

Candid reflections upon the judgement

CANDID REFLECTIONS Upon the JUDGEMENT lately awarded by THE COURT OF KING's BENCH, IN WESTMINSTER-HALL, On what is commonly called THE NEGROE-CAUSE, BY A PLANTER.

“Misera est servitus ubi jus est vagum aut incognitum.”

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ADVERTISEMENT.

THE invention of printing (if I mistake not) has been ascribed to a *soldier*, of gunpowder to a *priest*; perhaps the longitude may be discovered by a *taylor*; but the art of *washing the Black-a-moor white* was happily reserved for a *lawyer*: the thing that *Solomon* thought impossible when he said, “Can the *Æthiop* change “his skin?” What the wise *Æsop* esteemed a prodigy in nature; has, in the present wonder-working age, ceased any longer to be *miraculous*. Already has the fame of this stupendous transfiguration occasioned some few *Caboceroes* here to almost *jump out of their skins* for joy. The name of **** M— shall henceforth become more popular among all the *Quacoes* and *Quashebas* of *America*, than that of patriot *Wilkes* A 2 once iv once was among the porter-swilling swains of *St. Giles'*. —But hold; as I am about to engage in a conference with divers grave sages of the law, it becomes me to be serious:—with all bounden humility, therefore, I receive the cup of this new *specific lotion* from their hands, and with much diffidence prepare myself to

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examine if its ingredients and concomitants are such, as that it may safely be administered at this time without impairing the healths of our dear mother country and her children, of whom I profess myself to be one; yielding to none other of the family in filial duty and obedience, though less distinguished (perhaps) by maternal favour, as being A PLANTER.
CANDID

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CANDID REFLECTIONS, &c.

SECT. I.

THE cause of *Somerset* a Negroe, lately adjudged upon in the Court of *King's Bench*, was so far from giving any disgust to the West India Planters residing in this kingdom, that they were all along desirous of having it brought to a solemn issue; in order that a question of so much importance to them, might be finally settled upon clear principles of law. It is true, they would have received much greater satisfaction, if the learned Lord, who pronounced the judgement of the Court, had expatiated more amply on the grounds whereon it stood; because, as it seems to differ to widely from the B sentiments 2 sentiments of some other men of unquestioned ability and skill in the law, who formerly exercised judicial offices with the highest reputation for their knowledge, a more precise and full explication appeared requisite, to destroy the force of such great authorities. Lord M-nsf—d seemed to owe such a liberal discussion, not more to the character of his predecessors on the Bench, than to the expectations of the public, who were deeply interested in the event of the cause: but his Lordship thought the point, though hitherto involved in doubt, so extremely clear and plain, as to demand no aid of reasoning to make it as obvious to the people in general as it was to himself. Yet his Lordship might have reflected, that every man is not blest with such distinct and quick apprehension, such brilliant endowments of genius, as distinguish him. The unlearned Planter is still left in ignorance of the reasons upon which his Lordship's judgement proceeded. It would be presumption in an obscure writer, to deny that this determination is built on sound law; I shall only endeavour to point out some of

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the many inconveniences which may result from the now established doctrine of our Law-courts, in respect to Negroes accidentally coming into the kingdom; to mention some of the reasons which have led the Planters to suppose, that their Negroes were not 3 not entitled to a remedy by *Habeas Corpus* in the unlimited sense now declared; to shew that they are not culpable for having in several instances sought to repossess their fugitive slaves; and, lastly, to demonstrate the necessity there now is for the interposition of *Parliament* , not to overthrow, but to regulate this law *dictum* , and render it more conformable to the principles of British commerce. A nation supported wholly by its trade, cannot long continue to flourish if the laws of her commerce are set at variance with her municipal laws. The necessities attendant upon the former must either counteract the operation of the latter, or they must be so reconciled with one another as to prevent the vital existence of either from being destroyed. The condition of *villinage* in England was not abolished by any positive statute, but grew into desuetude by the gradual extension of our national commerce, and the introduction of wealth and independence, by this means, among the inferior orders of the people. On the decline of villinage within the realm, a species of it sprang up in the remoter parts of the English dominion, the *American plantations* ; clearly introduced by the very same enlarged commerce which had extinguished it in the mother state. In these colonies it has, through an inevitable necessity, been sustained and continued; because B 2 it 4 it could not be laid aside without absolute loss of great part of that trade, and of those national emoluments, the prospect of which first gave birth to it. As our trade esteemed Negroe labourers merely a commodity, or *chose* in merchandize, so the parliament of Great Britain has uniformly adhered to the same idea; and hence the planters were naturally induced to frame their colony acts and customs agreeable to this, which may be termed the *national sense* , and deemed their Negroes to be fit objects of purchase and sale, transferrable like any other goods or chattels: they conceived their right of property *to have and to hold* , acquired by purchase, inheritance, or grant, to be as strong, just, legal, indefeasible, and compleat, as that of any other British merchant over the goods in his warehouse. Finding this to be consentaneous to the national opinion, implied in sundry acts of parliament, they could not entertain a notion that

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their Negroes, who are by those statutes expressly declared *merchandize* , should, by a strained construction and refinement of other statutes by the courts of law, be proclaimed *subjects of the realm* , and held entitled to all the rights, liberties, and privileges of natural, or free-born subjects. At the utmost they supposed, that the Law-courts would place this class of men in no higher degree of franchise than was allowed under *Magna 5 Magna Charta* , and the subsequent statutes passed in confirmation of this Great Charter to *villeins*.

In ancient times were many efforts made towards liberty; but they were only struggles between the prince and his wealthier subjects, without any respect to the inferior class. The *Magna Charta* , extorted^{*} from King *John* in *Runne Mead* , was merely an accommodation with the barons, clergy, and freed burghs, that is, the *liberi homines*: the king says, “We have granted and given to “all the *freemen of our realm* , for us and our “heirs for ever, these liberties underwritten; “to hold to them and their heirs, against “us and our Heirs, for ever.” Here is a plain *designatio personæ* ; the king grants all the liberties enumerated in this charter, and confirmed by subsequent statutes, to the *freemen of his realm* ; in contradistinction to *villeins* , or those who were *unfreed*. *Voltaire* well observes on this statute, that mention is made in it of the *freemen* of England, a melancholy proof that all were not so; and by the *thirty-second* article it appears, that even these *freemen* owed service to their lords; a liberty which was not many removes from slavery. The statute *25 th Edward III. cap. iv.* is an exposition on *Magna Charta* , and thus

* Blackstone's Com. vol. i. p. 123.

6 thus describes its grants: “Whereas it is “contained in the Grand Charter of the “franchises of England, that none shall be “imprisoned, nor put out of his freehold, “nor free custom, unless it be by *the law of “ the land* ; it is enacted, that *none* shall be “taken by petition or suggestion made to our “lord the king, or his council, *unless* it be “by indictment, or presentment of his good “and lawful people of the same neighbourhood “in which such deed shall be done, in “due manner, or *by process made by writ original* “ at the common

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law.” The *Lex Terræ* mentioned in the Great Charter, is here expressly defined, and explained to be the writ of *Habeas Corpus* by common law, to which Villeins as well as Freemen were entitled, as I shall hereafter shew. The statute of *twentieth* of this Prince, declares, “That every “ *man* may be free to sue for and defend his “right in the king's courts, and elsewhere, “ *according to law.*” And the statute *twenty-eighth*, “That *no man of what state or condition* “ *that he be* , shall be put out of land, “or tenement, nor taken, nor imprisoned, “nor disinherited, nor put to death, without “being brought to answer by *due process of* “ *law.*”

This king confirmed *Magna Charta* no less than ten different times; yet the condition of Villenage in the kingdom still remained much 7 much the same as before, and in point of severity not at all mitigated. A statute passed in his *twenty-fifth* year directs, “That Villenage “may be pleaded, and the body of “a Villein be seized by his lord, though a “ *libertate probanda* be depending.” Another enacts, that, “If a labourer or servant shall “flee to any city or town, the chief officer “thereof shall, upon request, deliver him up “to his master.” A third, that, “If they “depart from their masters' service into another “country, they shall be burned on the “forehead with the letter *F.*” These afford a sufficient proof of the severe bondage then existing, and that neither *Magna Charta* , nor these several statutes reiterating or confirming it, respected the class of people called Villeins, any further than to protect them in the enjoyment of the only right almost that they had by the *Lex Terræ* , or common law, that of not being detained in prison *without some cause shewn*. These several statutes of *Edward III*, relative to the liberties of the subject, conferred no new ones, but only declared and recorded the sovereign's assent to what they anciently enjoyed; so far, and no farther, were Villeins within their purview. In this sense they were understood and expounded by Sir *Edward Coke* , Mr. *Noy* , Mr. *Selden* , Mr. *Pym* , and others, the greatest lawyers and patriots of their age, who contended 8 so successfully to obtain a fresh confirmation of them in 1628 from *Charles the First* , and which he reluctantly granted in answer to the Commons *petition of right* in that year. Sir *E. Coke* , at the conference with the House of Lords upon this subject,

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observes, that King *Edward* revived these antient laws, but did not *give* them. The same celebrated lawyer, in the debates which then arose in the Lower House, has pointed out the distinction between the *freemen* the particular objects of these statutes, and the *villeins*, or slaves, who derived no other advantage from them than what has been mentioned. "Whosoever is a bondman," says he, "may be imprisoned upon will and pleasure. "No man can be imprisoned upon will and "pleasure but he that is a Bondman and Villein. "For imprisonment and bondage are "*propria quarto modo* to Villeins. If *freemen* "of England might be imprisoned at "the will and pleasure of the king, or by "his commandment, then were they in a "worse case than Bondmen or Villeins; for "the lord of a Villein cannot command another "to imprison his Villein *without cause*, "as of *disobedience*, or *refusing to serve*; as it "is agreed in the year books." And he cited two authorities; the first was *7th Edw. III.* A prior had commanded one to imprison his Villein; the judges were ready to bail him, 6 till 9 till the prior gave his reason, *that he refused to be bailiff of his manor*; and this satisfied the judges. The second case was *33 d Edw. III.* occurring many years subsequent to the statutes of confirmation before cited: it was of an abbot, who commanded one to take and detain his Villein; but the cause being demanded, he answered, because *he refused, being thereunto required, to drive his cattle*; and this was deemed a good cause. *Ergo*, says Sir *Edward Coke*, *freemen* imprisoned without cause shewn, are in worse case than Villeins, who must have cause shewn why they are imprisoned. Mr. *Creswel*, a member of the House of Commons at this time, observed, that the *common law* favoured the liberty not only of *freemen*, but even of the persons of *bondmen* and *villeins*, who have no right of property either in lands or goods, as *freemen* have; and therefore, by *common law*, a lord could not maim his *Villein*; nay, if he commanded another to beat his Villein, and he did so, the Villein should have his action of battery against such person for it. The Commons, in their petition of right before mentioned, set forth; that, "Whereas by the "Great Charter it is enacted, that no *freeman* "may be taken or imprisoned, & c." And by Stat. *28 th Edw. III.* it was enacted, "that *no* "man, of what estate or condition soever that "he be, shall be put out of his lands or tenements, C "ments, 10 or taken, or imprisoned, & c. without " *due process of law*;

