreshing, enjoying as much comfort and ease as a labourer in any climate can have a claim to."⁴¹ Not all the planters agreed with him. To some it seemed that to remove a slave from a sugar estate in one colony to a sugar estate in another would not, *ceteris paribus*, make his condition worse.⁴² But other things were not equal; there was a vast difference between sugar cultivation in Barbados and the breaking up of new land for sugar cultivation in Trinidad.

One final plea remains to be considered. Trinidad and Guiana were Crown Colonies. The Crown, that is, Parliament in England, made such regulations in the interest of the slaves as it thought fit. Spanish laws were retained, and the Spanish slave code was notoriously milder than the English. A Protector of Slaves was appointed, and the Orders in Council sent out by the mother country did really tend to mitigate some of the worse sufferings as they appeared in the self-governing colonies. Compulsory manumission, too, the purchase by the slave of his freedom, was easier in the Crown Colonies. To forbid, therefore, the transfer of slaves to the Crown Colonies, planters urged,

⁴⁰ C.O. 295/78. Governor Farquharson, Oct. 12, 1828.

⁴¹ C.O. 295/62. Feb. 7, 1824.

⁴² C.O. 295/79. Marryat to Murray, Aug. 19, 1828.

was to admit that the laws in force were too bad for new slaves whom the planters wished to take there, in which case they were too bad for the slaves already in the Crown Colonies.⁴³ If compulsory manumission was impracticable in the old colonies, it was inconsistent to oppose the removal of slaves from a colony where the Orders in Council were not in force to a colony where they were in full operation.⁴⁴ "If the order in council cannot go to the slaves," declared Attorney General Fuller of Trinidad, referring to the refusal of the self-governing colonies to pattern their legislation and reform their system on the Trinidad model, "the slave might be permitted to come to the order in council in Trinidad."⁴⁵

* * * * *

They were all humanitarians in those days. So eager were the planters to give their slaves the benefits of legislation which they could easily have adopted in their own colonies that they represented themselves to be willing to accept any conditions. Lord Rolle agreed that his slaves were not to cultivate sugar, that females born after arrival in Trinidad should be freed, that families should not be separated, that his slaves give their consent to the removal⁴⁶—removal of the slaves, for the slaves, by the slaves. Governor Grant of Trinidad, confident that the government was in a position to dictate any conditions,⁴⁷ yet knew what importance to attach to the promises of the planters. "I may now premise as a natural matter of fact that whatever conditions may be made in favour of the imported slaves the proprietor or other possessor will endeavour to counteract or nullify them by any and every means which may be left in his power."⁴⁸ Teased and tormented with slaves looking forward to trial, for the vindication of their freedom on the

⁴³ *Parl. Deb.*, N S, V, 1071. Sir J. Mackintosh, June 1, 1821.

⁴⁴ C.O. 295/79. Marryat to Murray, Aug. 19, 1828.

⁴⁵ C.O. 295/78. Oct. 12, 1828.

⁴⁶ See C.O. 295/71.

⁴⁷ C.O. 295/80. Grant to Murray, May 24, 1829.

⁴⁸ *Ibid.* Grant to Murray, May 26, 1829.

ground of illegal importation,⁴⁹ Grant knew that every proposal that came from the planters "should be jealously and fastidiously looked into, however feasible and favourable it may at first appear."⁵⁰ If it was agreed that children of the imported should be free, planters would import only elderly persons and females past the age of child-bearing, and inadequate time would be given mothers to attend to their progeny. "Speaking generally I conceive that no aid to the views of Government is to be looked for from proprietors but on the contrary all endeavours to frustrate emancipation."⁵¹ Some planters, moreover, were not prepared to make concessions which to their mind called in question the very foundations of their now doomed system. Any special privileges to imported slaves, such as manumission of young female children, objected the Attorney General of Trinidad, "would only tend to mislead the slaves already established in the island and render them dissatisfied with their present situation."⁵²

* * * * *

We have seen that the greater need and superior value of slaves in Trinidad and Guiana provided the motive for the violations of the Act of 1825. That these violations were not only possible but so extensive was due to the unpopularity of the Abolition legislation in the colonies and the connivance of local officials in these colonies.

A striking fact in this connection is the rank of some of the offenders. Mr. Hobson, already referred to, was a Judge in Dominica after having been Speaker of the Assembly.⁵³ Attorney General Fuller of Trinidad admitted frankly that he was a great slave owner, which had led Stephen to declare that "were it my province to decide such matters, if Mr. Fuller's agricultural pursuits are essential

⁴⁹ C.O. 295/92. Grant to Howick, April 30, 1832.

⁵⁰ C.O. 295/80. Grant to Murray, June 1, 1829.

⁵¹ C.O. 295/81. Grant to Murray, July 1, 1829.

⁵² C.O. 295/78. Oct. 12, 1828.

