

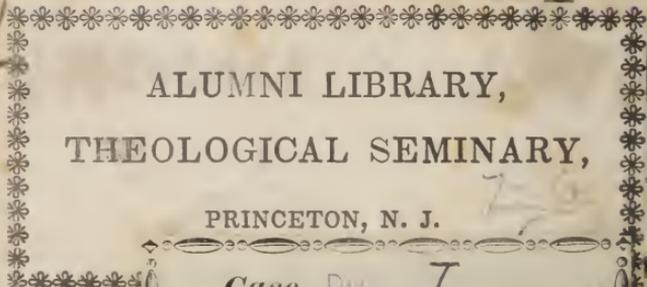
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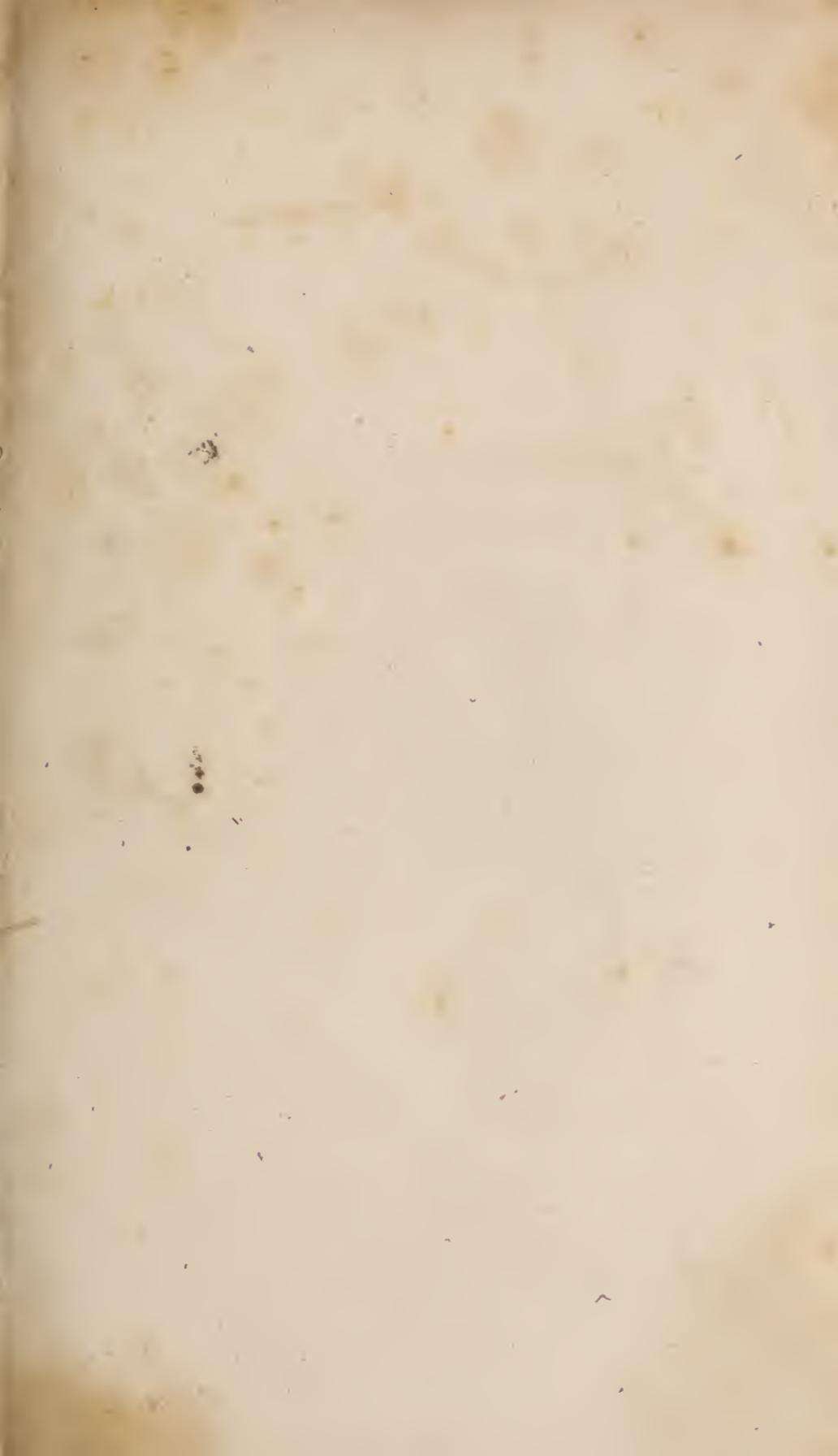
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THE AFRICAN REPOSITORY,

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COLONIAL JOURNAL.

VOL. I.]

FEBRUARY, 1826.

[No. XII.

JUDGE MARSHALL'S OPINION.

We publish, with pleasure, the following very able and interesting decision of the Chief Justice of the United States, in reference to a vessel captured and brought in for adjudication, under the acts of Congress for the suppression of the Slave Trade :

Mr. Chief Justice MARSHALL delivered the opinion of the Court, and, after stating the case, proceeded as follows :

In prosecuting this appeal, the United States assert no property in themselves. They appear in the character of guardians, or next friends, of these Africans, who are brought, without any act of their own, into the bosom of our country, insist on their right to freedom, and submit their claim to the laws of the land, and to the tribunals of the nation.

The Consuls of Spain and Portugal, respectively, demanded

these Africans as slaves, who have, in the regular course of legitimate commerce, been acquired as property by the subjects of their respective sovereigns, and claim their restitution under the laws of the United States.

In examining claims of this momentous importance; claims in which the sacred rights of liberty and of property come in conflict with each other; which have drawn from the bar a degree of talent and of eloquence, worthy of the questions that have been discussed; this Court must not yield to feelings which might seduce it from the path of duty, and must obey the mandate of the law.

That the course of opinion on the slave trade should be unsettled, ought to excite no surprise.

The Christian and civilized nations of the world, with whom we have most intercourse, have all been engaged in it. However abhorrent this traffic may be to a mind whose original feelings are not blunted by familiarity with the practice, it has been sanctioned in modern times by the laws of all nations who possess distant colonies, each of whom has engaged in it as a common commercial business which no other could rightfully interrupt. It has claimed all the sanction which could be derived from long usage, and general acquiescence. That trade could not be considered as contrary to the law of nations which was authorized and protected by the laws of all commercial nations; the right to carry on which was claimed by each, and allowed by each.

The course of unexamined opinion, which was founded on this inveterate usage, received its first check in America; and, as soon as these States acquired the right of self-government, the traffic was forbidden by most of them. In the beginning of this century, several humane and enlightened individuals of Great Britain devoted themselves to the cause of the Africans; and, by frequent appeals to the nation, in which the enormity of this commerce was unveiled, and exposed to the public eye, the general sentiment was at length roused against it,

and the feelings of justice and humanity, regaining their long lost ascendancy, prevailed so far in the British parliament as to obtain an act for its abolition. The utmost efforts of the British government, as well as of that of the United States, have since been assiduously employed in its suppression. It has been denounced by both in terms of great severity, and those concerned in it are subjected to the heaviest penalties which law can inflict. In addition to these measures operating on their own people, they have used all their influence to bring other nations into the same system, and to interdict this trade by the consent of all.

Public sentiment has, in both countries, kept pace with the measures of government; and the opinion is extensively, if not universally entertained, that this unnatural traffic ought to be suppressed. While its illegality is asserted by some governments, but not admitted by all; while the detestation in which it is held is growing daily, and even those nations who tolerate it in fact, almost disavow their own conduct, and rather connive at, than legalize, the acts of their subjects; it is not wonderful that public feeling should march somewhat in advance of strict law, and that opposite opinions should be entertained on the precise cases in

which our own laws may control and limit the practice of others. Indeed, we ought not to be surprised, if, on this novel series of cases, even Courts of justice should, in some instances, have carried the principle of suppression farther than a more deliberate consideration of the subject would justify.

The *Amedie*, (1 *Acton's Rep.* 240.) which was an American vessel employed in the African trade, was captured by a British cruiser, and condemned in the Vice-Admiralty Court of Tortola. An appeal was prayed; and Sir William Grant, in delivering the opinion of the Court, said, that the trade being then declared unjust and unlawful by Great Britain, "a claimant could have no right, upon principles of universal law, to claim 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 such as he claims. There can, therefore, be no right of restitution. The consequence is, that the judgment must be affirmed."

The *Fortuna* (1 *Dodson's Rep.* 81.) was condemned on the authority of the *Amedie*, and the

same principle was again affirmed.

The *Diana* (1 *Dodson's Rep.* 95.) was a Swedish vessel, captured with a cargo of slaves, by a British cruiser, and condemned in the Court of Vice-Admiralty at Sierra Leone. This sentence was reversed on appeal, and Sir William Scott, in pronouncing the sentence of reversal, said, "the condemnation also took place on a principle which this Court cannot in any manner recognise, inasmuch as the sentence affirms, 'that the slave trade, from motives of humanity, hath been abolished by most civilized nations, and is not, at the present time, legally authorized by any.'" This appears to me to be an assertion by no means sustainable." The ship and cargo were restored, on the principle that the trade was allowed by the laws of Sweden.

The principle common to these cases is, that the legality of the capture of a vessel engaged in the slave trade, depends on the law of the country to which the vessel belongs. If that law gives its sanction to the trade, restitution will be decreed; if that law prohibits it, the vessel and cargo will be condemned as good prize.