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nevertheless, against “the tenor of these and other good laws and “statutes of the realm, *divers subjects* had of “late been imprisoned, *without any Cause “ shewn , &c.”*

To the same effect is the resolution of the House, whereon their petition was grounded; viz. “Resolved, that no *freeman* ought to be “committed, or detained in prison, or otherwise “restrained, by command of the king, “or the privy council, or any other, unless “ *some cause* of the commitment, detainer, “or restraint, *be expressed ;* for which, *by “ law ,* he ought to be committed, detained, “or restrained.” These are all so many concurrent testimonies to prove,

That *freemen* were alone the chief objects of these statutes; that the remedy sought for by them was, that the subject might not be imprisoned, or detained, without some cause expressed.

That neither *Magna Charta* , nor the statutes of confirmation, impeached the power which a master exercised, of imprisoning his Villein; but, on the contrary, that other statutes were passed contemporary with the latter, to aid and enforce this power.

That they only confirmed (if in any thing) the Provision which the Villein held under the law of the land, and which ordered, that 11 that his body might not be kept in a lingering, rigorous, and cruel confinement in prison, there *tabescere et macescere* , whereby the state would be deprived of all benefit from his personal labour.

That the Villein's process at law obliged the master to produce, before a competent judge, the *cause* of such Imprisonment; to the intent, that the body of the Villein might be discharged, if no cause appeared sufficient to justify the detainer; or *remanded* , if the cause was satisfactory and legal.

That, although the common law so far favoured a Villein, as to allow him an *Habeas Corpus cum causâ* , yet, when the cause of imprisonment appeared, on return of the writ, to be *a refusal to obey and do service to his master* , he was remanded back to

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confinement; and this refusal to serve, was held by the judges a *legal cause* of caption and detention; and that he had no further remedy, *by law* , against the claim of his master to his personal services.

The statute of *Habeas Corpus* , passed in the reign of *Charles the Second* , must be taken collectively with those preceding statutes, which it was meant to confirm anew; it makes the deliverance upon bail more immediate and certain than it was before, by the process at common law. The letter, spirit, and intention of this, as of the former, C 2 mer, 12 were to prevent illegal imprisonment; or, in other words, an imprisonment *without some cause shewn and expressed*. The *twelfth* section, which applies more particularly to the case now under consideration, expressly says, “And for preventing illegal “imprisonments in prisons beyond seas.” These are the governing words of the clause, and clearly explain the nature of the remedy afterwards given, and to what persons. The enacting words of the clause follow; “That “ *no subject of this realm* , who is an inhabitant “of England, Wales, or Berwick, shall “be sent prisoner into Scotland, Ireland, Jersey, “Guernsey, or parts beyond sea, within “the king's dominions; and every such imprisonment “is hereby adjudged illegal, and “the party injured may have an action of “false imprisonment in any of his majesty's “courts of record, against the person or persons “by whom he or she shall be so committed, “detained, imprisoned, sent prisoner, “or transported, *contrary to the true meaning* “ of *this act*. ” Although the laws affecting Villeins remained unrepealed, yet there was no necessity for this statute to apply itself expressly to the *freemen* of the kingdom, as in the preceding statutes had been the case; for at the time when it passed, there were no Englishmen within the realm in a state of Villenage, properly so called: But as there is 13 is no reason to believe, that Negroe-slaves belonging to our Plantations, were then considered as *subjects of the realm of England* ; so it does by no means clearly appear, that they were within its purview; and therefore, we may venture to coincide with Mr. Justice *Powel* , “that the law takes no notice of a “ *Negroe* ;” that is to say, this class of people were neither meant, nor intended, in any of the general laws of the realm, made for the benefit of its genuine and natural-born subjects. The Planter, therefore, deducing

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his conclusions from this principle, seemed warranted in supposing, that a Negroe-slave coming from one of our colonies into this kingdom, could be entitled under the before-recited laws and statutes; if to any, to no other privilege or remedy than were formerly assigned here to a similar class of inhabitants; and though, perhaps, vested, by the spirit of our common and statute law, with a right to his *Habeas Corpus cum causâ*, yet neither bailable nor deliverable, if the cause returned should be, *his refusal to serve his Planter-master*, in any lawful employment.

SECT. II.

THE nature of the West India climate, and the impossibility of clearing and cultivating the soil there, by any other than Negroe labourers, as it was first the occasion of employing them, so it must ever remain, as long as our colonies exist; because, this natural necessity is not to be cured by any alternative. Some writers have affirmed, that the sugar islands were first cultivated by white men, who shewed no unfitness for labour there, before Negroe-slaves were introduced; but these authors deal in reveries, and seem entirely ignorant both of the subject and the climate they treat upon. According to *Ligon's* account, the English, who first settled at *Barbadoes* about the year 1625, found the woods so thick, most of the trees so large and massive, that they were unable to clear the ground of them; by which means, he says, that *twenty years* afterwards he found potatoes, maize, and bonavists, planted between the boughs, lying along upon the surface. Potatoes, corn, and pulse, were all they were able to plant for subsistence; and these, with the wild hogs they occasionally slew, *served only to keep life and soul together*. The only produce they could cultivate, for export, was, tobacco; which (probably for want of sufficiently cleaning the ground) turned out so worthless as to yield no profit at the English market. The prolific quality of the land, then fresh and unimpaired, made some little amends for want of adequate culture; or otherwise, they would, in all likelihood, have been destitute of any vegetable crops for their support: yet fewer hands were at that time required to cultivate the soil than afterwards; for, on their first forming their sugar estates, one hundred Negroes could manage the largest plantation in the island. Nothing effectual was done,

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towards a profitable settlement of the island, until after the introduction of Negroes; by whose better capacity for field labour, it became so thriving, that, in 1646, it contained twenty thousand whites, and the blacks amounted to a far greater number^{*}. The judicious *Linde*, speaking from his own experience, remarks, "that there are "some services of such a nature as cannot "well be performed in hot and unhealthy "countries by Europeans, without imminent "danger of their health and lives. The first "is, that of *cutting down woods* , or *clearing* " *the ground from trees, shrubs* , &c." In proof of this assertion he gives several instances; some of which, I shall take the liberty to repeat after him. "At the conclusion "of the late peace, the captain of a "ship of war went ashore at the island of "*Dominica* , with twelve of his men, to cut "down the wood, and to clear a piece of "ground, which he intended to have purchased; "but, in a few days, sickness obliged "them

* Davies.

16 "them to desist from this dangerous work; "the captain, and eleven out of his twelve "assistants, being seized with violent fevers, "of which several died. The *Ludlow-Castle* , "a ship of war of forty guns, in a late "voyage to the coast of *Guiney* , lost twenty-five "of her men at *Sierra Leon* , who were "employed in cutting wood for the ship. "When the *Lion*, *Spence* , and some other "ships of war; were employed at *Port Antonio* , "in *Jamaica* , in clearing *Navy Island* "of wood, in order to erect store-houses for "the squadron on that station, the men, "while cutting it down, were seized with a "fever and delirium. The phrenzy attacked "a man so suddenly, and with so much fury, "that with his hatchet, if not prevented, he "would have cut to pieces the persons who "stood near him; and those who were seized "in this manner, and were left to remain on "shore, either died, or suffered a dangerous "fit of sickness. This is an occupation," says the same author, "which has often "proved destructive to Europeans in those "climates, and in which they ought never "to be employed, especially in the rainy "season; there being numberless instances "of white persons, when cutting down "the woods at that season, who have been "taken ill in the morning, and died at night." He adds (although he is no advocate for slavery) "that, if the purchasing of "Negroes 17 "Negroes on the coast of *Guiney* can be "justified, it must

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be from the *absolute necessity* “there is for employing them, instead “of white persons, in such services as these.” To the foregoing I may venture to subjoin another history, the truth of which is well known to many gentlemen of *Jamaica*. I mean the case of the *Palatines* ; several of whom having come over not many years ago, to settle there, under the encouragements granted by the assembly of that island, had tracts of wood-land assigned them; but, for want of Negroes, were utterly incapable of clearing it from the trees, and perished for the most part in the attempt. If this example, among others which my memory furnishes, is disregarded, due credit, I hope, will be given to the preceding relations published by Mr. *Linde* , an evidence wholly disinterested in the issue of this question. If our seamen, who are the hardiest of our common people, and the most inured to the change of climate, are so unequal to the task, much less adapted to it are others of the lower class in England, or those who might be most likely to hire themselves out to Plantation service: I have only mentioned the felling of trees in the West Indies (some of which are several feet in diameter, and so hard as to shiver the best-tempered axe,) in order to the forming of new settlements; but the labour of breaking D up, 18 up, and hoeing the ground, in the manner proper for cane-planting, and under a full exposure to the sun, is no less impracticable to Europeans, whether seasoned or unseasoned to the climate. Slave-holding might perhaps be very well discontinued in every province of the North American continent, situated to the North of the *Carolinas*. The custom of introducing Negroes in the Northern Colonies, to perform their field-work, has rendered the labour of the white inhabitants extremely dear. This high rate has given cause to their continuing the employment of Negroes there, whose labour is no further necessary than as it is cheaper. This will probably terminate of itself, whenever the white inhabitants shall be so multiplied, by their natural progress of increase, as to allow a suitable abundance of them for all employments. But in the *southern* continental province, and in the sugar islands, this practice cannot be laid aside, so long as we persist in the cultivation of them, for the purposes of trade; because, it is impossible to cultivate them with European labourers; and because, the white inhabitants, I presume, can never increase there by propagation in sufficient numbers. The natives, or Creoles, are the only whites who can

