

FUGITIVE SLAVES.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

Transmitting the information required by a resolution of the House of Representatives, of the 10th of May last,

IN RELATION TO

*Negotiations with G. Britain upon the subject of Fugitive Slaves*

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DECEMBER 15, 1828.—Read, and referred to the Committee on Foreign Affairs.

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*To the House of Representatives of the United States :*

WASHINGTON, December 15, 1828.

In compliance with the resolution of the House of Representatives of the 8th instant, referring to a negotiation with the British Government, by virtue of a resolution of the House of 10th May last, relative to the surrender of fugitive slaves, I transmit, herewith, a report from the Secretary of State, with copies of instructions and correspondence, containing the desired information.

JOHN QUINCY ADAMS.

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DEPARTMENT OF STATE,

*Washington, December 15, 1828.*

The Secretary of State, to whom has been referred the resolution of the House of Representatives, of the 8th instant, requesting the President "to inform that House whether, by virtue of a resolution passed on the 10th day of May last, he has entered into any, and, if any, what, negotiation with the British Government, relative to the surrender of fugitive slaves who may have taken refuge within the Canadian Provinces belonging to said Government," has the honor to report to the President, that, presuming it will be satisfactory to the House to be informed of the instructions which were given to the late Minister of the United States at the court of St. James, on the subject matter of the resolution, and of the result of the negotiation which was opened in consequence of them, extracts are herewith submitted from instructions given to Mr. Gallatin, on the 19th of June, 1826, and the 24th of February, 1827, and a copy of a letter addressed to him on the 24th of May, 1827, together with extracts from the

despatches of Mr. Gallatin, under date the 21st of December, 1826, the 5th of July, 1827, and the 26th of September, 1827.

The Secretary of State has, also, the honor to report, that, in pursuance of the resolution of the House of Representatives of the 10th of May last, an instruction was given, on the 13th of June last, to Mr. Barbour, a copy of which is now laid before the President, together with a copy of the only communication which has been yet received from him on that subject.

H. CLAY.

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*List of Papers.*

Mr. Clay to Mr. Gallatin, 19th June, 1826.	Extract.
Mr. Gallatin to Mr. Clay, 21st Dec. 1826.	Do.
Mr. Clay to Mr. Gallatin, 24th Feb. 1827.	Do.
Same to Same, 24th May, 1827.	Copy.
Mr. Gallatin to Mr. Clay, 5th July, 1827.	Extract.
Same to Same, 26th Sept. 1827.	Do.
Mr. Clay to Mr. Barbour, 13th June, 1828.	Do.
Mr. Barbour to Mr. Clay, 2d Octob. 1828.	Do.

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*Extract from instructions of the Department of State to Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary to Great Britain, dated, June 19th, 1826.*

“ You are, accordingly, authorized and instructed to propose a stipulation,

“ 1st. For the mutual surrender of deserters from the military and naval service, and from the merchant service, of the two countries. Persons who have been naturalized by the laws of either party must be excepted from the operation of the article. The sixth article of our convention with France, of 1822, will furnish suggestions for the preparation of an article on this subject ;

“ And, secondly, a mutual surrender of all persons held to service or labor, under the laws of one party, who escape into the territories of the other. Our object, in this stipulation, is to provide for a growing evil, which has produced some, and, if it be not shortly checked, is likely to produce much more, irritation. Persons of the above description escape, principally from Virginia and Kentucky, into Upper Canada, whither they are pursued by those who are lawfully entitled to their labor ; and, as there is no existing regulation by which they can be surrendered, the attempt o recapture them leads to disagreeable collisions. In proportion as they are successful in their retreat to Canada, will the number of fugitives increase, and the causes of collision multiply. They are generally the most worthless of their class, and far, therefore, from being an acquisition which the British Government can be anxious to make : the sooner, we should think, they are gotten rid of, the better for Canada. It may be asked, why, if they are so worthless, are we desirous of getting them back ? The motive is to be found in the particular interest which

those have who are entitled to their service, and the desire which is generally felt to prevent the example of the fugitives becoming contagious. If it be urged that Great Britain would make, in agreeing to the proposed stipulation, a concession without an equivalent, there being no corresponding class of persons in her North American continental dominions, you will reply,

“1st. That there is a similar class in the British West Indies, and although the instances are not numerous, some have occurred, of their escape, or being brought, contrary to law, into the United States ;

“2dly. That Great Britain would probably obtain an advantage over us, in the reciprocal restoration of military and maritime deserters, which would compensate any that we might secure over her in the practical operation of an article for the mutual delivery of fugitives from labor ; and,

“3dly. At all events, the disposition to cultivate good neighborhood, which such an article would imply, could not fail to find a compensation in that, or in some other way, in the already immense, and still increasing intercourse between the two countries. The States of Virginia and Kentucky are particularly anxious on this subject. The General Assembly of the latter has repeatedly invoked the interposition of the Government of the United States with Great Britain. You will, therefore, press the matter, whilst there exists any prospect of your obtaining a satisfactory arrangement of it. Perhaps the British Government, whilst they refuse to come under any obligations by treaty, might be, at the same time, willing to give directions to the colonial authorities, to afford facilities for the recovery of fugitives from labor : or, if they should not be disposed to disturb such as have, heretofore, taken refuge in Upper Canada. (few, if any, are believed to find their way into the Lower Province,) they might be willing to interdict the entry of any others in future. Any such regulations would have a favorable tendency, and are, therefore, desirable, if nothing more effectual can be obtained.”

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*Mr. Gallatin to Mr. Clay, dated December 21, 1826.*

[EXTRACT.]