This whole subject came on afterwards to be considered in the *Louis*, (2 *Dodson's Rep.* 238.) The opinion of Sir William Scott, in that case, demonstrates

the attention he had bestowed upon it, and gives full assurance that it may be considered as settling the law in the British Courts of Admiralty as far as it goes.

The *Louis* was a French vessel, captured on a slaving voyage, before she had purchased any slaves, brought into Sierra Leone, and condemned by the Vice-Admiralty Court at that place. On an appeal to the Court of Admiralty in England, the sentence was reversed.

In the very full and elaborate opinion given on this case, Sir William Scott, in explicit terms, lays down the broad principle, that the right of search is confined to a state of war. It is a right strictly belligerent in its character, which can never be exercised by a nation at peace, except against professed pirates, who are the enemies of the human race. The act of trading in slaves, however detestable, was not, he said, "the act of freebooters, enemies of the human race, renouncing every country, and ravaging every country, in its coasts and vessels, indiscriminately." It was not piracy.

He also said, that this trade could not be pronounced contrary to the law of nations. "A Court, in the administration of law, cannot attribute criminality to an act where the law imputes none. It must look to the legal standard of morality; and, upon

a question of this nature, that standard must be founded in the law of nations, as fixed and evidenced by general, and ancient, and admitted practice, by treaties, and by the general tenor of the laws and ordinances, and the formal transactions of civilized states; and, looking to those authorities, he found a difficulty in maintaining that the transaction was legally criminal."

The right of visitation and search being strictly a belligerent right, and the slave trade being neither piratical, nor contrary to the law of nations, the principle is asserted and maintained with great strength of reasoning, that it cannot be exercised on the vessels of a foreign power, unless permitted by treaty. France had refused to assent to the insertion of such an article in her treaty with Great Britain, and, consequently, the right could not be exercised on the high seas by a British cruiser on a French vessel.

"It is pressed as a difficulty," says the Judge, "what is to be done, if a French ship, laden with slaves, is brought in? I answer, without hesitation, restore the possession which has been unlawfully devested; rescind the illegal act done by your own subject, and leave the foreigner to the justice of his own country."

This reasoning goes far in support of the proposition, that, in the British Courts of Admiralty,

the vessel even of a nation which had forbidden the slave trade, but had not conceded the right of search, must, if wrongfully brought in, be restored to the original owner. But the Judge goes farther, and shows, that no evidence existed to prove that France had, by law, forbidden that trade. Consequently, for this reason, as well as for that previously assigned, the sentence of condemnation was reversed, and restitution awarded.

In the United States, different opinions have been entertained in the different Circuits and Districts; and the subject is now, for the first time, before this Court.

The question, whether the slave trade is prohibited by the law of nations has been seriously propounded, and both the affirmative and negative of the proposition have been maintained with equal earnestness.

That it is contrary to the law of nature will scarcely be denied. That every man has a natural right to the fruits of his own labour, is generally admitted; and that no other person can rightfully deprive him of those fruits, and appropriate them against his will, seems to be the necessary result of this admission. But from the earliest times war has existed, and war confers rights in which all have acquiesced. Among the most enlightened nations of antiquity, one of these was, that

the victor might enslave the vanquished. This, which was the usage of all, could not be pronounced repugnant to the law of nations, which is certainly to be tried by the test of general usage. That which has received the assent of all, must be the law of all.

Slavery, then, has its origin in force; but as the world has agreed that it is a legitimate result of force, the state of things which is thus produced by general consent, cannot be pronounced unlawful.

Throughout Christendom, this harsh rule has been exploded, and war is no longer considered as giving a right to enslave captives. But this triumph of humanity has not been universal. The parties to the modern law of nations do not propagate their principles by force; and Africa has not yet adopted them. Throughout the whole extent of that immense continent, so far as we know its history, it is still the law of nations that prisoners are slaves. Can those who have themselves renounced this law, be permitted to participate in its effects by purchasing the beings who are its victims?

Whatever might be the answer of a moralist to this question, a jurist must search for its legal solution, in those principles of action which are sanctioned by the usages, the national acts, and the general assent, of that portion of

the world of which he considers himself as a part, and to whose law the appeal is made. If we resort to this standard as the test of international law, the question, as has already been observed, is decided in favour of the legality of the trade. Both Europe and America embarked in it; and for nearly two centuries, it was carried on without opposition, and without censure. A jurist could not say, that a practice thus supported was illegal, and that those who engaged in it might be punished, either personally, or by deprivation of property.

In this commerce, thus sanctioned by universal assent, every nation had an equal right to engage. How is this right to be lost? Each may renounce it for its own people; but can this renunciation affect others?

No principle of general law is more universally acknowledged, than the perfect equality of nations. Russia and Geneva have equal rights. It results from this equality, that no one can rightfully impose a rule on another. Each legislates for itself, but its legislation can operate on itself alone. A right, then, which is vested in all by the consent of all, can be divested only by consent; and this trade, in which all have participated, must remain lawful to those who cannot be induced to relinquish it. As no nation can prescribe a rule for others, none

can make a law of nations; and this traffic remains lawful to those whose governments have not forbidden it.

If it is consistent with the law of nations, it cannot in itself be piracy. It can be made so only by statute; and the obligation of the statute cannot transcend the legislative power of the state which may enact it.

If it be neither repugnant to the law of nations, nor piracy, it is almost superfluous to say in this Court, that the right of bringing in for adjudication in time of peace, even where the vessel belongs to a nation which has prohibited the trade, cannot exist. The Courts of no country execute the penal laws of another; and the course of the American government on the subject of visitation and search, would decide any case in which that right had been exercised by an American cruiser, on the vessel of a foreign nation, not violating our municipal laws, against the captors.

It follows, that a foreign vessel engaged in the African slave trade, captured on the high seas in time of peace, by an American cruiser, and brought in for adjudication, would be restored.

The general question being disposed of, it remains to examine the circumstances of the particular case.

The Antelope, a vessel unques-

tionably belonging to Spanish subjects, was captured while receiving a cargo of Africans on the coast of Africa, by the Arraganta, a privateer which was manned in Baltimore, and is said to have been then under the flag of the Oriental republic. Some other vessels, said to be Portuguese, engaged in the same traffic, were previously plundered, and the slaves taken from them, as well as from another vessel then in the same port, were put on board the Antelope, of which vessel the Arraganta took possession, landed her crew, and put on board a prize master and prize crew. Both vessels proceeded to the coast of Brazil, where the Arraganta was wrecked, and her captain and crew either lost or made prisoners.

The Antelope, whose name was changed to the General Ramirez, after an ineffectual attempt to sell the Africans on board at Surinam, arrived off the coast of Florida, and was hovering on that coast, near that of the United States, for several days. Supposing her to be a pirate, or a vessel wishing to smuggle slaves into the United States, Captain Jackson, of the revenue cutter Dallas, went in quest of her, and finding her laden with slaves, commanded by officers who were citizens of the United States, with a crew who spoke English, brought her in for adjudication.

She was libelled by the Vice Consuls of Spain and Portugal, each of whom claim that portion of the slaves which were conjectured to belong to the subjects of their respective sovereigns; which claims are opposed by the United States on behalf of the Africans.

In the argument, the question on whom the *onus probandi* is imposed, has been considered as of great importance, and the testimony adduced by the parties has been critically examined. It is contended, that the Antelope, having been wrongfully dispossessed of her slaves by American citizens, and being now, together with her cargo, in the power of the United States, ought to be restored without farther inquiry, to those out of whose possession she was thus wrongfully taken. No proof of property, it is said, ought to be required. Possession is in such a case evidence of property.

Conceding this as a general proposition, the counsel for the United States deny its application to this case. A distinction is taken between *men* who are generally free, and *goods*, which are always property. Although, with respect to the last, possession may constitute the only proof of property which is demandable, something more is necessary where men are claimed. Some proof should be exhibited that the possession was legally acquired. A

distinction has been also drawn between Africans unlawfully taken from the subjects of a foreign power by persons acting under the authority of the United States, and Africans first captured by a belligerent privateer, or by a pirate, and then brought rightfully into the United States, under a reasonable apprehension that a violation of their laws was intended. Being rightfully in the possession of an American Court, that Court, it is contended, must be governed by the laws of its own country; and the condition of these Africans must depend on the laws of the United States, not on the laws of Spain and Portugal.

Had the Arraganta been a regularly commissioned cruiser, which had committed no infraction of the neutrality of the United States, her capture of the Antelope must have been considered as lawful, and no question could have arisen respecting the rights of the original claimants. The question of prize or no prize belongs solely to the Courts of the captor. But, having violated the neutrality of the United States, and having entered our ports, not voluntarily, but under coercion, some difficulty exists respecting the extent of the obligation to restore, on the mere proof of former possession, which is imposed on this government.

If, as is charged in the libels of both the Consuls, as well as of

the United States, she was a pirate, hovering on the coast with intent to introduce slaves in violation of the laws of the United States, our treaty requires that property rescued from pirates shall be restored to the Spanish owner on his making proof of his property.

Whether the General Ramirez, originally the Antelope, is to be considered as the prize of a commissioned belligerent ship of war unlawfully equipped in the United States, or as a pirate, it seems proper to make some inquiry into the title of the claimants.