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be supposed, by those acquainted with these climates, to be capable of being brought by long habit and use, to the laborious occupations of husbandry, and forming new settlements with their own hands: But, unless families in general were poorer, hindered by their necessities from removing to Europe, and confined to their native spot, there to breed and multiply, no adequate number could be reasonably expected. In *Jamaica* alone, we should require twenty times the number of white inhabitants we now have there. A long series of time must pass away before such a stock of native whites could be acquired, by the ordinary course of increase; even if we should suppose that they married regularly, and doubled their number, like the North Americans, once in every *twenty* or *twenty-two* years, it would require near one hundred years to furnish the complement; and then we must further suppose, great part of the whole number so very indigent, as to be obliged to toil hard for a subsistence; and to prefer the labour of clearing wood-land and digging the earth to any other. If the labouring people, in any commercial country, are in proportion to the rest of the inhabitants as *four* to *one*, we should require a very large stock, to furnish a constant and sufficient number of Plantation labourers; indeed many more than we could hope to gain by natural propagation, since it is not probable that they could by any means be brought to encrease, D2 crease, 20 grow up, and thrive, in the like rapid manner as we observe of the North Americans. Most certain it is, that, without the introduction of Negroe slaves, Great Britain would have been able to settle no one profitable colony in *America*. If therefore, following what has been rightly called the *Utopian* system of *Georgia*, which brought that settlement to nothing, we should inhibit the further prosecution of our *African* trade for labourers, such a measure would probably, if not infallibly, be attended with the hasty decline of our most valuable colonies in the West, and a loss of all the important advantages now gained from their cultivation. A barbarity might be perhaps the more immediate consequence of such a prohibition; and of such a nature, as deservedly to excite horror in the mind of every humane *Briton*; I mean, the practice which must then be fallen upon, of employing white labourers, when Negroes could no longer be procured, to keep up the number answerable to our cultivation; an employment in which thousands and ten thousands of our countrymen might perish miserably, without producing one single

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benefit to the mother country. Before we entered into the *African* slave trade, our first settlers had no other than these hired servants, who proved unequal to the task, and might literally be said to exhaust themselves in digging their own graves. It was a complaint in the 21 the administration of Colonel *D'oyley* , long before the establishment of sugar works in *Jamaica* , that the officers of his army harassed and destroyed the common soldiers (though well seasoned to the climate) by employing them as field labourers. This utter inaptitude of Europeans to such occupations in hot climates, and the impossibility of supplying them with white labourers from any other source than Europe, leave no room for questioning, but that we must either abandon all these settlements, ruin many thousands of our fellow subjects, and resign our fortune into the hands of foreign powers, differing from us in sentiments; or we must conduct them, as hitherto we have successfully done, by the labour of Negroes; whose constitutions being by nature and the Divine Will appropriated to these climates, they are evidently the fittest for such employments there.

SECT. III.

THE *Portuguese* were the first among the states of *Europe* , who opened a trade with the natives on the western coast of *Africa* for slaves, in order to procure hands sufficient for cultivating their *American* plantations. The epoch of this trade is fixed so early as 1443. The *Spaniards* and *Dutch* were the next that engaged in it. In the year 1553, three *English* ships traded to the coast for gold, and one only returned home safe. In the following years some other voyages were made; but the trade was neither considerable nor advantageous, with a country producing so few articles of commerce, or capable of taking off so little produce of other nations. Mr *John Hawkins* fitted out three ships in the reign of queen *Elizabeth*, anno 1562; and, having learned that Negroes were a very good commodity at *St. Domingo* , he sailed to the coast of *Guiney* , took in a number of them, which he sold at that island to the *Spaniards* , received in return hides, sugar, ginger, and pearls, and made a prosperous voyage. This success, it is probable, encouraged other adventurers; but the trade was very inconsiderable, till a demand for slaves was created by our West India plantations, and the southern provinces of North America. In 1620, a

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Dutch vessel brought *twenty* Negroes to *Virginia* , the first that were introduced into that colony. In *Barbadoes* they were probably employed about the year 1625, or 1626, a year or two after its first ingress by the English. When Captain *Jobson* was at the *Gambia* in 1621, the inhabitants brought some female slaves to sell, which he refused, alledging, “that this sort of “trade was not used by the English;” for the Dutch, at this time, supplied the English settlements tlements 23 with what they wanted. In 1585 and 1588, queen *Elizabeth* granted two patents, to a body of rich merchants; the one for an exclusive trade to the coast of *Barbary* , the other for that of *Guiney* , between the rivers *Senegal* and *Gambia*. The same merchants, by a third patent, in 1592, extended their rights from the river *Nagnez* to the south of *Sierra Leon*. In 1618, king *James I.* granted a new charter to Sir *Robert Rich* , and others. In 1631 another was granted by *Charles I.* But all these companies, either from a deficiency of their capital, or ignorance in the management of this trade, successively fell to nothing. The *Rump Parliament* , in 1651, granted a new charter; and this, although not more fortunate than the preceding, gave some interruption to the Dutch, who had hitherto almost engrossed the whole business of supplying the English American plantations; but in 1662, these were so much cultivated and improved, the demand for Negroe labourers so greatly encreased, and the advantages of the trade so well understood, in consequence of the Act of Navigation, which excluded the Dutch, and other foreign shipping, from trading to our colonies, that, for the better supplying of them with Negroes, *Charles II.* incorporated a new company; at the head of which were the duke of *York* , and many persons of the first rank and distinction. This company undertook to furnish 3000 Negroes groes 24 annually. But their affairs were so disarranged by heavy losses, sustained in our war with *Holland* , that in 1672, another corporation was instituted, called the *Royal African Company*, which subsisted for many years afterwards. To this Company the king, the duke of *York* , and many of the nobility subscribed, so as to make their capital 111,000 *l.* It appeared, that, soon after their establishment, they exported, of home manufacture, to the value of 7000 *l.* yearly; and that they abundantly supplied our American colonies with Negroes, at a very easy rate. The trade continuing to flourish, it was found, after some years had elapsed, during which, great progress had

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been made in establishing factories along the coast, that it was extremely practicable, not only to keep our American colonies well provided with Negroes, but to furnish an annual number to foreigners; and that many advantages might be reaped to the nation from this more extensive scheme. Accordingly, in 1689, (1st *William and Mary*) a convention was entered into with *Spain*, for supplying the Spanish West Indies with Negroes, by the way of *Jamaica*. In the year 1698 (9th and 10th *William III.*) the parliament took this trade under their consideration, and passed an act for regulating it. This act states the trade to *Africa*, “as highly beneficial to the kingdom, and to the colonies and plantations thereon “depending;” 25 “depending;” it provides for the erection of forts and castles on the coast, for better preservation, and carrying it on; and repeals the duty of 10 *l. per cent. ad valorem* on Negroes, (which private traders had been used to pay to the African Company for permission to trade) “that the price of them should not be too “much enhanced to the planter purchasers.” In 1709 and 1711 (8th and 9th of *Anne*) the House of Commons voted some further provisions in respect to the better security of this trade; and in 1712, the Company's affairs being much in disorder, an act was passed for ratifying the composition they had entered into with their creditors. On this occasion were several resolutions of the House of Commons, which testify the great importance of this trade, for supplying our sugar and other American colonies with Negroes; *viz.* “That the trade “ought to be open to all the king's subjects. “That forts and settlements on the coast are “necessary. That contracts and alliances are “necessary to be made with the natives, in order “that our plantations may be supplied with “sufficient Negroes, at reasonable rates.” The Parliament likewise voted, that the trade should be exempted from all burthens, and that the Crown should be at the yearly charge of 10,000 *l.* for maintaining forts.

In consequence of these provisions, the trade revived; insomuch that, by the treaty of *E Utrecht*, 26 *Utrecht*, 1713, a contract was formed, for introducing into the Spanish West Indies, no less than 4800 Negroes annually, for thirty years to come. In 1726, 13 *George I.* the South Sea company struck out a project, for taking in Negroes at *Madagascar*, to be sold at *Buenos Ayres*; and, for this purpose, the Parliament passed an act, reciting, “that

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the “transportation of Negroes from that island “might become a very beneficial branch of “trade to the kingdom.” And whereas, by the stat. 9th and 10th *William III.* for settling the trade to the *East Indies* , it is provided, “that all the *goods, wares, merchandizes* , “and *commodities* , laden in any “ship bound from the East Indies, or “parts within the limits of the East India “Company’s trade, should be brought, “ *without breaking bulk* , to some port of *England* “or *Wales* , and there be unladen, and put on “land;” and by another stat. of 6th of queen *Anne* , “that, in default of bringing such “ *goods, wares* , &c. to some port in *Great Britain* , all such *goods, wares* , &c. or the “value thereof, should be forfeited; and *forasmuch* “ *as* , the taking in of *Negroes* within “the limits of the said united Company’s “trade, and delivering the same at *Buenos* “ *Ayres* , without bringing them to *England* “and *Wales* , may be construed to be, *breaking* “ *of bulk* , within the meaning of the said 6 “acts 27 “acts of parliament, or one of them. Be it “therefore enacted, & c. ” The same act restricted the Company to four annual ships, which were to carry out nothing but necessary provisions for the crew, and for the transportation of Negroes. It was about this time that the Company just mentioned employed upwards of thirty vessels, besides their annual ships, in the transport of slaves to the Spanish West Indies, and in making returns for the same. And in 1748 it was asserted, that, by means of the *Assiento* , no less than 300,000 *l.* in British manufactures was annually exported by the carrying on of this trade; upon which a profit was gained to the nation of near *cent. per cent.* It was therefore with much regret, that, by reason of the jealousies of the Spanish court, and the many impediments they were continually throwing in the way, *Great Britain* found herself obliged to resign this contract, when the peace of *Aix la Chapelle* took place, in 1750. In this year, upon surrender of the *Royal African Company’s* charter, the Parliament passed an act, which, after mentioning the advantages resulting to *Great Britain* from the *African* trade, vests all the sorts, factories, castles, *canoemen, castle slaves* , and all other the *property* of the late Company in *Africa* , in a new corporation of merchants: It enacts, that any of his Majesty’s subjects trading to Africa, may erect warehouses for security of E 2 their 28 their goods and *slaves* ; that no master of any ship shall, by *force* or *fraud* , carry away any *Negroe* native of the country, or commit any *violence* to the prejudice of the trade,

