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SLAVERY ABOLITION PROCEEDINGS.

RETURN to an Address of the Honourable The House of Commons,
dated 12th March 1835;—for,

COPY of DESPATCH forwarded to the GOVERNORS of the *West India*
COLONIES, respecting FUGITIVE SLAVES.

Colonial Department,
Downing-street, 22 May 1835. }

G. GREY.

COPY of a CIRCULAR DESPATCH from Mr. Secretary *Spring Rice* to
the GOVERNORS of all the *West India Colonies*, including the *Bahamas*
and *Bermuda*, to the *Cape of Good Hope*, and to the *Mauritius*; dated
Downing-street, 4th November 1834.

SIR,

THE much agitated question which respects the reception and disposal in the
British Colonies, of fugitive slaves seeking refuge there from the dominions of
Foreign States, has acquired a new aspect and additional importance from the
recent abolition of slavery throughout His Majesty's dominions. It is of great
moment that the local Governments of all His Majesty's settlements should act on
this subject on the same principles; and that the rules by which they are to be
guided should be well considered and distinctly laid down. It is under that im-
pression that I proceed to explain to yourself (in common with the officers
administering the Government of the rest of His Majesty's Colonies in which the
question can arise) the course of conduct which it will be your and their duty to
observe on any such occasion.

The abolition of slavery throughout His Majesty's dominions has, in one respect,
materially changed the legal condition of foreign slaves taking refuge in a British
Colony; while in other respects that condition remains unaltered. The restitu-
tion of such fugitives to the country whence their escape had been effected, was
forbidden by the Act for the abolition of the foreign slave trade, passed in the
year 1806, and which Act was uninterruptedly kept in force to the present time.
But the slave-trade abolition laws did not emancipate such fugitives from slavery;
nor did those Acts prevent the assertion and exercise by the foreign owner of his
proprietary right over the fugitive, even within the British Colonies. I know
of no law which previously to the 1st of August last, would have prevented a
French planter, in Guadeloupe, for example, from holding in slavery and employ-
ing as a slave, in Dominica, a fugitive who had deserted the former for the latter
island. Or, if the Slave Registry Act would have created such an impediment,
there were few, if any, British Colonies in which the Governor had not the power
to relieve an applicant from the undue pressure of those regulations. Practically,
however, this claim appears never to have been asserted. The fugitive slave was
regarded as a free man, merely because no claim was preferred to his services,
unless on the impracticable condition of his being remitted to his former domicile.

But from the 1st of August last, slavery being abolished, became utterly unlaw-
ful throughout the possessions of the British Crown; and the fugitive slave in the
British West Indies for the first time stood in a position precisely identical with
that which he would have occupied if he had found his way to His Majesty's
European dominions. But even at present the servile character is rather locally
suspended

suspended than wholly abolished. The relation between his owner and himself is still capable of being renewed. But it is a relation not only unknown to, but forbidden by the laws of this empire; and in no part of the empire, whether metropolitan or colonial, can the rights incident to it any longer be enforced. The fugitive, therefore, whatever may be his obligations, or whatever the rights of others over him, in foreign countries, must in the King's dominions be henceforth regarded and dealt with as a freeman; because the universal law of those dominions requires and entitles us to consider every inhabitant of them as free.

But the great change of law which took place on the 1st August last did not alter in any respect whatever the distinction which had previously subsisted, as well in the British Colonies as in the Mother Country, between the King's natural-born subjects and aliens. Foreign fugitive slaves continue to belong, as they formerly belonged, to the latter of those classes.

The abolition of slavery on the 1st of August last did not diminish, but may perhaps be said to have increased both the number and the strength of the motives which should induce His Majesty's Government to deprecate the introduction of numbers of fugitive slaves into the British Colonies. The increased force of the temptation, derived from the improved condition of the apprenticed labourers, may increase also the number of fugitive slaves; as their numbers increase, so may insubordination and discontent be diffused among our own emancipated population. The risks of the passage from foreign to British Colonies, and the fearful waste of human life consequent upon them, may thus be multiplied and continued. A necessity for rigorous measures of coercion in the foreign settlements may be thus enhanced, engendering there a spirit of distrust and alarm, with consequent severity of treatment; and unless firmly checked, a foundation may be laid for unfriendly discussions and relations between this kingdom and foreign countries.