In support of the Spanish claim, testimony is produced, showing the documents under which the Antelope sailed from the Havana on the voyage on which she was captured; that she was owned by a Spanish house of trade in that place; that she was employed in the business of purchasing slaves, and had purchased and taken on board a considerable number, when she was seized as prize by the Arraganta.

Whether, on this proof, Africans brought into the United States, under the various circumstances belonging to this case, ought to be restored or not, is a question on which much difficulty has been felt. It is unnecessary to state the reasons in support of the affirmative or negative answer to it, because the Court is divided on it, and, consequently, no prin-

ciple is settled. So much of the decrees of the Circuit Court as directs restitution to the Spanish claimant of the Africans found on board the Antelope when she was captured by the Arraganta, is affirmed.

There is some difficulty in ascertaining their number. The libel claims one hundred and fifty as belonging to Spanish subjects, and charges that one hundred or more of these were on board the Antelope. Grondona and Ximenes, Spanish officers of the Antelope before her capture, both depose positively to the number of one hundred and sixty-six. Some deduction, however, is to be made from the weight of Grondona's testimony, because, he says, in one of his depositions, that he did not count the slaves on the last day when some were brought on board, and adds, that he had lost his papers, and spoke from memory, and from the information he had received from others of the crew, after his arrival in the Havana. Such of the crew as were examined, concur with Grondona and Ximenes as to numbers.

The depositions of the Spanish witnesses on this point, are opposed by those of John Smith, the Captain of the General Ramirez, and William Brunton, one of the crew of the Arraganta, who was transferred to the Antelope.

John Smith deposes, that ninety-three Africans were found on

board the Antelope when captured, which he believes to have been Spanish property. He also says, that one hundred and eighty-three were taken out of Portuguese vessels.

William Brunton deposes, that more slaves were taken out of the Portuguese ship than were in any other, and that ninety odd were represented by the crew to have been on board the Antelope when she was captured.

If, to the positive testimony of these witnesses, we add the inference to be drawn from the statement of the libel, and the improbability that so large a number of Africans as are claimed could have been procured, under the circumstances in which the Antelope was placed, between the 13th, when she was liberated by the first pirate who seized her, and the 23d, when she was finally captured, we are rather disposed to think the weight of testimony is in favour of the smaller number. But supposing perfect equality in this respect, the decision ought, we think, to be against the claimant.

Whatever doubts may attend the question whether the Spanish claimants are entitled to restitution of all the Africans taken out of their possession with the Antelope, we cannot doubt the propriety of demanding ample proof of the extent of that possession. Every legal principle which re-

quires the plaintiff to prove his claim in any case, applies with full force to this point; and no countervailing consideration exists. The *onus probandi*, as to the number of Africans which were on board when the vessel was captured, unquestionably lies on the Spanish libellants. Their proof is not satisfactory beyond ninety-three. The individuals who compose this number must be designated to the satisfaction of the Circuit Court.

We proceed next to consider the libel of the Vice-Consul of Portugal. It claims one hundred and thirty slaves, or more, "all of whom, as the libellant is informed and believes," are the property of a subject or subjects of his Most Faithful Majesty; and although "the rightful owners of such slaves be not at this time individually and certainly known to the libellant, he hopes and expects soon to discover them."

John Smith, and William Brunton, whose depositions have already been noticed, both state, that several Africans were taken out of Portuguese vessels; but neither of them state the means by which they ascertained the national characters of the vessels they had plundered. It does not appear that their opinions were founded on any other fact than the flag under which the vessels sailed. Grondona, also, states the

plunder of a Portuguese vessel, lying in the same port, and engaged in the same traffic with the Antelope when she was captured; but his testimony is entirely destitute of all those circumstances which would enable us to say, that he had any knowledge of the real character of the vessel, other than was derived from her flag. The case furnishes no testimony of any description, other than these general declarations, that the proprietors of the Africans now claimed by the Vice-Consul of Portugal, were the subjects of his king; nor is there any allusion to the individuals to whom they belong. These vessels were plundered in March, 1820, and the libel was filed in August of the same year. From that time to this, a period of more than five years, no subject of the crown of Portugal has appeared to assert his title to this property, no individual has been designated as its probable owner. This inattention to a subject of so much real interest, this total disregard of a valuable property, is so contrary to the common course of human action, as to justify serious suspicion that the real owner dares not avow himself.

That Americans, and others, who cannot use the flag of their own nation, carry on this criminal and inhuman traffic under the flags of other countries, is a fact of such general notoriety, that

Courts of admiralty may act upon it. It cannot be necessary to take particular depositions to prove a fact which is matter of general and public history. This long, and otherwise unaccountable absence, of any Portuguese claimant, furnishes irresistible testimony, that no such claimant exists, and that the real owner belongs to some other nation, and feels the necessity of concealment.

An attempt has been made to supply this defect of testimony, by adducing a letter from the secretary to whose department the foreign relations of Portugal are supposed to be intrusted, suggesting the means of transporting to Portugal those slaves which may be in the possession of the Vice-Consul, as the property of his fellow subjects. Allow to this document all the effect which can be claimed for it, and it can do no more than supply the want of an express power from the owners of the slaves to receive them. It cannot be considered as ascertaining the owners, or as proving their property.

The difficulty, then, is not diminished by this paper. These Africans still remain unclaimed by the owner, or by any person professing to know the owner. They are rightfully taken from American citizens, and placed in possession of the law. No property whatever in them is shown. It is said, that possession, in a

case of this description, is equivalent to property. Could this be conceded, who had the possession? From whom were they taken by the Arraganta? It is not alleged that they are the property of the crown, but of some individual. Who is that individual? No such person is shown to exist, and his existence, after such a lapse of time, cannot be presumed.

The libel, which claims them for persons entirely unknown, alleges a state of things which is *prima facie* evidence of an intent to violate the laws of the United States, by the commission of an act which, according to those laws, entitles these men to freedom. Nothing whatever can interpose to arrest the course of the law, but the title of the real proprietor. No such title appears, and every presumption is against its existence.

We think, then, that all the Africans, now in possession of the Marshal for the District of Georgia, and under the control of the Circuit Court of the United States for that District, which were brought in with the Antelope, otherwise called the General Ramirez, except those which may be designated as the property of the Spanish claimants, ought to be delivered up to the United States, to be disposed of according to law. So much of the sentence of the Circuit Court as is contrary to this opinion, is to be reversed, and the residue affirmed.

OF THE STATE OF VASSALAGE EXISTING AMONG THE AFRICANS.

Many individuals, and perhaps the public generally, entertain erroneous opinions, respecting slavery as it exists among the African nations. The state of most, who are held in servitude in Africa, differs materially from that to which the same name is applied in the West Indies, and in our own country. The following article shows, we think, conclusively, that many, if not most of the vendible slaves, are reduced to this condition merely for the purpose of sale, and that the motives offered by slave-traders have instigated these ignorant tribes to array themselves in hostility against each other. The dispositions of the Africans are not naturally warlike. But the more civilized, yet the more barbarous, have stirred them up to the commission of every outrage, and to the violation of all the rights and charities of social and domestic life. That extensive tracts of country have been well nigh depopulated by the slave trade is unquestionable. Nor have we less evidence to believe, that were this traffic suppressed, those who are in servitude among the Africans, would have secured to them most of the comforts and privileges, which can be enjoyed by rude and unenlightened men. The subsequent extract is from the great work of Stephens on West

Indian slavery, as it exists in point of law; a work which has already exerted a powerful influence on the opinions of the British nation. Mr. Stephens observes,

“I give the following extracts from evidence to which no apologist of the trade can object, because it was adduced by the slave traders themselves, in support of their bad cause before a committee of the Privy Council. I the rather do so, because the report I extract from is in few hands, and not likely to be reprinted.

“*James Penny*, Esq. an African merchant, who during eighteen years had, as captain and mate of slave ships, traded to every part of the coast, had resided two years as a slave factor in Africa, and at the time of giving his evidence was one of the Liverpool petitioners, and delegates against the abolition of the slave trade, said: ‘There are also native slaves in this country. Three-fourths of the inhabitants are slaves—domestic slavery is very prevalent in this country—*their domestic slaves are never sold except for crimes*. They are tried for their crimes, and the number of slaves is so great, that the government would be afraid of committing any act of injustice for fear of a revolt.’

“*Governor Dalzell*, a witness on the same side, who resided three years on the Gold Coast, gave the following account of the same class of persons, whom he more properly called *vassals*: ‘The Gold Coast is divided into a number of petty states, governed by chiefs or caboceers. These caboceers have each their particular vassals; *but they have not such an absolute power over them, as to be able to dispose of them, without the consent of their fellow-vassals, or the*

py-nims, or elders of the town. The cabo-
ceers have no power over the lives and
property of their vassals, except in con-
sequence of trial, which is before these
py-nims, or elders.' (See his evidence
in the same Report, part 1st, title, Go-
vernment, Religion, &c.)

"Mr. *Matthews*, another slave captain,
and zealous witness for Liverpool, gave
a more particular account; as far at
least as respects the district of *Sierra*
Leone, where he resided, and where he
made it his object, as he stated, to ob-
tain information how the slaves procured
there were made such. 'The slaves
(he says) make three-fourths of the in-
habitants on that part of the coast.' Yet
he tells us, in another place, 'Of the
numbers which are taken from this
country, only a small part are natives of
the sea coast; some of which are pris-
oners made in the wars which the petty
states have with each other; others are
sold for various crimes, such as witch-
craft, adultery,' &c. &c.