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under the penalty of 100 *l.* for every such offence. In 1752, another act was passed, for making compensation to the *Royal African Company*, for their charter, lands, forts, castles, *slaves*, military stores, and all their *other estate, property*, and *effects* whatsoever, and to vest the same in the new Company. Annexed to this statute is a schedule, containing an inventory of those effects, among which are expressly enumerated, *six hundred and ninety-four slaves*, consisting of tradesmen, canoemen, labourers, women and their children: All these the Parliament of *Great Britain* purchased from the *Royal African Company*, and reinvested them by this statute in the new Company. Things continued in this state until the 5th of his present Majesty, 1765; when another statute was enacted, by which all the lands, forts, *slaves*, and other effects by former acts put into possession of the *African Company*, were taken out of their hands, and vested in the Crown. The trade was laid open; and it was declared *lawful* for all his Majesty's subjects, without preference or distinction, to trade and traffic to and from any of the ports and places on the coast of *Africa*, thereby vested in the crown, without any restraint, except as therein mentioned, 29 and except that it shall not be lawful for any of the officers or servants employed by the committee of the said Company, to export *Negroes* from *Africa* upon *their own accounts*. From the summary deduction I have given, it appears, that the *Negroe* slave trade has been prosecuted by the English, either by private persons, by chartered or other Companies, for upwards of two centuries past. In this series, it has received the confirmation of our Kings, and our Parliaments; has been a fundamental article in treaties solemnly ratified with other nations; and, in short, has been stamped with the consent of the whole kingdom; not only because the consent of the whole Parliament is taken to be *every one's consent*, but as the whole body of the people have in some degree or other been benefited by the advantages which it has ultimately produced. And, although some persons have thought fit to question the right of property acquired by the British planters in the slaves they have purchased; yet it is manifest, that the British Legislature has not only declared the existence of that right of property, by the several statutes which I have cited; but has in particular, by one of them, put this matter beyond all doubt, by becoming themselves the *purchasers* of *Negroe* slaves. Thus, a principle countenanced and ratified

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by Parliament, by our treaties, so long an usage, and the spirit of our commerce, seems 30 to stand incontestably built upon, and agreeable to, the general sense of the people, and the laws of the kingdom. I shall further prove this by still later statutes.

For the more easy recovery of debts in his Majesty's American colonies, it is enacted, *per* 5th George II. 1732, That, "houses, lands, " *Negroes* , and *other hereditaments* , and *real estates* , shall be liable to, and chargeable "with, all just debts, *duties* , and demands, of "what nature or kind soever, owing to *his Majesty* , or any of his subjects; and shall be " *assets* for the satisfaction thereof, in like "manner as real estates are, by the laws of " *England* , liable to the satisfaction of debts "due by bond or other speciality; and shall "be subject to the like remedies, proceedings, "and process, in any court of law or equity "in the plantations, for seizing, extending, " *selling* , or *disposing* , of any such houses, "lands, *Negroes* , and other hereditaments, "& c. and *in like manner as personal estates*. " This statute, which is calculated to favour all the British merchants trading to the plantations, and to advance the commerce of this kingdom with them, gives these remedies against the planter debtor, expressly making *Negroes* not only *choses in action* , but liable to be seized, levied on, and sold, as chattels and moveables. It gives an interest and property to every British creditor, whether King or subject, in and over 31 over our plantation *Negroes*; declaring them amenable to the Sovereign for his duties of revenue, and to the subject for commercial dues. It declares *Negroes* to be the same in the hands of the owner, as lands, houses, hereditaments, or other real estate, and liable to be taken in execution, and transferred by sale, in the same manner as personal things. If this statute is to be cited against the owner so far as it directs the mode and enforces the act of payment, it surely must be understood *pari passu* in favour of his holding a *legal* right of property in the person and services of his *Negro*: otherwise it takes from him what is not his, to give to others who cannot *legally* possess it. If the statute justifies and compels a *sale* , it must be held *à fortiori* to defend the *purchaser*: if it has given a power to buy, it gives likewise of course a power to hold, possess, enjoy, transfer, and alienate: if under this statute a merchant-creditor, or other British subject, is fully warranted to take *Negroes* in payment

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of their just debts, or to buy them when seized in execution, the purchaser is clearly to be defended by this law in his title of property and possession; otherwise the statute is illusive, and fraudulent against the fair purchaser; but *quando lex aliquid alicui concedit, concedere videtur et id, sine quo res ipsa non esse potest*. Indeed, we may resort to the original purchase chase 32 made in *Africa* by British subjects; which having been in pursuance of the encouragement and sanction expressed in our statute law, authorizing the buying of Negroes there by contract with the natives, and the transportation and sale of them to the planters, the legislative or national faith is thereby pledged to defend and support the purchasers, who have paid a valuable consideration to this kingdom for what they bought from her merchants. By stat. 6 *th Geo. III.* 1766, Negroes are allowed to be exported from *Dominica* and *Jamaica*, “as “ *articles of merchandize for sale* to any foreign “colony in *America* ;” and this without any distinction of *African* Negroes, or Negroes born in the colony. In this statute, they are classed with other enumerated goods; and a duty is imposed, payable to the revenue of *Great Britain*, of £.1. 10 s. *per head* on every Negroe exported from those two islands, or imported into *Dominica*. This, and all other laws relative to our West India settlements and their productions, tend to evince the idea of Parliament before spoken of: for there would be neither articles of produce nor manufacture obtained from them without the labour of Negroe slaves. Of this the Legislature appears to have been fully sensible; and these laws therefore, unless they confirm the planter's right of slaveholding, are utterly useless, unmeaning, 33 unmeaning, and repugnant in themselves; absurd in every view, and highly iniquitous with respect to the Planter purchaser. Our statute law then, having in such variety of examples declared Negroes to be a *commodity*, and the absolute property of the purchaser, it is preposterous to say, that, by the presumptive construction of any former statute, Negroe slaves emigrating from our plantations into this kingdom are to be deemed *free subjects of the realm*. The statutes are the best comments upon each other's true sense and meaning; they abhor duplicity, and must not be construed to repugn each other, unless where they declare this contrariety in express words. The Parliament gives the law to the Court of *King's Bench*, and to all the other Courts of the kingdom; but does not receive the law

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from them. If the opinions of our lawyers in favour of a Negroe's personal independance are to preponderate against these established authorities of the Legislature, we can judge no other of all these statutes, than that they are so many snares to entrap the unwary purchasers of Negroes; holding out illusive sanctions on the one hand, for supporting their claim of property; and on the other, forcibly depriving them of that property: in short, rendering their property merely *ideal*. F SECT.

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SECT. IV.

IT has been asserted, "that as soon as a "Negroe slave comes into *England* , he becomes " *free* ; and that, if the Legislature had "ever intended to countenance the continuing "a property in this kingdom in the services "of Negroes, who were slaves in the "colony from whence they came, a particular "exception would have been inserted in "the statute law in favour of this practice." But the laws of the kingdom, having in no case prohibited the colony planter from bringing his slave hither, or from continuing his claim to the services of the slave after he is brought, seem rather tacitly to justify his claim. *Blackstone* says, "That the law of " *England* will protect the Negroe in the enjoyment "of his person, his liberty, and his "property; yet with regard to any right "which the master may have acquired to his "perpetual services, it will remain "unaltered." "The import of this distinction, I must own, I cannot well comprehend; nor how the master can exercise a right of perpetual service, without restraining the Negroe of his personal liberty, his power of locomotion, or of removing his person wheresoever his inclination may direct. An alien, in the 7 construction of our English law, is not properly under the King's protection, (*ad fidem regis*) so as to have the full benefit of the laws of *England* , until he is enfranchised by act of Parliament: it is true, he may receive a partial benefit in virtue of the King's patent of denization; but without these, he is so far from being in capacity to enjoy any thing in *England* , that he and his goods (it has been held) may be seized to the King's use. Negroes born out of the realm, and who were neither born nor made natural subjects of it, fall under this predicament. The stat. 13 *th Geo.* II. enacts, That all foreigners, who shall

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live seven years or more in any of our *American* plantations, and not be absent therefrom more than two months at any one time, shall, on taking the oaths, be deemed *natural-born subjects* , as if they had been born here. The words of the act are, “all “persons born out of the ligeance of His “Majesty;” which, without much refinement of a lawyer, may be affirmed to mean, a *Guiney* Negroe, an *Ægyptian* , a *Hottentot* , or a *Samoeide* , as well as a *French* or *Dutchman*. But did any man ever conceive, that *Guiney* Negroes were included within the meaning of this act? Can any lawyer be so absurd as to declare, that the Legislature meant to include them? Yet, I doubt not the time may come, when this act shall have acquired F 2 a little 36 a little the rust of age, that the tenor and purport of it shall be solemnly adjudged, in some grave Law-court, to make *Guiney* Negroes, *Ægyptians*, *Hottentots* , and *Samoeides* , the true and natural-born subjects of the realm of *England*. The nature of enfranchisement in this kingdom proves convincingly, that before an alien can be converted into a *subject of the realm* , in its strict sense, he must obtain the consent of the whole nation, testified by the Parliament; or, if admitted to partial subjection, he must have the King's immediate adoption, evidenced under the Great Seal of the kingdom. But a Negroe slave landing here from the colonies is not a denizen by charter, or patent, nor a naturalized subject by birth, or act of the Parliament. He cannot therefore be considered as in the same rank, or entitled to the same personal immunities, the same liberties and privileges, as his Majesty's naturalized and denizen subjects; much less as a free, natural-born Englishman. He is not in the like state of subjection, he cannot have claim to the like kind of protection. He has removed, it is true, so far beyond reach of the colony laws, that, for any crime committed in *England* , he must be tried and punished according to the laws of *England* , not of the colony. But the services due to his master form a question of civil right; concerning which, he 37 he ought to be tried in *England* , according to the laws and customs of the colony where that right originated; as mercantile questions are every day judged, not by the rules of common law, but by the custom and usage of merchants. It is held, that a man may be sent over to *Ireland* for a crime there committed; and justices of peace in *England* may commit a person offending against the *Irish* law, in order to his being sent over. The judges also of *England* are considered