“From what fell in conversation, I had an opportunity to state what I was instructed to ask respecting the surrender of runaway slaves. That they were no acquisition to Canada was acknowledged ; and no objection was made to the principle ; but several were suggested by Mr. Huskisson, arising from the difficulties thrown in the way of every thing of that kind by the courts, and by the abolition British associations.”

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*Mr. Clay to Mr Gallatin, dated February 24, 1827.*

[EXTRACT.]

“The General Assembly of Kentucky, one of the States which is most affected by the escape of slaves into Upper Canada, has again, at their session which has just terminated, invoked the interposition of the General Government. In the treaty which has been recently concluded with the United Mexican States, and which is now under the consideration of the Senate, provision is made for the restoration of fugitive slaves. As

it appears from your statement of what passed on that subject with the British Plenipotentiaries, that they admitted the correctness of the principle of restoration. it is hoped that you will be able to succeed in making a satisfactory arrangement."

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*Mr. Clay to Mr. Gallatin.*

DEPARTMENT OF STATE,

*Washington, 24th May, 1827.*

SIR: I herewith transmit to you a copy of certain resolutions, adopted, in the commencement of the present year, by the General Assembly of Kentucky, in respect to fugitive slaves, who make their escape from their proprietors in that State, and take refuge in Canada; and submitting to the President the propriety of opening a negotiation with the British Government, to provide an adequate remedy for the evil. Already charged with such a negotiation, these resolutions are forwarded, that you may, in the course of conducting it, make such use of them as may appear best adapted to the accomplishment of their object.

I am, respectfully,

Your obedient servant,

H. CLAY.

ALBERT GALLATIN, &c. &c.

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*Mr. Gallatin to Mr. Clay, dated July 5, 1827.*

[EXTRACT.]

"Mr. Addington says that he does not know who is contemplated to succeed Mr. Huskisson in the negotiation. He told me that, on one point, Government had come to a conclusion. It was utterly impossible for them to agree to a stipulation for the surrender of fugitive slaves."

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*Mr. Gallatin to Mr. Clay, dated September 26, 1827.*

[EXTRACT.]

"At my last conference, which took place yesterday, the British Plenipotentiaries took up the subject of the "Nine Articles."

"They reiterated the declaration which they had already intimated, that their Government would not accede to the proposal of a mutual surrender of fugitive slaves, taking refuge in any part of America, within the dominions of the other party. When the proposal was first mentioned, I had thought, perhaps erroneously, that it was not unfavorably received, and that the objections applied only to the mode of execution. The reason alleged for refusing to accede to a provision of that kind, is, that they cannot, with respect to the British possessions where slavery is

not admitted, depart from the principle recognized by the British courts, that every man is free who reaches British ground. I do not believe that there has been any decision extending that principle to Canada, and other provinces on the continent of North America; and I do not know whether the fact is strictly correct, that slavery is forbidden in Canada. But it has been intimated to me, informally, that such was the state of public opinion here on that subject, that no Administration could or would admit in a treaty a stipulation such as was asked for. No specific reason has been entered on the protocol by the British Plenipotentiaries."

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*Mr. Clay to Mr. Barbour, dated June 18, 1828.*

[EXTRACT.]

"I transmit, herewith, a copy of a resolution of the House of Representatives, requesting the President to open a negotiation with the British Government for the recovery of fugitive slaves, who make their escape from the United States into Canada. On that subject, Mr. Gallatin found, in his conferences with the British ministers, that they were unwilling to treat. You will ascertain if the same indisposition continues to exist. The evil is a growing one; and is well calculated to disturb the good neighborhood which we are desirous of cultivating with the adjacent British Provinces. It is almost impossible for the two Governments, however well disposed, to restrain individual excesses and collisions, which will arise out of the pursuit of property on the one side, and the defence, on the other, of those who have found an asylum. You will find in the instructions to Mr. Gallatin, of the 19th June, 1826, and of the 24th February, and 24th May, 1827, all that was communicated to him on this subject, from the Department. And if you ascertain that the British Government is in a favorable disposition, you are authorized to renew the proposal which he was instructed to make, embracing fugitive slaves and deserters from the military, naval, and merchant service of the two countries."

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*Mr. Barbour to Mr. Clay, dated October 2, 1828.*

[EXTRACT.]

"In this conference, I opened the subject of slaves taking refuge in the British North American possessions, by representing that our conterminous possessions had been attended with the usual border inconveniences, alluding to the cases of refugees from justice, deserters, and persons held to service; in other words, runaway slaves. When I mentioned the border inconveniences, he instantly, before I explained my object, and with apparent interest, spoke of our difficulties in the northeast. I at once undeceived him, by stating that I had received no communication from my Government on that head, (owing, I suppose, to the delays of navigation,) and proceeded to state what I had in view. I endeavored to impress on him the importance of the subject, stating that one member of

the confederacy, and the House of Representatives of the United States, had urged upon the Executive the necessity of making some arrangement, by which facilities should be given to the losers of slaves, in regaining them. That the mischief was, by no means, confined to the number that escaped, but acted on, and much impaired the value of, those who remained; the successful attempts at elopement constituting a strong allurements with all to abscond. Lord Aberdeen remarked that similar complaints had been preferred by other Powers having West India possessions: that, whilst he would be happy to grant the most substantial remedy, yet, in the present state of public feeling on this subject, which, he said, might properly be called a mania, the application of the remedy was an affair of some delicacy and difficulty: that the law of Parliament gave freedom to every slave who effected his landing on British ground. I remarked to his lordship, that he was laboring, I thought, under a mistake; as this was the result of judicial decision, rather than of parliamentary enactment. He insisted that there was a statutory provision to the effect spoken of; but added, that Sir George Murray, the head of the Colonial Department, intended to bring the subject before Parliament, when, he hoped, the evil complained of would be obviated, as he could not conceive that any people would wish to see their numbers increased by such subjects."