⁵³ C.O. 295/86. Stephen to Howick, Dec. 6, 1830.

to his plans of life, and if he intends to pursue them, it will not be possible to maintain him in his office.”⁵⁴ Hobson, in his defense, argued that he had acted upon the strength of an opinion sanctioned by Fuller and the Collector of Customs for upwards of four years, and under which more than 1,800 slaves had been imported into Trinidad. “It is morally impossible that Mr. Attorney General can plead ignorance of the importation and the purposes for which they have been imported, for he has drawn mortgages and passed sales for individuals for sundry of the slaves so imported. . . . Is it because Mr. Attorney General is a considerable slave owner and proprietor of three sugar estates that he did not feel it convenient to pay implicit obedience to the commands of the executive?” It seemed to Hobson hard that he should have to pay the penalty after the conduct of these officials had lulled the fears of every individual violating the law. He declared openly that the Attorney General would “find upon almost every estate in the island, and in the house of every family in Port-of-Spain, slaves thus imported from other islands, not even excepting the Solicitor General and Protector of Slaves,” as well as on those of Mr. Fuller himself, who, he alleged, had not only encouraged the importation, but had purchased several slaves in his wife’s name imported from Barbados and the other islands since 1825.⁵⁵

One case in Jamaica involved the Speaker and a Member of the House of Assembly. In defense of the Speaker it was argued that he was seriously ill, a plea which would clear him but not the captain of the vessel on which the servant in attendance on the Speaker was taken without the necessary papers. No such plea was entered in behalf of the Member of the Assembly, and the Secretary of State for the Colonies was amply justified in insisting that “if a gentleman in that situation may be relieved from the penalties of the law on the simple ground of ignorance, it is

⁵⁴ C.O. 295/90. Stephen to Taylor, March 4, 1831.

⁵⁵ C.O. 295/81. Hobson’s memorial to the Colonial Office, July 3, 1829.

difficult to suppose any case in which the same excuse could be pleaded in vain.’⁵⁶

The attitude of colonial public opinion to this “sort of cool and deliberate and unfeeling traffick”⁵⁷ is clearly seen in the case of Mr. Franklyn whom we have already mentioned. Franklyn was committed to gaol for his violation of the law. He was acquitted by the Grand Jury in a trial which was a grave blunder, as the result might clearly have been foreseen.⁵⁸ He then brought a suit against the magistrate who committed him, claiming £5,000 damages for false imprisonment—a proof, in the eyes of the Governor of Barbados, “of the system of intimidation by which the efforts of all public authorities in this country are continually endeavoured to be repressed.”⁵⁹ Franklyn was a poor man, and it was clear to the Governor that he was “merely a man of straw and some one or more individuals are furnishing himself or his lawyers with money to keep up the present vexatious and annoying warfare. When Your Lordship considers that many more individuals must have derived a profit from the conveyance of domestic slaves from this island to Trinidad and that nefarious traffic being now effectually put down, you will readily see how anxious such persons must be to embarrass the Government in the prosecution of offenders.”⁶⁰

What further emerges from Franklyn’s case is the attitude of the Customs Officers in Barbados, who continued to oppose not only the wishes and instructions of the Governor, but the directions of the Colonial Office and the provisions of the Act of Parliament as interpreted by the High Court of Admiralty. “In truth,” commented Stephen, “the whole of this contest with Franklyn, though carried on at his expence, has really been waged with the Officers of Cus-

⁵⁶ Plantations, Jamaica, 1829-1830, No. 556: Proceedings under the Abolition Laws. Horace Twiss to Commissioners of Customs, Nov. 20, 1830.

⁵⁷ C.O. 295/81. Grant to Murray, July 10, 1829.

⁵⁸ C.O. 28/106. Stephen to Twiss, March 10, 1830.

⁵⁹ C.O. 28/105. Lyon to Murray, Sept. 28, 1830.

⁶⁰ C.O. 28/107. Lyon to Goderich, April 3, 1831.

toms rather than with him.”⁶¹ And what is one to say of a glaring discrepancy in the handwriting of the endorsement of a slave with the other parts of the ship’s clearance papers?⁶² Here and there a Customs Officer, “knowing there will be a *severe scrutiny at home*,” was anxious to perform his duty to the utmost of his ability.⁶³ But the local official was rare who, like the Attorney General of Jamaica, could take the view that “in proceedings under the Abolition Laws any relaxation or dispensation by any ordinary authority is so likely to be misunderstood and there are such important public interests at stake in the undeviating strictness with which offences against those laws should be prosecuted by the colonial authorities that I have ever considered that any partial or personal inconvenience or injury with which a rigorous execution of them might in some few instances operate, was not for a moment to be compared with the great public objects which will be attained by it.”⁶⁴

The Chief Officer of Customs received as his perquisites one guinea per head above all other charges upon each slave forfeited and provided for.⁶⁵ This was deemed to give him “a sufficient interest to stimulate his diligence, and a sufficient risk to prevent rash and vexatious proceedings.”⁶⁶ But the bounty was an insufficient remuneration for the obloquy incurred by prosecution unless the number of slaves involved was considerable. The case plainly was, as Stephen saw it, that “the execution of the laws for the abolition of the slave trade is so invidious and disagreeable

⁶¹ C.O. 28/106. Stephen to Twiss, March 10, 1830.