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as proper expositors of the *Irish* laws. Surely the laws of the colonies are as much to be respected here as the *Irish* laws: the countries are alike dependancies on *Great Britain*, members of the empire, and endowed with legislatures of their own; the principle is equally applicable to both: the matter which has thrown an intricacy upon this question is, that some have supposed a Negroe, slave or freed, to be favoured by the law of *England* in the full as extensively as any English subjects. Judging of them in this light, we perceive the law of *England* inconsistent with itself; there appears a direct collision between one part and another: for as the tenor and terms of sundry statutes seem to warrant and confirm the master's private and perpetual claim of property in the services of his Negroe, so other statutes, in their *strained* construction, have been thought to militate against 38 against the exercise of such a claim, over any man, black or white, inhabiting within this realm. How are we to decide in this case? It is plain, the Negroe was not in contemplation of the laws last mentioned; it is as clear, that the other laws have declared his services a *commodity*, and set them up to public sale: the equitable rule in this case might be, to consider the nation at large as one party, the master of the Negroe as the other; and then the question would be resolvable into the simple idea of the established rights between a seller and a buyer. Good faith requires in this case that the party selling must never impeach his own right to sell, for that is pre-supposed ere he forms his contract; but justice rigidly demands, that, having received a valuable consideration from the party buying, he is for ever after bound to ratify this contract, to defend the purchaser's title, and maintain him in quiet possession. If the general law of *England* is so generous as to compliment every colony Negroe, deserting from his owner and setting foot in the kingdom, with instant release from all obligation of service to his master, it ought likewise to be *just*; and, having some respect to its own sanctions, under which the planter made his purchase, and expected to gain a property in such Negroe's services, having some recollection also of the *value received, ceived*, 39 it ought to recompence him for the loss he is compelled to sustain.

Admitting the *African* trade to be ever so diabolical, or the means by which the Negroe's body was first obtained ever so unfair, no blame can deservedly rest on the planter, who

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is ignorant of the means, and innocent of the guilt. That trade, as I have already shewn, has been carried on by this nation from time immemorial. King, Lords, and Commons, have shared in its profits, and concurred in various laws for supporting, regulating, and firmly establishing it. Some of these laws declare to the subject, that he holds a right of property in the Negroes he buys; others tell him, that Negroes are chattels, saleable and convertable like any other goods, for payment of dues to the revenue, or other debts; that they are to be held as *money* in the hands of a planter debtor, and received as *money* by his creditor. Large sums are granted every year by Parliament, for maintaining forts and garrisons, and making alliances with the native slave-merchants in *Africa*, for advancement of this traffic, to the express intent that the planter may be constantly and cheaply supplied: vast emoluments are also drawn, as well by the mercantile and manufacturing subjects resident in *Great Britain*, and their dependants, as by the national treasury, from the profits gained on 40 on the sale of Negroes to the West India planter, and from the produce of their labour. Thus the whole nation may be said to be in some way or other interested in the advantages drawn from this trade, and to participate a benefit from the sweat of the Negroe's brow.

If the original contract in *Africa* for this Negroe's services was illegitimate or unfair, or if no colour of a contract subsisted, this surely is a point to be settled between the Negroe and the party who sold him there without any right so to do; or else between the Negroe and that government which by law permitted it's merchants to buy him of one who had no right to sell. But the planter respects no one in this case except the British merchant; who, under the authority and encouragement of the laws, having brought the Negroe to market *overt*, the contract is openly made between these two. If the planter has bought a *freeman* instead of a perpetual servant, he is defrauded; for he paid his money under sanction of the laws, and purchased what the laws will in another place arbitrarily deprive him of. If the property spoken of is not to be secured to him by the laws which permit and invite him to buy it, then is there neither faith, justice, nor equity in them; they are no better than empty illusions, snares to the industrious subject, ject, 41 and eminently reproachful

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to the nation. Something more, however, than the pretended magical touch of the *English air* seems requisite, to divest him of what has been so solemnly guaranteed by the consent of the nation in Parliament; for, when he made the purchase, he was not apprised of those mysterious and invisible emanations of *English liberty*, which were to make the bargain void, and, like the *presto* of a juggler, turn his gold into counters.

By stat. 14 *Edw.* III. it is enacted, "That "all merchants, *denizens*, and foreigners, except "enemies, may, without lett, safely "come into the realm of *England* with their " *goods* and *merchandizes*, and safely tarry, "and safely return." This is further and more amply confirmed by the stat. 5 *th Rich.* II. in these words:

"It is accorded and assented in the Parliament, "that all manner of merchant strangers, "of whatsoever nation or country they "be, being of the amity of the King and of "his realm, shall be welcome, and freely "may come within the realm of *England*, "and elsewhere within the King's power, as "well within franchise as without, and there "to be conversant to merchandize, and tarry "as long as them liketh, as those whom our "said Lord the King by the tenor hereof "taketh into his protection and safeguard, G "with 42 "with their *goods, merchandizes*, and *all "manner of familiars*; and for so much the "king willeth and commandeth, that they "and every of them be well, friendly, and "merchant-like intreated and demeaned, in "all parts within his said realm and power, "with their merchandizes and all manner of "goods, and suffer to go and come, and "into their proper country peaceably to return, "without disturbance or impeachment "of any."

So far as *aliens* are not restrained of this extensive license to introduce their wares and negotiate here, by the subsequent statutes of trade, these ancient acts are still unrepealed; and what I conclude from them is, that considering our colony Negroes as *goods* and articles of *merchandize*, in which sense the statute laws of the realm, as well as the colony laws, esteemed them, the planters possessed of this merchandize, the importation of which into the kingdom is not yet prohibited by any law, appear warrantable, not only in bringing it hither, but in holding it while here, and in peaceably returning with

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it; for if these laws have granted liberty of ingress and egress, and defended the goods of merchants and denizens resorting to it, surely the Planters, who are natural-born subjects of the realm, are rightfully and lawfully entitled 43 entitled to equal protection, and in the fullest extent, with respect to their goods.

But if this claim of property in *Great Britain* be really offensive to the constitution of the kingdom, and injurious to its welfare, it seems at least not improper that, for the sake of commerce, and in justice to the planter, an effective law should be passed by Parliament, forbidding him to introduce his Negroes within the realm, under penalty of forfeiting that claim; for nothing less than a *positive law* can prove to every subject's conviction, that a Negroe-slave is entitled to the rights of an Englishman, on the instant of his inhaling the air of *England*. Our law, I grant, favours liberty, and rather endures a particular mischief than a general inconvenience; but as the latter is most likely to ensue from this national breach of faith, and repugnancy to the main principles of commerce, it merits attention, that equal justice should be dispensed to the planter purchasor; so that, in being liberal to the Negroe, no wrong nor damage should be done to an useful subject, who has, at least, an equal pretension to be favoured by the laws of his country, and to some indemnity for the deprivation of what those laws assured him was his right. It is no less just than honourable, that the state, which has received his *money*, should make him some requital, and by a fair purchase, G 2 chase, 44 rather than I know what strange efficacy of the *English air*, redeem his Negroe from bondage. Such a measure would confirm the freed man in perpetual enjoyment of the boon bestowed upon him, by superseding all future claim of his master, in any other part of the British dominions. The very idea of such a local emancipation is ridiculous; since what better right has a planter to reclaim a fugitive Negroe in the colony than in *Britain*? The laws of *meum* and *tuum* are alike in both; and, as *Englishmen*, it is the same as if the lands of both were in one continuity. If a statute should openly avow, what some of our law interpreters have taken upon them to assert, the planters abroad would then know the certain consequence of bringing Negroes with them into *Britain*, and conduct themselves accordingly; it is due to them and to all

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others concerned in the plantation trade, that a point so essential should be explained by Parliament; or, should the nation incline to purchase the Negroe's freedom, it would not be less equitable. In former times, English Villeins, for the most part, gained their freedom by paying a value in money for it to their lords;— thus Edw. III. in the *twelfth* year of his reign, in consideration of certain fines paid for the same, manumitted three men born on his manor of *Brustwyck*. And Queen Elizabeth, 45 Elizabeth, in the *sixteenth* of her reign, appointed commissioners to compound with all the persons in a slavish condition, born on her manors, in *Cornwall, Devon, Somerset*, and *Gloucester*, for their manumission, and for enjoying their lands, tenements, and goods, as *freemen*. Mr. *Blackstone* judiciously remarks, “so great is the regard of our law “for *private property*, that it will not authorize “the least violation of it; no, not even “for the *general good of the whole community* ;” and he instances the case of laying out a new road through the lands of a private person, “which cannot be made against the “owner's consent, except by the interposition “of the Legislature; which, however, when “it does interpose, does not absolutely strip “the subject of his property in an arbitrary “manner; but gives him a full indemnification “and equivalent for the injury thereby “sustained. The public in this case is considered “as an individual treating with an “individual for an exchange; and all that “the Legislature does, is *to oblige the owner to “alienate his possessions for a reasonable price* * .“ If such be the honest procedure of the British Legislature in other cases, we may hope to see it further exemplified in the case of every suffering *Planter*. Sect.

* Comment. vol. i. p. 135.

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SECT. V.