"It follows then, that though the
slaves of this region constitute so large
a part of the population, they are not
sold unless when condemned for crimes,
or taken in war.

"In another part of his testimony we
have this passage: 'Mr. *Matthews* had
opportunities of conversing with the
slaves on board the ships, but never
heard of any other manner in which they
became slaves, than that of being made
prisoners of war, or sold for crimes.'

"This witness, like Mr. *Penny*, though
he before called three-fourths of the
people *slaves*, was so conscious, we here
see, of the wide distinction between
their state and that of the wretched peo-
ple who were sold to our traders, that
he called the change from the one to
the other, *becoming slaves*. It will be
found, on a careful examination of the
evidence of the other witnesses, that

they almost universally fell into the
same inaccurate forms of speech; and
that though they were apt to give to the
vassalage of Africa, and indeed to every
species of civil subordination there, the
vague name of slavery, yet in their own
ideas, *vendible slavery* was so very differ-
ent a thing, that to 'condemn a man to
be sold,' or to 'seize him for the purpose of
sale,' and to 'make him a slave,' were
with them convertible forms of speech.

"Of the situation of native slaves, and
of those which after being sold have re-
mained long with the purchaser, Mr.
Matthews spoke very explicitly: "If
the domestic slaves are *born in a man's*
possession, or have been in his possession
a twelvemonth, they cannot be sold without
the form of a trial.' He proceeded to
give reasons for supposing the trial gen-
erally unfair; a point in which I am not
anxious to contradict him; though
his description of the proceedings, and
the laws, seem to prove that the trial
is somewhat more than a form; and most
of the other witnesses on the same side
professed to consider it as fairly conduct-
ed.

"The slaves (he added) that are pur-
chased before the rainy season commen-
ces, are employed upon their planta-
tions, and are sold to the Europeans,
and sometimes among themselves, from
one master to another, after the rice is
planted.' He speaks here of slaves
brought down from the interior coun-
tries of Africa, and bought by the chiefs
upon the coast; so that a very brief em-
ployment in agriculture, it would seem,
or less than a year's service, does not
suffice to take away their alienability.

"The seller, (he went on to say) car-
ries the manufactures he receives from
the European, as the price of the slaves,
up into the country, in order to pur-
chase others. Some of the persons in
this domestic slavery are therefore of the

same description with those sold to the Europeans. Mr. Matthews has understood that the same species of domestic slavery exists in the interior country, and to a greater extent.'

"By 'domestic slaves,' here and throughout his evidence, Mr. M. evidently meant those who were either born, or if I may so speak, had acquired a settlement by residence in the country. He distinguished between *house* slaves, and *plantation* slaves; but by 'domestic slaves' clearly included both; and used that term to distinguish the settled or domiciled slaves from those who are liable to be sold. (See his evidence at large, P. C. Reports, part 1, title Slaves.)

"Mr. Norris confirmed this account, as to the Gold Coast, the only part respecting which he offered any thing to the point. 'The distinction is this: a slave that has been purchased or acquired may be disposed of at pleasure; but a slave born within the walls cannot be sold at the will of his master, unless guilty of crimes, in which case he may be sold.'—Mr. Norris indeed, seemed to think this a privilege of the Fantyn, or Gold Coast, nation, distinguishing them from their neighbours; but he instanced no other country where a contrary law prevails; and it appears from other witnesses, that there is a general and striking uniformity in this point, between the laws of all the various nations of Africa. Mr. N. afterwards stated that the punishment of selling cannot be inflicted but by the sentence of a magistrate after a trial, which he supposed to be in general fairly conducted. (See his evidence, same report and title.)"

With the evidences of these witnesses the testimony of Mun-go Park, entirely concurs. "The authority of the master, (he ob-

serves) over the domestic slave, extends only to reasonable correction; for the master cannot sell his domestic without having first brought him to a public trial, before the chief men of the place."

Mr. Park proceeds to give some account of those wars by which the vendible slaves are procured, which, (says Mr. Stephens) he distinguishes into two kinds: and it evidently appears, that wars of the more ordinary kind, not only produce the staple of the slave trade, but are carried on for that single purpose. They are so distinct in their nature from the political quarrels of a less ignoble cast, that they have obtained even in that rude country, an appropriate name, being called by the natives *tegria*.

We will add only the following extract from the valuable evidences adduced on the subject, by Mr. Stephens:

"It appears in various passages of Mr. Park's book, that the vendible slaves are, from the moment of their becoming such, to their exportation, in constant and close confinement; most commonly by means of a chain, which unites them in a file together; so that, "to be put upon the slave chain," and to become liable to be sold, are convertible expressions; (see p. 295, &c.): whereas the same author informs us, when speaking of the grumettas, domestics, or native slaves—"in all the laborious occupations above described, the master and his slaves work together, without any distinction of superiority. (p. 386.) The occupations here referred to, comprise

the labours of the field, as well as handicraft employments.

“As this visible difference of treatment is a point of importance, on which, though a great misconception of the case prevails in the public mind, I am not aware of any contradiction in the testimony between the contending parties, it may perhaps be allowable to cite, by way of clear illustration, a passage or two in that evidence, from which, on all controverted subjects, I so rigidly abstain, the testimony adduced by abolitionists. The liberty may be further justified, because I shall cite them, not from the spontaneous account of any witness brought forward to support a previous statement of the party producing him, but from the unpremeditated answers given at the bar of the House of Lords by a highly respectable witness, under a cross-examination:

“Q. Have you made any inquiry, which enables you to judge what proportion the slaves in that country bear to the freemen?

“A. I have frequently made the attempt to ascertain that proportion. I made it an object in every place which I happened to visit; but so much alike in their appearance, in their treatment, and in the conduct observed towards them, are the domestic slaves in that country and the freemen, that I found it impracticable, unless I went to make individual investigations, to ascertain that proportion.

“Q. You therefore have not been called to discriminate between slaves and freemen, as you found them in the families of the natives whom you visited?

“A. I never was able to discriminate between the son and the domestic slave of any chief.

“Q. Do you know whether any different species of labour is allotted to a freeman, from that which is allotted to a

slave; or from that which is allotted to a domestic slave, and the slave for sale?

“A. I would state that they are not all vendible, as I understand the laws of Africa: and that there is the most marked difference in the appearance between the domestic slaves and those intended for sale. Those intended for sale I have always seen in a chain, and confined.

“Q. Do you state that to be universal in all the countries you have visited, that the slaves that are the subjects of sale, are universally distinguished by a chain?

“A. I never saw any whom I was given to understand were the subjects of sale, or whom I could understand to be the subjects of sale, who were not confined in some manner.

“Q. Are you now speaking of slaves brought down to the factories of the Slave Traders for the immediate purpose of sale; or do you speak of all the slaves who are the subjects of sale wherever they may be found about the houses or plantations of their masters?

“A. I never could understand, notwithstanding many enquiries I have made on the subject, that any slaves for sale were kept in the hands of any upon the coast but slave-factors.

“Q. Have you been any considerable way up the country, so as to have an opportunity of seeing how, and by whom, field-labour is performed?

“A. I have; and field-labour is performed by free people, and by the domestic slaves, jointly and indiscriminately.

“Q. Do you mean to say that the slave who is the subject of sale never performs the field-labour?

“A. I would again state, that I never knew any African chief keep upon his hands slaves intended for sale. That I understood, however, that in one part of

the country, where a number of slaves had been brought down expecting a market, which, in consequence of the breaking out of the war they did not obtain, that a number of the slaves so brought down were purchased and employed for one season in cultivating rice.

“Q. Whether you saw any of the persons you have been describing, and if you did not see them, did you see any of them in chains?”

“I have already said that I never saw any person whom I understood to be intended for sale, at work.’ (Evidence of Zachary Macaulay, Esq. formerly Governor of Sierra Leone, taken at the bar of the House of Lords on the bill for partially abolishing the Slave Trade in 1799. Printed evidence, 289, 290.)

“The important distinction established by these remarks and citations, may be further supported from the same body of evidence last referred to, as furnished on the part of the slave traders.

“Capt. *Oldermon*, one of the Liverpool witnesses, who had been upwards of twenty years in the Slave Trade, incidentally, but clearly, disclosed this privilege of the ordinary or native slaves, whom he, like others, calls domestics.

“It had been a point in the examination, whether the carriers of ivory from the interior to the sea coast, were sold, together with their burthens; a fact which the Liverpool party, with their usual ingenuity, tried to establish, as an argument that the gum and ivory trade, depended on, and must fall with, the Slave Trade;—but the proposition of

fact, was found liable to an obvious objection: for it was admitted that the articles brought down to the coast, were paid for by a barter of European goods, which went back into the interior country: if, therefore, all the porters were sold, it was naturally asked, who carried back the returns?”

“To escape from this difficulty, the witness answered—‘I think I stated that they were not all sold that brought down the goods; and I naturally presume, that for a tooth of ivory of a hundred weight, we may find goods to purchase it that will not weigh ten pounds; consequently, nine-tenths of the carriage, upon that presumption, will not be wanted back again.’

“Q. Do you mean then that a part of the slaves can carry back into the interior country the returns for the commodities brought down by the whole?”

“A. I suppose they do, nearly so. But I suppose that there are *domestic* slaves always among them, as well as those who are to be sold, *who are not sold, except on the commission of some crime.*’ (Same printed Evidence, 87, 88.)