The abolition of slavery on the 1st of August last did not impose the duty, or confer on us a right of furthering the same result in foreign countries, by promoting the desertion of their slaves, or by any other indirect methods. After the lapse of many years the Parliament and people of this realm, aided by and associated in this great work with the Legislatures of the British Colonies, have established the principle that domestic slavery is a moral and social evil, which, as a matter of wise policy, as well as of moral and social duty, it became necessary to extinguish. But we have no claim to demand the adoption of that principle by other nations. On the contrary, we must respect in them that proprietary right which we have so long exerted and exercised ourselves. The moral influence of our example will not be without a salutary, and, as I trust, an early effect upon the slave codes of other States. In the meantime, justice and humanity concur in requiring us rather to discourage than to promote the resort of foreign fugitive slaves to the shores of our own colonies.

From these general principles may, I think, reasonably be deduced eight distinct practical consequences, which with a view to precision I proceed to enumerate in order:

First, The intrusion into a British colony of foreign fugitive slaves should be made punishable as a misdemeanor, by imprisonment with hard labour. The sympathy we may feel for the individual ought not to render us insensible or indifferent to the dangerous tendency of his conduct. The steady enforcement of such penalties would go far to repress the practice altogether.

Secondly, The mere punishment of the offence is not, however, all that the case requires. Provision must also be made for the removal of the offender. As an alien, he has no right to fix his abode in the King's dominions. He must therefore be warned to depart; and if unable or unwilling to obey, he must be forcibly placed on board the first vessel which may be sailing to any foreign country where slavery does not prevail.

Thirdly, To send back such fugitives to the country whence they may have come, would be a direct infraction of the laws for the abolition of the slave trade. To transfer them to any English possession, such as Sierra Leone or Trinidad, would be to subject this country to the imputation of being governed by selfish motives, and of seeking to recruit the defective population of our colonies at the expense of our neighbours.

Fourthly,

Fourthly, But the preceding rules have no application to the case of slaves thrown by shipwreck or accident on the shores of the British colony. The act being involuntary is of course not criminal. Neither is it of evil example. There is therefore no motive for removing such persons as aliens whose residence should be prohibited. They must be dealt with in the manner pointed out in the statute 5 Geo. 4th, c. 113, s. 23.

Fifthly, The fugitive may deny that he was a slave in the colony whence he came, either *de jure* or *de facto*; and may allege that he was living there as a freeman. To obtain his conviction of the offence of an unlawful intrusion into the colony it would be necessary that this allegation should be disproved, which might often be impracticable. Though the fact might be otherwise, yet as there might, in the absence of actual proof, be the strongest grounds of suspicion, such persons should when so suspected be removed as aliens, and should be required to procure securities for their departure and intermediate good conduct; in default of which they should be committed to close custody, until order could be taken for their removal.

Sixthly, Fugitive slaves may allege in their own defence, that they had been driven to make their escape by intolerable ill-usage and oppression. In such cases, if the fact should be fully established to your own conviction, no prosecution should take place. But even in such cases, the first convenient opportunity should be taken of removing the fugitive as an alien.

Seventhly, Cases may occur of fugitives who, acknowledging that they had escaped from slavery, may yet declare that such slavery had been unlawful. On sufficient proof of the truth of such a defence, there would certainly be no crime to punish. Yet even in that case, it would be expedient that the first convenient opportunity of removing the fugitive as an alien should be taken.

Eighthly, But in the class last mentioned may be found some persons alleging that their unlawful slavery in the country whence they had escaped, was the consequence of the infringement of the laws in force in that country for the abolition of the slave trade; or in the absence of any positive allegation to that effect, the language or appearance of the fugitives might excite and justify the suspicion that such had been the case. On any such occasion, the fugitives would have an irresistible claim to our hospitality. They should neither be punished as offenders nor removed as aliens; but protected under the section of the Slave-trade Abolition Act to which I have already referred. Men in whose persons the law of the whole civilized world, and the treaties subsisting with this kingdom, have been violated, could not be permitted to sue in vain for redress to the Government of any part of His Majesty's dominions.

You will communicate this despatch to the Legislature of the colony of conveying to them the desire of His Majesty's Government that to whatever extent the law at present in force there may be inadequate to give effect to these views, such further provision may be made by law as may be necessary for the purpose.

I have, &c.

(signed) *T. Spring Rice.*

SLAVERY ABOLITION PROCEEDINGS.

COPY of DESPATCH forwarded to the GOVERNORS
of the West India Colonies, respecting FUGITIVE
SLAVES.

(Mr. W. E. Gladstone.)

Ordered, by The House of Commons, to be Printed,
1 June 1835.