⁶² Plantations, Trinidad, 1830-1831, No. 162: Conviction under Abolition Laws. Collector of Customs, Port-of-Spain, to Commissioners of Customs, London, March 9, 1831.

⁶³ C.O. 28/100. Collector of Customs to Governor Skeete of Barbados, Dec. 9, 1827.

⁶⁴ Plantations, Jamaica, 1822-1823, No. 278: Proceedings “Mary Jane” (Illegal importation of a Negro). Attorney General’s case, June 28, 1823.

⁶⁵ Plantations, Grenada, 1808-1815, No. 1: Proceedings under the Abolition Laws. Circular of Castlereagh, April 11, 1808.

⁶⁶ Plantations, Jamaica, 1828-1829, No. 497: Correspondence re matters under Abolition Laws. Twiss to George Dawson, Sept. 11, 1828.

a task that the subordinate officers are constantly seeking assistance, and endeavouring to escape responsibility and reproach by references to their superiors in England." As a result such prosecutions as did take place were virtually directed by the Government, which assumed responsibility for the expenses. As could easily have been imagined, the Crown lawyers in the colonies thereby became increasingly zealous in these prosecutions, with the result that the charges connected with the judicial proceedings became so extravagant that in many cases it was necessary for His Majesty's Government to dishonor the bills drawn on account of them.⁶⁷ * * * * *

Pills cannot cure earthquakes. After 1807 the British government was content to tinker with symptoms, it was not prepared boldly to adopt drastic and revolutionary cures. The reason for this lies outside the scope of this essay. Suffice it to say that the planters, despite their contumacious resistance to the recommendations of Parliament in the interest of the slaves, retained the ear of the government at home, which wavered between a desire not to make things unduly hard for their landed brethren in the colonies already far on the slope leading to disaster and bankruptcy, and a refusal, in the interest of the older planters, not to "seal the depopulation of the West India Islands."⁶⁸ In this connection we should remember the protest voiced by Lord Lansdowne in 1815 against the retention of colonies—Trinidad and British Guiana—which produced sugar which Britain could not consume and required capital which Britain could ill afford. Torn between these conflicting interests, the home government wavered and resorted to palliatives. The Abolitionists, and this is decidedly not to their credit (hence perhaps the complete

⁶⁷ C.O. 295/90. Stephen to Howick, Jan. 15, 1831. See also C.O. 28/102. Stephen to Hay (no date, probably March 1829): "The fact obviously is that on the present occasion the Custom House officers are deterred full as much by the unpopularity, as by the inherent difficulty of the task committed to them."

⁶⁸ *Parl. Deb.*, NS, V, 1070. Marquis of Londonderry, June 1, 1821.

neglect of this aspect of the slave trade by their admirers), did little or nothing to draw attention to, far less to condemn, this traffic, despite Buxton's eloquent statistics of the ill treatment of and heavy mortality among the slaves in Guiana.⁶⁹

Only the abolition of slavery itself would put down this intercolonial slave trading, and as matters moved towards a climax the attitude of home officials stiffened considerably. The Collector of Customs in Trinidad wrote to his superiors at home for instructions as to those bona fide domestic servants imported subsequently to 1825 but without due compliance with that section of the Consolidated Slave Act which required the endorsement of the specific occupation of the slave on the ship's clearance papers instead of the loose use of the word "domestic." Were such slaves liable to seizure and condemnation? The Collector in England emphasized that the description "domestic" was not such a specification of the slave's occupation as the law required, and he added: "It has been laid down as a principle that whenever the slave has acquired an inchoate right to his freedom it cannot be defeated by any authority."⁷⁰ This was on the morrow of the Emancipation Act. Slavery was perpetuated under the name of apprenticeship, but the Act of 1833 gave the final and death blow to the slave trade. The virtuous page in the history of Britain represented by the Act of 1807, was not really so virtuous after all, unless it was that the abolitionists reserved their humanity and their invective for the slave trading on the Gold Coast and the horrors of the Middle Passage.

ERIC WILLIAMS

*Howard University,
Washington, D. C.*

⁶⁹ *Ibid.*, NS, XVIII, 1042. March 6, 1828; *Ibid.*, Third Series, XIII, 45. May 24, 1832.

⁷⁰ Plantations, Trinidad, 1832-1836, No. 186: As to Interpretation of the Abolition Laws. Collector of Customs, Trinidad, to Commissioners of Customs, London, Sept. 28, 1833; Commissioners' reply, Nov. 26, 1833.