WE must agree with those who have declared, that the public good of this kingdom requires that some restraint should be laid on the unnatural increase of *blacks* imported into it. At the same time it cannot be denied, but that the owners of Negroes, brought hither upon motives of absolute necessity, for want of other attendants in the voyage,

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have frequently endeavoured to send them back, and have as often been defeated, by the quirks of Negroe solicitors, and the extra-judicial opinions of some lawyers. The truth is, the Legislature, having never taken into consideration this claim of the planter over his slave, when brought within the realm, have not expressed any means by which he may continue the exercise of that claim. A Negroe running away from his master here is not by statute declared liable to imprisonment for any such offence. Advantaging themselves of this silence, they have always, by the advice of their solicitor, applied for a *Habeas Corpus*, and have been thereupon set at liberty of course, the judges not interesting themselves so far in favour of *private property* as to expound the statute in the manner the exposition was formerly made in respect to Villeins; that is, to *re-commit*, when the cause returned turned 47 upon the writ appeared to be *a refusal to serve their master*. Hence, we perceive, one principal reason of their increase in the kingdom; which having a constant intercourse with her colonies, there must needs be frequent emigrations of planters, merchants, and others, from some or other of them, who pass into *Britain* on account of health, or of business, or to settle themselves at home; and come attended by Negroe domestics, as it is not practicable to get any others. Upon arriving in *London*, these servants soon grow acquainted with a knot of blacks, who, having eloped from their respective owners at different times, repose themselves here in ease and indolence, and endeavour to strengthen their party, by seducing as many of these strangers into the association as they can work to their purpose. Not unfrequently, they fall into the company of vicious white servants, and abandoned prostitutes of the town; and thus are quickly debauched in their morals, instructed in the science of domestic knavery, fleeced of their money, and driven to commit some theft or misdemeanour, which makes them ashamed or afraid to return to their master. But, after this desertion, they do not continue long unemployed; the same zealous friends and low pettifoggers, who drew them from their late master, find means, by the *register-offices* and other channels, to procure them a place in 2 some 48 some family; and herein lies a capital part of the grievance. Many persons of rank and fortune entertain these fugitives on the footing of other servants, and often in preference to them, to the very great injury of the owner; who having paid

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a sum to the state for his Negroe, his services are as much the owner's property, and a part of his fortune, as the estate of the person harbouring him is that person's. This is a loss to the colonies, as well as to the mother country. In the colony their services might have proved beneficial to both; but in *Britain* we find them a dissolute, idle, profligate crew, retained in families more for ostentation than any *laudable* use. Several who have not been corrupted by too long a stay here, some particularly who have left wives and children behind, return very willingly; the major part of those who remain are of the most worthless sort; they care not what becomes of their foreign wife or child, but very soon intermarry here, and fix themselves for as long as they can find support; but when the prospect of an easy subsistence fails, they make no scruple to abandon their new wife and mulatto progeny to the care of the parish, and betake themselves to the colony, where they are sure, at least, of not starving. The lower class of women in *England*, are remarkably fond of the blacks, for reasons too brutal to mention; they would ⁴⁹ would connect themselves with horses and asses, if the laws permitted them. By these ladies they generally have a numerous brood. Thus, in the course of a few generations more, the English blood will become so contaminated with this mixture, and from the chances, the ups and downs of life, this alloy may spread so extensively, as even to reach the middle, and then the higher orders of the people, till the whole nation resembles the *Portuguese* and *Moriscos* in complexion of skin and baseness of mind. This is a venomous and dangerous ulcer, that threatens to disperse its malignancy far and wide, until every family catches infection from it. In *France*, I am informed; no Negroe slave can be brought from the colonies to make any stay, except to be bound apprentice to some handicraft; at the expirations of the indentures, they must be returned to their proper colony; and as all such apprentices are young when first bound, and are bred up afterwards under the eye of an active, sober artificer, their morals may be preserved untainted, and other evil consequences prevented. The *French* have shewn much sagacity and great attention to the true interest of their American colonies, in this and many other regulations affecting them, not unworthy of being copied by other great trading nations. If these runaway gentry in *England* are invested with English rights in H that ⁵⁰ that absolute sense which most of their advocates

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assert, it will be no surprizing thing, if some among them should, by a fortunate ticket in the lottery, or other means, be able to purchase the legal qualification, and obtain seats in the *British parliament*. It is certain, their complexion will be no disqualification, and that a £. 20,000. prize will overcome those scruples which some of our rotten boroughs might otherwise pretend against a Negroe representative. The possibility of this event, or of their becoming landholders in the kingdom, is not to be denied. Let us then consider, how far this unrestrained introduction of them among us is either politic, expedient, or useful — In the first place, they are incapable of adding any thing to the general support and improvement of the kingdom; for few, if any, of them have the requisite knowledge for gaining a livelihood by industrious courses. They are neither husbandmen, manufacturers, nor artificers. They have neither strength of constitution, inclination, or skill, to perform the common drudgeries of husbandry in this climate and country. They apply themselves therefore to domestic service, in which they earn little more than their food and cloathing, except what they may happen to acquire by accident of fortune, by benevolence, or petty larcenies, at which they are remarkably acute and dextrous. They 2 are 51 are neither so hardy, intelligent, or useful in menial employments as our white servants: One reason which weighs with some persons who retain them is that they are glad to serve for less wages; a belly-ful and a life of sloth being their *summum bonum*. Admitting that there are only three thousand of them now in *Great Britain*, and that their diet, cloathing, washing, physic, and all other charges of maintenance, cost, one with another, £. 30. *per annum*, there is £. 90,000. annually expended in this kingdom for their subsistance; and there are likewise three thousand white subjects left to seek their bread in some other way, of whom no small number may be supposed, upon this exclusion from families, to fall into means of living injurious to the community, or to become chargeable to their parishes. The offspring of these Negroes, a *linsey-woolsey* race, acquire no credit to the people of *Britain*, and but little strength; for, by the inability of their father to maintain and bring them up at his own cost, they must needs grow burthensome to the public. There has never existed any complaint of a scarcity of white servants in this country; but, on the other hand, our laws for the suppression of beggars and vagabonds uniformly concur, in giving power to

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justices, to compel persons having no visible way of livelihood, and their children, to H 2 enter 52 enter into domestic service, that they may not become public nuisances. The multiplication of Negroe domestics tends therefore, in a very signal degree, to defeat the wife and good purposes of these laws, since it excludes an equal number of poor white natives from that bread to which they are entitled by a prior claim, and turns them adrift to seek it by what other methods they can devise, *per fas vel nefas*.

The shoals of beggars, which overspread the streets in all our populous towns, cities, and even our villages, to the dishonour of this nation, the extravagant sums levied annually for support of our poor, amounting by some calculations to 2,500,000 *l.* and their amazing increase of late years, all indicate too clearly, that we are overburthened with an enormous number of very poor, distressed white subjects; who, for want of some employment suited to their ability, are thus thrown, as a rent-charge, upon the industrious class of our people. Upon enquiry among the labouring part, it will be found, that much of the poor's rate is appropriated to the maintenance of supernumerary children, who might be capable of earning a support, and ceasing to be objects of this tax, if they could gain employment in families, as domestic or menial servants. But the swarms of needy dependants continually pouring in, from the foreign states around us, together with the *renegado blacks* 53 *blacks* from our plantations, debar our own poor from access into families for their livelihood. Since then there is so much reason to complain of inundations from *France*, as well as from the extreme parts of *Great Britain* and *Ireland*, there can be no argument alledged, that will prove the expediency, policy, or utility, of encouraging the importation of Negroe domestics; and, if they are not necessary here in that capacity, for which alone they seem at all qualified, they cannot be deemed, in any view, as a needful or valuable accession to the people of *England*. The kingdom gains nothing by their residence in it; but, it is certain, loses, as well as the plantations, very considerably. It has been reckoned, that every man in the plantations gives employment to *six* at home. If these Negroes, before they quitted their colony, found employment each for *one* industrious subject in *England*, (which I believe is very short of the fact) here is a loss of employment to three thousand inhabitants

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at home; which, being added to the 3000 before mentioned, who are supposed excluded from domestic service by these interlopers, make the number of such unemployed white subjects *six thousand*. Moreover, the absence of a great part of these runaways must be replaced in the colony families by an equal number of other Negroes, drawn from their estates, and by this means there is a diminution caused of those hands, 54 hands, which, from the very nature of their former employ in works of agriculture, are the most beneficial to the commerce and manufactures of the mother country.

The Negroe advocates (whose scurrilous writings are sent abroad with no other design than to vilify the planters, and turn a worthless rabble of their clients loose in this kingdom, to it's manifest hurt and disgrace, and the discouragement of it's colonies, where a property in their service is unavoidably necessary) lament, "that if the West India owner "is suffered to exercise a power of sending his "Negroe out of *England* , back to the plantation, "such a practice might be productive of " *Villénage* here." To prevent a revival of which odious system, they would have every Negroe renegade protected against his master's claim, and permitted to nestle here. But surely, if every owner had been allowed, or required by law, to reclaim, and send back his fugitive, the revival of Villénage would have been much less probable; because, no *unfreed* Negroes would then have remained to become the subject? of it. Villénage is more likely to ensue, from this restraint put upon the re-exportation of them, and by the encouragement given to every vagabond Negroe to desert from his master's service in the colonies, and take refuge here in a life of vicious idleness. It is evidently not the planter's fault, that the nation tion 55 already begins to be embronzed with the African tint. In 1729, when it was supposed by many persons that Negroe slaves became entitled to their freedom, either by baptism, or by their landing on the British shore; the planters, that they might not offend against the laws of the realm, by reclaiming their fugitive slaves here, were desirous of having this point ascertained; and accordingly applied to the then Attorney and Solicitor General, two gentlemen of the first eminence in their profession, for their opinions; who declared, That, under the laws of this kingdom, the Negroe slave did, neither by baptism, nor by coming into *Great Britain*

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, acquire any title to his freedom. And Lord *Hardwicke* , many years afterwards, when Lord Chancellor, recognized and maintained this opinion, which he had given under his hand when Attorney General. But, as some other great Lawyers have adopted a different judgement upon this question, I shall here contrast a few of them, in order to shew their incongruity.

Lord Chief Justice Holt.

As soon as a Negroe comes into *England* , he becomes *Free*. A man may be a *Villein* in *England* , but not a *Slave* * . *Lord*

* His Lordship's distinction seems rather laughable. A planter would be glad to know wherein a Negroe slave differs from the English Villein, except in being far better provided and taken care of, and *essentially* happier in every respect? *Vide Cowell*, who says, that they were *slaves*, and *used as such*; and *kinder usage made them insolent*.