“If any doubt still remains in the mind of the reader, whether the domestics, or native slaves of Africa, are generally unalienable, I refer to the long examination of Capt. Hume, in the same printed evidence, especially from page 56 to 60. —It will be found well worth the curiosity of persons unused to the perusal of such testimony; but it is too long for insertion here, and would be injured by abbreviation.”

DEPARTURE OF THE SHIP INDIAN CHIEF.

[From the *Norfolk Beacon*.]

The ship *Indian Chief*, Captain Cochran, chartered by the American Colonization Society, sailed from this port on Wednesday last, the 15th inst. for the Society's settlement at Cape Montserado, on the Coast of Africa. She takes out one hundred and fifty-four free people of colour, with supplies for the Colony, the frames of five large buildings which the government intends, to provide for the accommodation of a number of captured Africans who will be sent out hereafter in another vessel, the frames of two long boats for the trade of the rivers, and other things. She takes out also, Dr. PEACO, a surgeon of the navy, a gentleman of professional skill, who will act in the double character of an agent of the government, and a physician to the people.

The emigrants, we understand, are chiefly from the counties of Perquimans, Pasquotank, and Chowan, in our neighbor State of North Carolina. About fifty of them are sent out, decently furnished for the voyage, by the friends under whose care they have heretofore been living. Eleven are the freedmen of the Rev. John D. Paxton, of Prince Edward county, in this State, given over to the Society to transport them; one the donation in like manner of Dr. Webb, of the Great-Bridge, near this place, and one of the Rev. Cave Jones, of New York. They go out for the most part in families, and are of all ages, but chiefly young men and women, boys and girls, with a few old persons and young infants. Among the men are some good mechanics; but the greater part of them have been used to handle the plough and hoe. With the industrious habits which we understand they have manifested, we have no doubt they will do well in their new country.

We owe it, we think, to these emigrants to state, that during the three or four months that they have been detained (the greater part of them) in this place, waiting for the vessel in which they were to embark, they have, with hardly a single exception, displayed a degree of patience, humility, and good order, that entitles them to our warmest praise. And nothing indeed, can more strongly evince their affection for this enterprise than the plain fact, that under all the circumstances of discouragement in which they were placed, and assailed as they were, in some instances, with artful temptations, not one of them was found to flinch from sailing.

We are gratified also to record in this place, that the citizens of our borough have shown their usual kindness and charity to the emigrants. Our community indeed is too small to favor that sort of benevolent excitement which we observe was displayed in Boston on the sailing of the *Vine*; nor would it be altogether wise perhaps to make any public parade of our feelings, in our southern cities, on such occasions. We are glad, however, to be able to state, that we did not send these people away from our shores without some proofs of that sympathy which it surely became us to feel.

In this view, we are happy to state that our citizens, and some individuals of Smithfield and Suffolk, gave them liberal donations of clothes and farming utensils, and other things of which they were in want. And we are particularly gratified to add, that on the day before her sailing, the reverend gentlemen of the clergy, of different denominations, went on board the ship, then dropped down below the forts, with a few gentlemen and ladies, friends of the Society,

in company, to see the emigrants, and give them a parting prayer. We understand, from one who was present, that the services, on the occasion, aided, no doubt, by the interest of the scene, were very solemn and impressive. It was impossible, indeed, we can easily conceive, to see such a group of human beings, embracing all the relations and charities of life, fathers, mothers, husbands, wives, brothers and sisters, all about to sail from our shores forever, and under such peculiar circumstances, without feeling the deepest sympathy in their situation, and the most lively interest in all their future fates.

We must take this occasion to say again, that we do most cordially approve of the plan of the Society. We are no enthusiasts, indeed, (as we perceive it is the pleasure of some to call the friends

of the cause,) but, with the evidence, daily increasing, which we have before us, of the perfect practicableness of colonizing these people in the land of their fathers, of their own ardor in the undertaking, and of the happy effects which may be fairly expected to flow from its achievement, we should look upon ourselves as exposed to a still more serious charge than that of a want of sober sense—a want of common humanity—if we did not feel and avow our hearty interest in its success. Let our Colonization Societies, and their friends, continue to pursue their great object, with that moderation and prudence which the nature of their engagement so forcibly suggests, and they cannot fail, we should think, to enlist all hearts and hands in their cause.

OPINION OF THE LEGISLATURE OF VIRGINIA.

It is well known that this distinguished State, early suggested the plan of African Colonization, to the National Government; that many of its most enlightened citizens have given their sanction and aid to the objects of our Society, and that an appropriation of 500 dollars was made by the Legislature, the last year, for the benefit of the settlement in Liberia. We are glad to perceive that the subject has been again before the House of Delegates, and again received their marked approbation.

A bill for an additional appropriation of articles manufactured in the penitentiary, was brought in by Mr. Upshur, and after con-

siderable debate, passed the house by a majority of 41 votes. No doubt, we believe, is entertained of the concurrence of the Senate. The bill was sustained by an able speech from Mr. Upshur and was supported also by Mr. May, Mr. Winston, and Mr. Blackburn. The last named gentleman observed,

“That he would vote for it with greater pleasure, were the sum larger. He had made up his mind to vote for 4 or 5000 dollars to support this noble and most laudable purpose. But Rome was not built in a day. Could he believe that a century hence, this Colony would resemble some of the little Colonies that two centuries since were placed on the shores of this Continent; it would cheer his dying hour. This

had been connected with the Missouri question. He did not see the connexion; it did not exist. It was called an abolition Society, he believed with as little reason. The negroes were called inferior beings. They had not indeed produced a Washington or Jefferson, but they had a Toussaint and a Christophe. He thought we were of that opinion because we were white. But

black, if not as pretty as white, was at least as substantial. At all events negroes were men?"

The policy of Virginia towards the Colonization Society, appears to be established, and we may surely expect much from a state so intelligent and powerful.

SLAVE TRADE.

Every thing which may be contribute to the suppression of this trade, must be read with interest by humane and christian people. The nations are gradually combining for its extinction.

"The Christian Gazette, of Dec. 3, contains the official news of a treaty concluded on the 9th of Nov. last, between the king of Sweden and Norway and the king of Great-Britain, relative to the slave trade. The king of Sweden engages to cause penal laws to be passed, as soon as possible, against this traffic.

The vessels which are suspected, are reciprocally liable to be visited by the ships of war of the contracting parties, and subject to confiscation, in case the suspicions should prove to be well founded. Two tribunals shall be established, one on the Swedish Island of St. Bartholomew, the other at Sierra Leone, on the coast of Africa, to decide in the actions which shall be brought in consequence of the capture of ships, and to adjudge the indemnities to be given, in case of detentions without due grounds."

FROM AFRICA.

We copy, from the New-York Observer, the following very interesting intelligence from Africa. It is gratifying to a Christian to observe the developements of the Divine purposes, in reference to the propagation of Christianity, and to see the rapid fulfilment of those predictions which assure us that all nations shall rejoice in the light, and submit to the power of the Truth. How vain is opposi-

tion to the decrees of Heaven! We know, however, that the wise of this world, men of rare gifts and eminent acquisitions, are often arrayed in hostility to the enterprizes of benevolence, and would stop, if possible, the Chariot of the King of kings. But we labour hopelessly to check the spirit of the age. The Almighty hand has given impulse to the movements of the day.

No keenness of satire, no opprobrious epithets, no pointed ridicule, or stormy eloquence, will break the energy of those enlightened and christian men, who are governed by a sober and impartial regard to the interests of the human race, who would communicate to all, the truths and hopes of our Religion. Every thing almost in the operations of the present time, seems auspicious to the cause of Africa, and particularly the event which we are now permitted to record :

“ From a postscript to the London Missionary Register for December, we learn, that towards the close of that month, despatches were received in London from Sierra Leone with intelligence, which must be very gratifying to all the friends of Africa. It seems that the Kussoos, a war-like tribe, who inhabit the interior of that continent, at no great distance from Sierra Leone, have for several years waged a cruel and destructive war with their neighbours, murdering or enslaving all on whom they could lay their hands. At length, in the progress of victory, they reached the territories of the Sherbro Bulloms, (a tribe who inhabit the fine country lying directly southeast of Sierra Leone, and extending along the coast to the distance of 120 miles,) and manifested a determination to exterminate them by the sword, or of selling them into slavery. Under these circumstances, the chiefs of the Sherbro Bulloms voluntarily placed themselves under the protection of the British government, and on the 24th of September last, entered into a formal treaty, by which they grant to his Britannic Majesty ‘ the full, entire, free and unlimited right, title, possession, and

entire sovereignty of all the territories and dominions to them belonging.’ In accordance with this treaty his Excellency Major General Turner, Commander in chief of the British forces in West Africa, on the fourth of October, issued his proclamation declaring the newly acquired territories an integral part of the colony of Sierra Leone. *Thus is the slave trade forever abolished in a country which has commonly yielded 15,000 or 20,000 victims annually !!* On this subject the editor of the Sierra Leone Gazette, in his paper of the 15th of October last, has the following remarks :

“ On Tuesday afternoon, His Majesty’s Colonial brig Susan returned to this harbour from the Shebar and Sherbro river, after an absence of three weeks. His Excellency the Governor and suite landed under a salute from the batteries. We are truly happy to find that the grand objects for which these expeditions have been undertaken at this inclement season of the year, have succeeded beyond the expectation of the most sanguine. The proclamation affords the official information relative to the great accession of territory which this colony has gained, by the treaty with the Sherbro Bulloms; comprising a line of sea-coast of 120 miles in length, and upwards of 5000 square miles of the most fertile land in this part of Africa, being watered with seven rivers of considerable extent and importance. The produce of these rivers has always been very great; and will rapidly increase in quantity, as the property of the natives is now rendered secure from plunder and devastation. The principal articles of lawful export have hitherto been ivory, palm-oil, camwood and rice: of the latter, the Bagroo river alone furnished 600 tons in one season.

