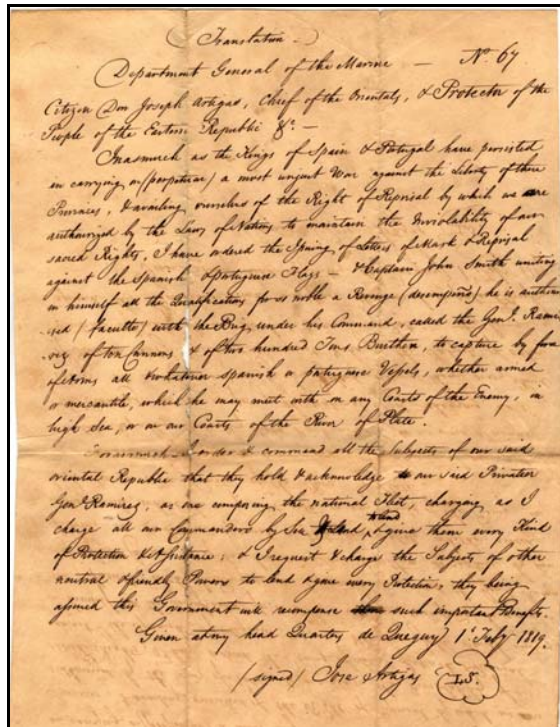


The Antelope



On the afternoon of June 29, 1820, Federal authorities spotted a ship drifting off the northern coast of Florida. A U.S. revenue cutter was dispatched to board the vessel, inspect its commission, and to inquire as to the captain's intentions. Once aboard, Federal authorities discovered that the ship, *The Antelope*, held nearly three hundred chained Africans that were intended for sale on the southern market. Because participation in the slave trade was a federal crime, the ship was escorted to Savannah, where its African captives were taken into U.S. custody to await a decision that would determine whether their future would be one of slavery or of freedom.

Representatives from the Spanish and Portuguese governments filed claims for ownership of the Africans, asserting that they had been captured from aboard ships belonging to their citizens off the coast of West Africa. The United States filed to retain custody of the Africans with the intention of providing for their return passage to Africa. With a cast of characters that included European diplomats, South American revolutionaries, and prominent figures from American history, *The Antelope's* court records tell a dramatic story of international intrigue on the high seas. At the same time, they offer a revealing glimpse into a nation divided over the "peculiar institution" and the politics surrounding the international slave trade.

Background

The Antelope's story begins in December of 1819, when *The Columbia* set sail from Baltimore under an American flag. The ship carried commission papers signed by Uruguayan Revolutionary leader Jose Artigas that authorized its captain to make war on Spanish and Portuguese ships. Once at sea, *The Columbia* raised Artigas' revolutionary flag and sailed for West Africa, where it proceeded to menace, overtake, and plunder ships engaged in the slave trade.

On March 23, *The Columbia's* crew attacked *The Antelope*, which was at anchor at Cabinda, some 300 miles south of the equator. With *The Antelope's* crew held captive below deck, the crew of *The Columbia* raided three other ships trading in the same waters before consolidating their cargo onboard *The Antelope* and *The Columbia* and setting sail in tandem for the Americas. *The Columbia* was wrecked and stranded on their return, forcing *The Antelope* to continue the voyage alone.

The Supreme Court

After a lengthy appeals process, the case reached the Supreme Court in 1825, where the lower court's decision was reversed. John Berrien, recently elected to the U. S. Senate from Georgia, represented the Vice Consul of Spain, while former congressman John Jared Ingersoll represented the Vice Consul of Portugal. Attorney General William Wirt and Francis Scott Key, author of the national anthem, argued the case for the United States government.

Writing for the majority, Chief Justice John Marshall concluded that however "abhorrent" the trade may have been, it had "claimed all the sanction which could be derived from long usage and general acquiescence." For this reason, the United States was obliged to recognize the rights of other nations to participate in the slave trade. However, because a number of the Africans in question were captured from aboard an American vessel, the United States would retain possession of a portion of their total. Those Africans that were placed in U.S. custody were returned to Africa the following year. The Africans that remained were sold to American slave owners and their proceeds delivered to the Spanish and Portuguese claimants as restitution for their losses.

Various cases relating to *The Antelope* are in the custody of the Southeast Region and filed with the Records of the U. S. District Courts for Savannah.

--Edward Hatfield