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Lord Chief Justice Mansfield, to this effect.

That the laws of *Great Britain* do not authorize a master to reclaim his fugitive slave, confine, or transport him out of the kingdom. In other words; that a Negroe slave, coming from the colonies into *Great Britain* , becomes, *ipso facto* , Free.

E contra:

Mr. Justice Powell.

The *Laws of England* take no notice of a Negroe.

Mr. Attorney General York.

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A Negroe slave, coming from the West Indies to *Great Britain* with his master, does not become *Free*. His master's property and right in him are not thereby determined or varied; and his master may *legally* compel him to return again to the plantations.

Mr. Solicitor General Talbot.

The same.

Lord Chancellor Hardwicke.

That a notion prevailed, that if a Negroe slave came into *Great Britain*, he thereby became emancipated; but there was no foundation *in law* for such a notion. A point

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A point, upon which these great oracles of the law have published such opposite sentiments, seems as far as ever from being established upon the solid ground of absolute precision. The planters of course have been left as much puzzled by this *Delphic* ambiguity, as the sages themselves appear to have been, in forming their judgements upon the subject. The matter having been confounded in this grand uncertainty, it is not to their discredit, that they framed their conduct to the opinion of *the time being*; or, having as good judicial authority on the one side for claiming a property in their Negroe, as they had on the other for fearing to trespass against the laws of the kingdom, their interest naturally inclined them to follow that judgement which was favourable to the claim, and to reject the other that denied it; and no man, who candidly poises these venerable authorities in both scales, can blame the planters for pursuing the recovery of their imagined right; after these learned men, who were best acquainted with the laws of the kingdom, had thus solemnly vouched, as much in their favour as against them. A West India gentleman, not long since, engaged the commander of an outward-bound ship to carry back a female Negroe belonging to him, who, soon after her arrival in *England*, had got herself privately married. The captain received her on board; but the husband

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took out an *Habeas Corpus*, and she was discharged from the voyage. The then Attorney General, who had been consulted by the husband, gave his opinion, "That the master might have an interest "by *contract* in the service of his female "slave, but *no property* in her person, *by the "laws of this country*, and therefore no authority "to direct the captain to carry her "away. That the husband had a right by "marriage, according to the laws of this country, "to that relation; and that the master, " *having no property in her person*, could lose "none by her marriage."

This doctrine mows down at once every act of Parliament for supporting the trade with *Africa*, and promoting the establishment of American plantations. It affirms, that the planters contract with the African merchant, as well as the merchants contract with the African natives, are mere nullities; and that he has been egregiously duped by the nation out of his purchase-money. It maintains, that Negroe slave-holding is inconsistent with the laws of *England*; and if it be so, this plain conclusion follows, viz. that every colony law which has been enacted touching this supposed property, whether by securing it to the planter, by making it deviseable in last wills, inheritable by his heirs, liable as assets for payment of his debts, subject to mortgage or other grants and alienations, are entirely void and null in themselves, 59 themselves, to every intent and purpose, *as being repugnant to the laws of England*. And as the judicial authorities of the courts at *Westminster Hall* have ever given the rule of judgement to the courts in our colonies, it is now certain, that the judges in our colonies (if they act with consistency) must adopt the *dicta* of the courts at home, and think themselves as much bound to do so in this case, as in every other. Opinions of this new structure not only tend to confirm every fugitive Negroe already here in a determination to remain in the kingdom as long as he lives, but operate as a direct invitation to *three hundred thousand blacks*, now scattered over our different colonies, to mutiny, and transport themselves by every means into this land of *Canaan*, where, by only swallowing one single mouthful of British air, they may enter upon the rights of *free-born Britons*, and sleep in peace beneath the sacred shield of *Magna Charta* and the *Habeas Corpus*. There is no doubt, but the welcome tidings will no sooner become

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generally diffused, than numbers of the more profligate, lazy, and disaffected among them, will miss no opportunity of stealing across the *Atlantic*. Opportunities will not fail them; for, although our plantation laws impose a penalty on captains of ships carrying off Negroes; yet these laws, like many others, are ill observed, and frequently violated. Any Negroe, who is able by pilferage, 12 or 60 or his own industrious acquisitions, to muster up five or six pounds, will be no disagreeable passenger to a captain, who does not intend loading again at the same colony, or who fears not a discovery. The states around us must laugh at such doctrines, which set our judges and our laws at open variance with each other, and have a positive tendency to annihilate that branch of commerce, which is one of the best props of our national independence. Nothing less is demanded by the Negroe advocates, than a total sacrifice of our *African trade* and *American possessions*, to their fantastic idea of *English liberty*. In the present state of *Great Britain*, and in what will most probably be her future situation, this sacrifice, instead of serving the cause of her liberty, may eventually plunge her once more into Villenage; by disarming her of the best security against it, and degrading her into the tributary province of some potent neighbour; who is blest with more wisdom in this age of refinement, than to strip himself naked, and embrace *Slavery*, that others may be set *Free!* I can fervently wish, with the advocates, that all mankind were free, if they might be the happier, and that none might abuse the blessing. But, since things are otherwise ordained, it would be best perhaps to remain content with our respective shares of just freedom, and not disturb the public peace and right order with such visionary projects of 1 equal 61 equal, universal liberty, as may in the end be productive of *universal licentiousness*.

The news of this law decision, which has granted redemption from colony bondage, must, I think, be very speedily conveyed to the planters resident abroad, by their correspondents here, who will think it friendly to send it as a caution against bringing their Negroes within the pale of this kingdom. To the Negroes it will be industriously proclaimed by their brethren here, who will doubtless take care to advise them, that their master's pretended claim to their service is insubstantial, neither founded on, nor supported by, the laws of

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Great Britain. The sable host will joyfully listen to this new and acceptable counsel. The inference formed in their minds perhaps will be, that, the laws of *Britain* having renounced the idea of their vassalage, they are retained in it by no other obligation than the laws of the colony, and an exertion of illegal force over them by their masters. This reflection naturally inspires disobedience to laws enacted contrary to the will of the mother state, to laws now placed in the odious light of tyranny and oppression; next follows resistance against the authority usurped over their persons; an authority not tolerated by the kingdom, to whose laws (a very small portion of sense may instruct them) the laws of the subject and dependant colony ought to be assimilated. What the consequences may be, I know not. We may expect every evil that can ensue, from a spirit of mutiny, and impatience under servitude, once kindled universally among them. Let the authors of this doctrine be answerable for all the bloodshed which it naturally tends to occasion! Yet we must hope that the wisdom of Parliament will incline it to justify it's own acts; and that it will apply timely remedies to the prevention of any extensive mischief likely to happen, checking the ferment of this law poison, by a suitable and seasonable antidote. I see not any inconvenience that would have arisen to this kingdom, if, whilst our lawyers acknowledged the children born here after the introduction of their Negroe mother to be free, and natural-born subjects of the realm, they had declared the *parent* to continue still in a state of propriety and subordination to the planter owner; unless it can be proved, that, by stripping the planter of his *money* and estate, *unius dampnum utilitate publicâ rependitur*.

Sect. VI.

I should have brought my argument to a period with the last section, but for the deference I owe to the benevolent sentiments of some moderate and well-intentioned persons, sons, 63 who have reasoned after this manner: "Admitting that the present circumstances "of *Great Britain* make it absolutely necessary "that she should have and mantain " *American colonies* ; and granting that the soil in "the hotter climates cannot be usefully cultivated "with other than Negroe labourers; "what objection can the planter have to put "them

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precisely on the same footing as our “labourers in England? Since, if all were “freed, they might still be hired, as in *England*; “and surely a voluntary service is to “be preferred before an exacted and slavish “obedience.” I readily agree, that, if the consequence deduced were practicable, no rational planter would object to this general emancipation. But we must not too hastily frame conclusions from what we observe in the climate and country of *England*, and apply them to other countries and other climates, where natural causes arise, which form invincible obstacles to such an assimilation in practice, however plausible the idea may be in theory. A planter would as soon expect to hear that sugar-canes and pine-apples flourished the year round, in open air, upon *Hounslow Heath*, as that the Negroes when freed could be brought into the like necessity or disposition to hire themselves for plantation labour, which the climate and soil of *England* have enforced upon its lower class of inhabi- 64 inhabitants. But I shall enquire more largely how far a general enfranchisement of our colony Negroes would be likely to tend, either to the benefit of themselves, of the plantations, or of the British trade, navigation, and commerce: the sure consequence of such an emancipation would be, first, the total abolition of sugar-making, and all other our West India produce. It would be impossible to compel the Negroes, thus enfeoffed with absolute freedom, to relish that due subordination which prevails in this kingdom over the labouring poor. For want then of a superiority of whites to oblige them to work, they would soon find themselves so independent, and so much their own masters, as to renounce the controul of any laws enacted to force them. If we may judge of the uniform disposition of the Blacks already made free in our southern colonies (and this is no bad rule), not one of them would be voluntarily brought to gain a livelihood by *field labour*; because he could earn sufficient by other means to satisfy all his natural wants, with little or no fatigue. Idleness, it has been well observed, is the sure consequence of cheap and easy living; and none will labour, who have the means of idleness in their power: it is from this cause that no state ever yet made a considerable figure in commerce, where the necessaries of life could be obtained 65 obtained with little labour^{*}. A person must be very little versed in the knowledge of human nature, to suppose, that mankind would labour from any other motive than *sheer necessity*; or that

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the poor would labour at all in any country, if they could gather all their necessaries from the next tree; or whether they would even take pains to climb that tree, provided they could get at their necessaries any easier way. The operations of human nature are much the same in all countries. All love ease, but all are not equally industrious. Neither the Negroes of *Africa* , nor the *Indians* of *America* , regard manufactures. If labour is so repugnant to the inclinations of mankind in general, it is doubly so to a Negroe in the *West Indies* ; for his natural sloth and pride, together with the warmth of a climate requiring little if any cloathing, the amazing fecundity of the soil, and plentiful increase of materials for food, obtained with small pains, would always conspire to make him despise and reject the cultivation of a planter's lands, even though invited to it by wages far exceeding what a planter could afford to give; and as white persons are not K able

* If a soil be vastly rich, situated in a warm climate, and naturally watered, the productions of the earth will be almost spontaneous. This will make the inhabitants lazy, and laziness is the greatest of all obstacles to labour and industry; manufactures will never flourish in such a country.