“ However gratifying it may be for

the friends of the colony to calculate on the immense commercial advantages which must accrue from this happy stroke of policy, yet how much more pleasing and delightful is it for the friends of humanity to know that, by the decisive measures which his Excellency Major General Turner has happily taken, the abominable traffic in human victims, of which we have so long complained, has, at one blow, been completely destroyed. The slave trade of the coast between this colony and the Gallinas is forever annihilated. We may fairly compute, that from 15,000 to 20,000 wretched beings were annually exported from the territory lately acquired: it was to support this horrible trade that the surrounding nations were constantly engaged in sanguinary wars, which have nearly depopulated the once rich and fertile countries of the Sherbro. Under the protection and care of this government, these countries will speedily be restored: while the wretched inhabitants will be raised to a state of happiness, of which, at present,

they have little idea: no longer dreading the horrors of slavery or the destruction of the spoiler, they may walk abroad, in full security of reaping the fruits of their labour: this will excite their industry; and, joined with the encouragement afforded by British law and power, will quickly raise them from the degradation and misery under which they are now suffering. We ardently hope that the blessed lights of civilization and religion may now shortly dawn in a land, which has hitherto been wrapped in the darkest ignorance and superstition.

“To attain the great object last mentioned,” says the editor of the Missionary Register, “the Christians of Great Britain must fulfil that duty which these new circumstances lay upon them. Where the providence of God, in a manner so remarkable, opens the way, and in a country which has such peculiar claims on our regard, we must gird up our loins for new labours, and must redouble our earnestness in prayer for the Divine blessing.”

PANABOURE FORBANA.

(From Golberry's Travels.)

Panabouré Forbana, king of the islands of Forbana, Fombana, Robana, Gambia, and the river of Sierra Leone, loved the French nation, and was indeed one of the best of men. He was the chief of a petty nation of idolatrous negroes, called Timaneys; and he reigned over a little kingdom which scarcely contained forty leagues for its surface; its length was twelve leagues, and its breadth little more than three.

But no person should be unjustly despised. Panabouré Forbana was indeed a petty prince, but he was a good king; he possessed an upright heart, an honest mind, and a clear judgment: in short, his subjects adored him.

He owed to them his crown, which was merely a bonnet of blue cloth, and his throne which was nothing but a straw mat. But of what importance is splendid ostentation, or the glitter of vain

ornaments? The glory and safety of princes is the love and confidence of their people; and the almost-naked Forbana sat more safely on his throne, than the richest and most powerful potentates in Europe.

He had testified the greatest good-will towards M. de la Jaille, at the period when this officer formed the establishment of Gambia: indeed, his affection for the French nation, and his desire to serve us, were evident on every occasion.

We were instructed to pay him his duties, that is, the fees for his protection; but the government added other presents, which we were also authorized to present to him.

On the day of our arrival in the harbour of Gambia, we informed the king of it, by an officer belonging to the *Rosignol*, whom M. de Brach sent, and who was instructed to present our compliments, and to inform him, that we should visit him on the following day in the island which he inhabited. He made a very friendly reply, and observed that he would come himself to see us, early the next morning, and we therefore made arrangements for receiving him, and giving him a good dinner.

The tent was pitched near the battery, in the island of Gambia; a detachment belonging to the isle, and the troops of the *Rosignol*, were ordered under arms to

receive him; the artillery belonging to the island and the corvette were also prepared to honour him with three salutes.

Forbana arrived at ten o'clock in the morning, in a canoe of fourteen feet in length, and manned with twelve rowers. He was seated in the bottom of it, with the queen, and four of the principal men of the kingdom. When he landed, he received three salutes of artillery and musquetry, and he appeared much gratified with this mark of politeness.

He approached us very gaily, and presented his hand; we conducted him to the tent, which had been prepared for him, and seated him between the *Chevalier de Brach*, commanding the corvette, and myself. The queen placed herself on another seat behind the king.

Our interpreters began to explain the reciprocal congratulations and compliments which passed on both sides. We afterwards presented our thanks for the interest which Forbana had invariably shewn towards Frenchmen. He replied very politely, and repeatedly assured us that he loved Frenchmen; that he would do whatever they wished, or whatever depended on himself, to render them respected in the river, and to procure them, on all occasions, such conveniencies as they might require in their commercial concerns.

After these words, he expressed

a wish to see the corvette, whither M. de Brach conducted him; he remained there more than an hour, and returned to Gambia very well contented with what he had seen. The hour of dinner now arrived, and we all sat down to table.

The king was again seated between M. de Brach and myself, and he requested a chair for the queen, which was accordingly placed on his left hand, but a little behind. I wished to put it between the king and myself, but he would not permit me; he would not allow the queen to be parallel with himself, because it is not customary in Africa to suffer the women to sit at table by the side of their husbands. I however arranged it in such a manner, that the queen, without being at the same table with us, found herself very near the king; and she could likewise, though situated a little behind, see the whole table.

We gave her a plate, which she placed upon her knees: and when the king was helped to some meat, he divided it with her, but he would not permit any one else to serve her, though he took pleasure in sharing with her every thing which was given to him; they both eat with their fingers, without using either spoon or fork.

He drank wine, though sparingly; the king, however, indulged himself in it more than his wife, and he eat an amazing quantity.

We had prepared for him some rice, dressed in the negro manner by steam, and mixed with pieces of poultry and fish, which he thought delicious. We both perceived that he did not like roast meat, which he found it difficult to chew; but he appeared to eat salt meat with great zest. He consumed a great deal of bread, as did the queen a considerable quantity of sugar; and they both drank many glasses of anniseed.

During the whole of the repast, our conversation with the king and queen was carried on very briskly, and the interpreters reciprocally explained whatever was said on either side. This method of talking, when become a little habitual, is not unpleasant from the tædium that indispensably arises through the use of interpreters; and we experience even a kind of pleasure when the answer contains something unexpected.

After dinner, we agreed with the king that we would, on the following morning, proceed to the island of Forbana, in order to pay our respects to him, and likewise to give him the duties and super-numerary presents which had been confided to us. Forbana, whom the wine, anniseed, and good cheer, had exhilarated into the best humour in the world, asked us if the presents were handsome, and if they were worthy of the great wealth of the

king of France. We informed him of what they consisted.

First there were three complete dresses, which had been bought at an old clothes shop in Paris; but they appeared so new, that it would be impossible for a petty negro king of Africa to have the least suspicion that they were second-hand.

The Portuguese, who were long time in possession of the bay of Sierra Leone, first introduced this custom of giving European dresses as presents to the kings and principal chiefs of these nations.

The first suit consisted of a scarlet dress, richly embroidered with gold, four inches broad; a poppy coloured silk waistcoat, more richly ornamented than the former; red breeches, embellished with golden knee bands; crimson stockings, shoes with red heels, large silver buckles, a shirt with long laced ruffles, a neckcloth of the same, and an enormous cocked hat, bordered with Spanish gold lace, ornamented with a red feather, about three fingers in breadth, which completed the dress: to this first suit, however, there also belonged a very large sword, with a richly worked silver handle, and a belt of crimson velvet, embroidered with gold; and a bamboo cane, four feet and a half long, ornamented with a silver head very well worked, but as large as that of a drum-major's;

and lastly, a silver chain, which served as a string to the walking-stick.

There were also two other complete dresses, one of a green colour, laced with gold, and the other a clear blue, embroidered with silver; some pistols, and a gun; and lastly, some lumps of amber, a piece of gauze striped with blue silk, several pieces of agate, some cloves, and glass trinkets. The last articles were intended for the queen.

When Forbana beheld all these presents stretched before his eyes, he was enchanted, and testified his satisfaction by a variety of expressive gestures; the queen was entirely overpowered, and both one and the other repeatedly exclaimed together, "*atot, atot, atot, mungo ounifera,*" which signifies in the Timaneys language, "*bravo, bravo, bravo, white king.*"

But the admiration of her negro majesty, his wife, and the great men who had accompanied him, was not yet exhausted; and during their enchantment, her majesty conceived the idea of her husband dressing himself in the fine scarlet coat, which was embroidered with gold. This idea she communicated to Forbana, who adopted it with infinite joy, and requested permission to try on the magnificent royal dress, which was accordingly granted.

Panabouré Forbana, king as he was, and one of the best of prin-

ces, had not the most engaging appearance; he was fifty-five years old, and his legs were lank and bandy; his nose was short, and every feature in his face common; yet though his visage was ugly and wrinkled, it beamed with goodness.

A cap of blue cotton covered his head, and two pieces of the same colour formed his dress; the one hung over his shoulders, and the upper part of his body; while the other covered his loins, and fell down behind, like a woman's petticoat, as low as his heels; beneath this he was naked, and he had in addition only a narrow belt of blue cotton, which was fastened round his hips and the upper part of his thighs.