Stuart's Political Oeconomy.

66 able to perform such labour in that climate, nor (if able) could be procured in sufficient numbers, the white inhabitants must necessarily be driven to abandon their settlements, or be content to stay there, cloath themselves with cotton (the natural growth of the soil), and subsist on such stock and provisions as their own personal industry might enable them to procure. In either case, there must be an end to all valuable intercourse with *Great Britain* , who could profit nothing from a banditti of lazy, lawless, Negroes, living in a state of nature, nor from an inconsiderable remnant of white subjects, unable to do more than provide themselves with a mere support of existence from day to day, nor from an extensive territory of wild and uncultivated woodland. Instead of being, as they now are, a collection of useful and industrious people, giving employment and sustenance to many thousand inhabitants of the mother country, causing an annual demand for every variety of her fabrics and manufactures, animating her artists, enriching her merchants

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and traders, encreasing the public revenues, augmenting her mariners, and extending her navigation; they would rapidly degenerate into indolent and miserable vagabonds, nuisances to the rest of mankind, unprofitable to themselves: they would no longer benefit the Sovereign by contributing to 67 to his subsidies and supporting his dignity, nor the landholders in payment of rents, nor merchants by the least expence for cloathing or implements of husbandry, nor manufacturers for any of their necessaries, nor the society in general by the most insignificant service. The true wealth and greatness of a nation are not upheld solely by the multitude of its people, but by their being civilized, industrious, and constantly well employed; without these improvements, what would otherwise become no small part of its real wealth, is turned into a real burthen and grievance. It is the cultivation of arts and industrious pursuits, the embellishments of life, that make man mild and sociable to man; without these, we find him a licentious and intractable savage. By so great a change as I have ventured to delineate in the system of our national commerce, the whole kingdom must be inevitably affected: the many thousands dependant for support on the plantation trade, would probably be reduced to the utmost distress for want of employment, merchants and mariners would decrease, rents fail, interest rise, the revenues fall short, taxes augment and become more severe upon the British landholder, and we must be under an annual tribute to foreign states for those materials and commodities, necessary to us, now no longer supplied from our own colonies. The K 2 planta- 68 plantation blacks, consisting of various tribes, or their descendants, envenomed against each other by those bitter and hereditary feuds which mark their character, would soon divide into parties and factions; and at length indulge this innate rancour by every species of outrage and hostility, in a perpetual state of warfare; resembling what has prevailed from time immemorial between the petty states of *Africa*, or the *Indian* nations of *North America*. Thus distracted with unceasing quarrels, and occupied either in offensive or defensive war, they must necessarily be reduced to an erratic, unsettled life, and have no leisure for the drudgeries of agriculture; these would probably be left to their women, as in the custom in *Africa*; the latter might till the earth for a temporary provision of corn and roots, whilst the men employed themselves in defending

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their possessions, or making incursions upon their neighbours. If I am suspected of having misrepresented the Negroe's appetite for sloth, let the following be offered as a very practicable and easy test of the truth of my positions: let but an act of Parliament be passed which shall place all the renegado Negroes now in *Britain* in the same condition here as our poor day-labourers are restricted to; let them be constrained to hard labour, in proportion to their strength, like them, for *fourteen pence* a day, from sunrise rise 69 to sun-set, for only one twelvemonth; and I will engage, there is not one of them, after the year's fair trial, but will most chearfully accept the alternative of being transported back to his colony, rather than continue in *Britain* upon such terms. I am induced to believe, that every dispassionate man, acquainted either with the temper of our colony Negroes, or the nature of the tropical climates and countries, will not hesitate to pronounce, that the scheme of a general emancipation is absurd, and likely to be productive of no real benefit either to the Negroes or to the nation; but, on the contrary, that it promises to entail the most incurable mischiefs upon both.

The advantages derived to this kingdom from her plantations, and principally by means of Negroe labour, are so well known and understood, that it is superfluous for me to expatiate upon them; but the more important they are, the greater will be the degradation it must suffer from the loss of them. This loss would still be further aggravated, should the commerce of *America* be monopolized by foreigners, from whom we must then be obliged to purchase many of the materials for perfecting our manufactures upon their own terms, or cease to be a manufacturing nation. Little indeed to this branch 70 branch of business would be left for us to follow; and even this little might not long continue. Foreigners would raise their prices upon us in exact proportion to our necessities, a circumstance of which all trading states take advantage. In the end, we must entirely throw them up to these foreigners, after being supplanted at every market. If we had no sugar colonies of our own, it is reasonable to think that, as long as any money or commodities remained in the nation, for bringing sugar into it for consumption, so long should we continue to import it; in confirmation of this, we need only recur to what happened here in times past, and

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before we had any such plantations of our own. Sugar was an article of consumption long before we possessed a foot of land in *America* ; and although some have called it a luxury, yet it appears, that our forefathers esteemed it one of the necessaries of life. In that very old treatise, entitled, “ *The policy of keeping “the sea ,”* the author, inveighing against the *useless things* brought by the Venetians from the Indies, adds, “that they furnished but “very few of the necessaries of life, except “ *sugar.* ” We should not sustain, however, the loss of sugar alone, but of the very ground-works of many capital manufactures and trades which our Indian settlements now furnish. nish, 71 The failure of our *West India* trade would of course be followed by a great diminution in that of the *East Indies* , not only in the article of tea, that principal consumer of sugar, the duties and customs upon which form no mean figure in the revenue account; but in china and other wares and merchandizes from thence, so largely in demand of our West India settlements. These are considerations which seem to merit the notice of all our pretended reformers of the age; who, under a cloak of furious zeal in the cause of religion and liberty, do all they can to throw down those essential pillars, commerce, trade, and navigation, upon which alone must depend their own enjoyment of any freedom, civil or religious. These main supports being once struck away, there may be no human means of preventing this kingdom from dwindling into an appendage to some foreign and more powerful state, or its inhabitants from relapsing into that extreme of wretched poverty, savage ignorance, and vassalage, from which trade and navigation not many centuries ago redeemed them. “That trade,” says *Voltaire* , “which has enriched the English, “contributed to make them *free* ;” as the enlargement of our commerce so vastly increased the value of our lands, as well as our general riches, it is no less certain and self-evident, evident, 72 that any sensible decrease of it would sink the value of rents and lands, in a similar proportion. Our cities and manufacturing towns, which now consume such immense quantities of the product of our lands, being then depopulated, our farms will thereby be deserted, and, perhaps, even the entire rents might in time be insufficient to support the numberless poor then destitute of employment. In which lamentable situation, it is no exaggeration to affirm, that the landed interest would be more sensibly affected than even the merchants, traders, and

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manufacturers themselves; seeing the latter could (at the worst) and doubtless *would* , mostly remove to other countries, whilst the former must necessarily stick to their lands, which would then find but very few purchasers, and at very low rates. The bare *possibility* of so sad a declension ought to keep us perpetually watchful; more especially as almost every nation in *Europe* is at this time earnestly striving to rival us, either in our staple manufactures, our fisheries, our plantations, or our naval power^{*} . The deplorable figure this kingdom would make may be conjectured, by taking a retrospect of what it was before manufactures and commerce gained any considerable footing here. We are at present rich, powerful,

* Anderson.

73 powerful, respectable, and in such credit, that some foreigners prefer our funds to any other; but should our trade, the stream on which these blessings are wasted to us, be diverted into another channel, we should soon sink into poverty. We have already lost many lucrative branches. The French, for example, have gained from us the valuable part of our commerce with *Turkey, Spain* , and *Italy*. We have not as yet sensibly felt these losses, sustained as we have been by an immense trade with our *American colonies* ; but other states, the French in particular, have increased in opulence and power by our losses^{*} . The plain deduction from the whole is, that our principal resource, as an independent nation (being now, from various causes, centered in the flourishing condition of our *American dominions*) we cannot too highly prize, or too carefully avoid discouraging, any branch of traffic that is conducive to their growth and prosperity, unless we mean to give up our *last stake* , and so render ourselves one of the most despicable powers in all *Europe*.

To conclude: I hope, while I am pleading the cause of the injured *planters* , I shall not be misunderstood to stand forth a champion for *slavery*. I am no stranger to the import L of

* Essay on Trade.

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74 of the word; but am satisfied in my own mind, that our colony Negroes do not feel those hardships under their servitude, which have *here* been usually and undistinguishingly attributed to that vague term. As a friend to mankind, I sincerely wish that useful class to enjoy freedom, in a *reasonable extent*; as a friend to my country, I cannot wish them set loose into that latitude of emancipation, which threatens injury to both. How far the late judicial sentence may be consistent with the spirit of *English law*, I will not take upon me to determine; sure I am, that it cannot be made compatible with the spirit of *English commerce*. POST-

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POSTSCRIPT.

WHEN this pamphlet went to the press, I had not seen a late publication, entitled, "Considerations on the Negroe cause "commonly so called, & c. ;" but, having since perused that work, I observed that it is illustrated with several arguments similar to what I have ventured to advance, particularly on the idea of a *legal property* vested in the planter-owner by the laws of *Great Britain*; and I cannot but rejoice to find my sentiments confirmed by the opinion of one who seems to be a candid and sensible writer. He was probably among the audience at the *Court of King's Bench*, when the case of *Somerset* was argued: This was an advantage I could not possess, as being at a great distance from the capital. He says, "that it "was in representation, if not in proof, "before the court, that there were already " *fifteen thousand* Negroes in *England*." My reader, I hope, will excuse my having stated their number so low as *three thousand*; this I did from a want of information on that L 2 head, 76 head, as well as from an unwillingness to commit any thing like exaggeration; but, if the fact mentioned by that writer is true, or near the truth, it will add a very considerable strength and weight to the conclusions I have drawn from the great and increasing number of these people in the kingdom. The reader may therefore, if he pleases, alter the *three thousand* to *fifteen thousand* in the proper place, and deduce accordingly.

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FINIS.