When the queen learnt that her husband might try on the magnificent red dress, she immediately took off his cap and his two pieces of cotton, and put on the poppy coloured silk waistcoat, and the brilliant scarlet coat; but as this was only intended as a trial, the king did not think it necessary to put on either the shirt, the breeches, the stockings, or the shoes; but he attired himself in the cocked hat with red feathers, crossed over his shoulders the handsome sword and belt, and took the silver-mounted cane, on which he supported himself with a haughty and majestic air.

It was a truly laughable spectacle to behold the good Forbana,

habited in his superb coat, which being made for a very tall man descended considerably below his knees: not having buttoned either the waistcoat or the coat, he exposed to view his thin, dusky body almost naked; he had nothing but slippers on his feet; but his head was covered with the fierce cocked hat, his side ornamented with a large sword, and his right hand supported on the drum major's staff; he sat in this posture nearly ten minutes, exactly before us, preserving an inflexible gravity, and never changing his position; the admiration of her majesty was unbounded; she walked round him, and viewed him with great delight, expressing in every manner her extreme satisfaction, and exclaiming repeatedly while clapping hands together "*atot, atot, atot, mungo ounifera.*"

This queen was an old woman about fifty years of age, extremely wrinkled, as are all the negresses of Africa when of an advanced age. She was the first and real wife of the king; it was she who enjoyed all the honours, and the prerogatives attached to the supreme rank of her husband, which, however, were reduced to a very small number; but she always accompanied him on every important occasion; he expressed for her the most decided deference, and the most implicit confidence; and he never concluded any thing

without stipulating a present for the queen. After this ludicrous scene the king of the Timaneys returned home well satisfied with himself and us. We visited him in his Island, where we had with him many other conferences. I was abundantly enabled to convince myself of his friendly disposition towards us.

We have just seen this worthy monarch in a point of view highly ridiculous; but he was still a good and wise man, and the happiest of princes, for he was beloved by his subjects.

In 1786, he had governed his little kingdom eleven years. - He had been the prime minister of the late king, who at his decease, left the throne to a child of eight years old. The negroes of Sierra Leone conferred at first on Forbana only the title and authority of administrator of the country, and tutor to the king; but during the second year of his administration, a dissension took place between the inhabitants of the bay and the English; the relations of the infant king, who wished to govern in his name, fomented these troubles; the quarrel had become general and animated, and the English threatened to burn the villages; but Forbana knew how to conciliate and calm the storm; he restored peace; and the prudence which he displayed on this occasion, procured him the rank and title of king, which the Ti-

maneyns bestowed upon him with unanimous consent.

His manners and mode of living were simple, and entirely correspondent with those of his subjects; his sincere and ingenuous character excited our esteem; his just and rational mind always induced him to adopt the right proceedings on every occasion; he lived familiarly with the negroes subjected to his authority, and at every hour of the day he was accessible to them, and listened to their requests; he heard their complaints and their demands, and required nothing of them but what they were willing to give.

I have often beheld with pleasure the good and pleasant Panabouré Forbana, seated almost naked on a mat before the door of his royal hut, or at the foot of some fine tree, with his legs crossed, and his knees erect, according to the custom of the negroes, smoking his pipe, surrounded by his women, his children, and sometimes two hundred of his subjects of both sexes; relating to them various tales which animated their natural gaiety; permitting himself to be familiarly interrogated by them; answering with mildness and good nature, and receiving from every one, innumerable testimonies of friendship and affection.

Those who demanded his justice always offered some present; but

this gift was often of a very inferior value. I have seen them present him with a little measure of rice not worth more than three halfpence, and Forbana received this sorry tribute with as much pleasure as I have sometimes seen him testify on receiving six drachms of gold.

During my residence in the river of Sierra Leone, I endeavoured to learn what might be the amount of his annual revenues and customs; and I calculated that the five islands of which he is possessor, the annual duties paid by the societies of Sierra Leone and Bence, and those by the French established in the Gambia; the fees which all vessels are forced to pay when they enter the bay, many supernumerary presents which he receives on different occasions; a kind of mulct which falls to his share, whenever he holds a palaver of justice, the profits arising from the sale of malefactors, a part of which devolved to him by right; and lastly, the presents which he receives from his subjects in rice, honey, wax, elephant's teeth, and sometimes in slaves and gold; all these various sources of regal wealth, may perhaps be estimated at twenty thousand francs per year. This civil list would be considered as extremely little in Europe; but it is a very considerable one for a negro monarch, whose kingdom has not a superfi-

cies of more than forty square leagues; and even such a petty king would, in a few years, become rich in Africa, if he did not divide a great part of the presents which he receives, with the principal people of the nation, and his women.

More chaste and moderate than are in general the negro princes, the king of Sierra Leone had only five concubines. Each of them had a hut in the royal inclosure, and a separate household; they each possessed two or three slaves, led a peaceable and quiet life, educated their children, and were in want of nothing. All these women made it their particular study to cultivate the affection of the king, and by that means to augment their small fortunes, which were certainly very limited; for when these sultanas are enabled to possess a field of two or three acres, some slaves of both sexes, a dozen pieces of cotton, a few household utensils, some gold rings for their ears, arms, and legs, and five or six ounces of gold in reserve, which they call their treasure, they are then considered as very opulent and distinguished ladies. Much more might be said with regard to the manners, customs, religion, character, the country of the Timaneys, and the good Forbana; but we must here conclude these details, in order to give some observations relative to the commercial operations of the two English societies of Sierra Leone and Bence.

TO OUR FRIENDS.

The present number concludes the first volume of our work. The events which we have recorded during the year, bearing upon the interests of our institution, will, if we mistake not, excite the gratitude, animate the hopes and stimulate the efforts of all our friends. We have endeavoured to submit our cause to the nation; fairly and fully to explain the motives which govern us and the objects at which we aim, to state the facts which prove the practicableness of these objects, the necessity for their accomplishment and the means by which they are to be effected. We have endeavoured to show that the Colonization Society is based upon unexceptionable and generally approved principles, and to conciliate, by every method consistent with the promulgation of the truth, the favour and aid of the whole American people. The assumption of a *common ground* by this Society, which may be equally occupied by the citizens of the South and the North, has been deemed by us its peculiar recommendation; and the experience of another year has confirmed the belief that when its real character shall be understood, there will be congregated around it the humanity, patriotism and religion of our land.

We candidly acknowledge that private charity is inadequate to the consummation of our design. We look to the power of the State legislatures and to the national Government, but as these powers are controlled by popular opinion, it is this which constitutes the medium through which the Society must communicate its influence and secure to its purpose the resources and energy of the nation.

The development of the principles and plans and operations of our institution, has already produced an extensive change in public sentiment, and every day brings evidence that the progress of this change is becoming more rapid, deep and efficient. The contributions to this Society during the last year have far exceeded those of any former equal period. An unexpected number of auxiliary associations have been formed to assist it. Its design has become the subject of legislative consideration in many of the states. Virginia has, in two successive years, made a small appropriation for the benefit of the Colony, and Maryland has instructed her representatives to sustain the Society in its application to Congress for aid and protection. Most christian denominations have, through their ministers

and delegates, given their sanction to our cause, and the anniversary of our national Independence has, in many places, been made the occasion of donations and collections for its support. We will only add, (and we consider it one of the surest indications of the Society's advancement) that opposition has been roused, that indifference has given place to discussion, and that both in attack and defence, have talent and argument been exhibited with which an ordinary subject is seldom honoured; and it is but justice to say, that if the success of our opponents has not equalled their wishes, it is owing neither to their want of ability nor of zeal to direct it. They have done what they could on the side of error; but the defective weapon, though most dexterously handled, cannot resist the sword of "etherial temper."

The time indeed has now arrived when it is believed that this Society may present itself without hesitation before the legislators of our country. If we err in reference to the extent of influence which our cause possesses in the public mind, we shall, by taking such a position, be enabled to bring the whole subject before the

community with every advantage, for securing accurate investigation and a candid judgment. We fear not the result.

The devout mind will discover in the dispensations of Providence towards the Colony at Liberia, reasons to expect for it the future superintendence and blessing of the Almighty. In its weakest infancy, it was defended against the combined powers of the barbarians. It has been shielded from the "pestilence which walketh in darkness and from the destruction that wasteth at noon-day." Above all, it has acquired the confidence of the poor Africans, displayed before them the light of the christian virtues, and while receiving itself spiritual blessings, been permitted to impart divine knowledge to the heathen. Let us then, christian friends, feel the holy motives which ought to prompt us to the diligent, unwearied, vigorous prosecution of this sacred enterprise, so momentous in its relations to our beloved country, and to Africa's wretched population, so intimately connected with the cause of philanthropy and the triumphs of truth and virtue.

The following donations have been received by the Rev. Mr. Niles, and are included in the Treasurer's account.

Joseph Ball, Portsmouth, N. H.		Montgomery Newell,	do.	16
Cash,	\$10	Thomas Cordis,	do.	12
Nathaniel Brown,	do.	Philips and Moseley,	do.	3 50
Nathaniel Dennett,	do.	A friend,	do.	3
John Knowlton,	do.	K. Bacon,	do.	3
J. Sweetser,	do.	E. Lathrop,	do.	4
Mrs. Sweetser,	do.	John Carlton,	do.	6
J. N. Whidden,	do.	A friend,	do.	1 50
Gideon Beck,	do.	Lincoln Fearing & Co.	do.	7
Mrs. Henry Ladd,	do.	Dea. John Sullivan, (Bell) do		50
T. H. Miller,	do.	A friendly firm, (sundries) do.		25
Mrs. O. M. Trickey,	do.	Joseph P. Bradlee, Boston, (sun.)		30
Richard Cobb, Boston,	do.	Do. to constitute Rev. Fran-		
Two friends \$1 each,	do.	cis Converse, a life member,		30
W. & G. Tuckerman,	do.	Andrew Green, Boston, (sun.)		23
Samuel A. Eliot,	do.	Simeon Palmer,	do.	14
Samuel Hubbard,	do.	A friend,	do.	1
Edwards & Stodard,	do.	J. Pickens & S. S. Littlehale,	do.	15
Nathaniel R. Cobb,	do.	E. Palmer,	do.	7
John Tappan,	do.	Josiah Burnstead.	do.	7
J. B. Jones,	do.			
A friend,	do.			
John Rayner,	do.			
C. Walley,	do.			
S. Blake,	do.			
W. & G. Tuckerman,	do.			
John Kuhn, (Sundries) Boston,	do.			
Benj. Dearborn,	do.			
A friend,	do.			
A friendly firm,	do.			
Clapp & Sewall,	do.			
J. Barry & Son,	do.			
Cummings & Symmes,	do.			
Am. C. Lombard,	do.			
A friend,	do.			
A friend,	do.			
Francis Watts,	do.			
Otis Vinal,	do.			
A friend,	do.			
Stillman Lothrop,	do.			
Joseph Bridge,	do.			
Dea. Samuel May,	do.			
J. Danforth,	do.			
A. Newman,	do.			
Calvin Haven,	do.			

The following note from the Treasurer of the Auxiliary Colonization Society of Petersburg, Va. merits insertion in this paper.

PETERSBURG, Dec. 20, 1825.

Mr. R. R. Gurley:

DEAR SIR,

It affords me much pleasure to inform you that our Auxiliary Society in this town, has received a very liberal donation of one hundred dollars, from Mrs. Elizabeth Lewis, of Brunswick county, a member of the Methodist Episcopal Church, and a lady well known for her Christian liberality.

Yours, &c.

G. P. DISOSWAY.

MARYLAND.

In the Maryland House of Delegates, on Friday last, Mr. *Goldsborough* made the following further report from the committee to whom was referred the memorial of the American Colonization Society:

The American Colonization Society having incurred an expense in a late deportation of 150 free people of colour to the African settlement in Liberia, which has fallen upon a very few individuals who have advanced their own money for that purpose, and as twenty of those free people of colour were from the state of Maryland; therefore,

Resolved, That the Treasurer of the Western Shore be, and he is hereby authorized and directed, to pay out of any money in the treasury, not otherwise appropriated, to the Treasurer or Secretary of the American Colonization Society, the sum of ——— dollars, to be applied to the expense of the twenty free persons of colour, last deported to the American colony from this state.

Library for Blacks.—A Library has recently been opened in Philadelphia, for the benefit of the people of colour in that city. The payment of one cent per week, annually, entitles each person of colour to the privileges of the books. The Library is at present small, but donations are

solicited from the public to increase the number of volumes. This measure seems to us to be extremely well adapted to help forward the great designs of elevating the character and promoting the happiness of our black population. They are now generally ignorant, being destitute of the necessary means for storing their minds with useful knowledge. Give those among them who have been taught to read, the privilege of well selected libraries, and thereby create in them a taste for reading, and an important step is gained, in elevating their general character, in fortifying them against temptation to vice, and in fitting them for useful citizens, either here or in that flourishing colony to which great numbers, we trust, are ere long to be removed. We cannot, therefore, but consider this measure as constituting an important link in that chain of benevolent efforts, which will give strength and permanency to our civil and religious institutions.

Meetings have been held within a few days past, in aid of the American Colonization Society, both in Alexandria and Georgetown, and efficient measures adopted to augment its funds. The Societies which have for some time existed in these cities, have been revived and now promise much to the general

cause. A similar effort is to be made in this city, and we hope it will be attended with equal success.

A short time since, when the

white population in Pennsylvania, amounted to 800,000 and the people of Colour to 30,000, one half of the convicts in the state Penitentiary were of the latter class.

We are informed by the writer of these lines, that they are extracted from a Poem which may be shortly given to the public—suggested by the recent services in Park-street meeting-house, Boston, for the purpose of organizing an African church, consisting of persons about to embark for the Colony at Liberia.—*Boston Recorder*.

Delightful scene!

I view it still.—Divine philanthropy
Smil'd on the glorious work. The
church of God

Bless'd the propitious hour. A multitude

Stood in the stillness of entranced
hope—

Of breathless expectation.—Witnesses

Invisible were there!—Myriads of
spirits,

Redeem'd from earth, hover'd around
the place,

With joy that swells to sweeter, loftier
strains

The songs of heaven, when one
repenting sinner

Turns to his God, and meets forgiv-
ing love.—

The shining hosts above; the orders
bright

Of angels, *natives* of th' ethereal plains,
Bend from their seats of bliss; and
for a moment

Forget their golden harps, their
hymns of joy.—

Silence sublime!

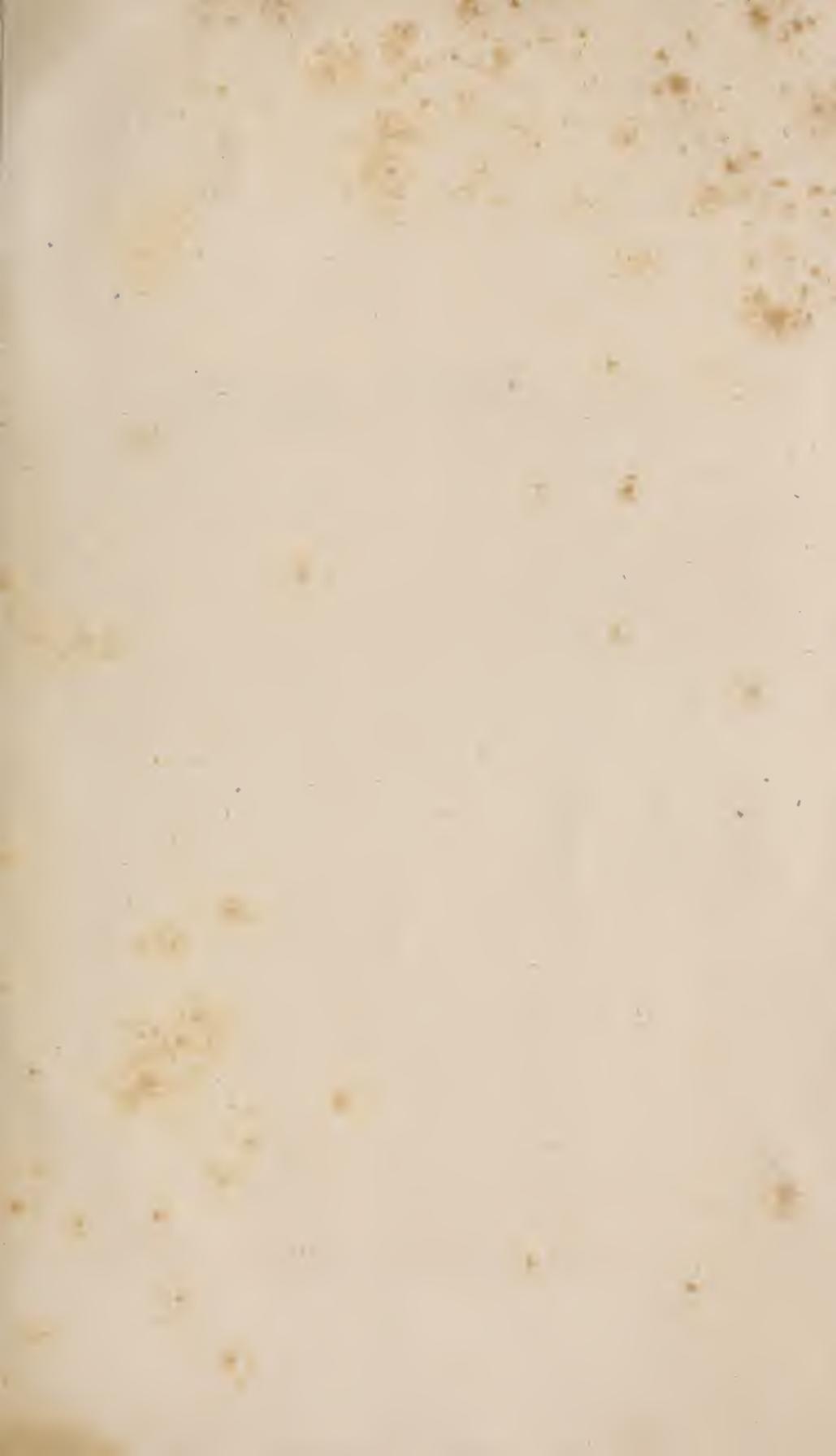
TO OUR SUBSCRIBERS.

The second volume of the Repository will be greatly improved in paper, and in the style of its execution. It will be issued on the last day of each month, and most of our subscribers will be enabled to receive it before the middle of the succeeding one. Our friends must perceive the importance of an early remittance of the amount of their subscriptions; and all at present on our list, will be considered as subscribers, unless they shall request the

discontinuance of their names. The price of the work is two dollars per annum, payable in advance. The first volume may be had by application to the Resident Agent of the Society, to whom all communications in relation to the work, or to the general interests of the Institution, should be addressed.

Office Colonization Society, }
Washington, }

MARCH 1st, 1826.





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