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CLASS B.

CORRESPONDENCE
WITH
FOREIGN POWERS.

SPAIN.

No. 1.

SPAIN.

No. 1.

Mr. *Addington* to Viscount *Palmerston*.—(Received March 4.)

My Lord,

Madrid, 18 February 1833.

IMMEDIATELY after the receipt of your Lordship's despatch of 26th December of last year, by which I was directed to propose to the Spanish Government, that all vessels which should henceforward be captured and condemned by the Mixed Commission Courts for having been engaged in the slave trade, should be broken up and the materials sold, I communicated verbally to the Spanish Secretary of State that proposition, and not long after I submitted the same proposition to his Excellency in a letter, of which I herewith enclose a copy.*

I again called M. de Zea's attention to this subject a few days since, when he assured me that he had been hitherto prevented by urgent business from taking the subject into consideration, but that he would now give his attention to it.

I availed myself of the same opportunity to draw his Excellency's attention to the repeated and urgent representations which I had made to his predecessors in office respecting the Cuba slave trade, as constantly carried on under the Spanish flag, and to the proposition which I had submitted, in the name of His Majesty's Government to that of Spain, for the more effectual suppression of that trade.

As M. de Zea appeared to be not so well acquainted with the precise nature of those propositions as I should have expected, I thought it advisable, in addition to the verbal explanation which I gave him on the spot respecting them, to address a letter to him on the same subject, of which I have the honour to transmit a copy herewith to your Lordship.

Instead of re-stating those propositions afresh in detail, I thought it better to refer M. de Zea to the original communication which I made to M. de Salmon on this matter on the 8th December 1830, (enclosed in my despatch of 29th June 1830,) in order that his Excellency might see of how long standing the question had been, and how little attention had hitherto been paid by his predecessors to the repeated representations made to them on the part of His Majesty's Government.

I have, &c.

(signed) *H. U. Addington.*

The Right Hon. Viscount Palmerston, G. C. B.
&c. &c. &c.

* Written in French, in consequence of the absence of my translator, and my inability to find a substitute for him at the moment.—H. U. A.

SPAIN.

First Enclosure in No. 1.

First Enclosure
in No. 1.Mr. *Addington* to M. de *Zea Bermudez*.

M. le Chevalier,

Madrid, 25 Janvier 1833.

LE Gouvernement de Sa Majesté Britannique a été informé que plusieurs bâtimens Espagnols, qui avoient été condamnés par les Commissions Mixtes Anglaises et Espagnoles pour avoir été engagés dans le commerce des nègres, en contravention des traités existans entre Sa Majesté et le Roi d'Espagne pour le suppression de ce trafic illégal, se sont postérieurement trouvés engagés dans le même trafic.

Ce système tend si directement à rendre de nul effet l'objet de ces traités, que le Gouvernement de Sa Majesté est d'avis qu'il faudra absolument y apporter quelques correctifs; et il leur parait que le seul moyen efficace que se présente pour empêcher la répétition de pareils abus, ce sera la destruction entière de tout bâtiment qui aura été condamné pour avoir pris part au commerce des nègres, et la vente de ses matériaux.

J'ai reçu donc des instructions de m'adresser sans perte de tems à votre Excellence, pour chercher à obtenir l'acquiescement du Gouvernement de Sa Majesté Catholique à la mesure qui se trouve ci-dessus décrite, et je remplis cette instruction dans la parfaite conviction que votre Excellence reconnoîtra la justice de la proposition qui n'a pour son objet que de donner de l'efficacité aux traités qui existent entre les Couronnes de la Grande Bretagne et de l'Espagne, et qu'elle voudra bien employer tous ses efforts pour engager Sa Majesté Catholique à donner son assentiment à la mesure proposée pour son adoption par le Gouvernement Britannique.

Le Chevalier de *Zea Bermudez*,
&c. &c. &c.

J'ai l'honneur, &c.
(signé) *H. U. Addington*.

(Translation.)

Mr. *Addington* to M. de *Zea Bermudez*.

Sir,

Madrid, 25 January 1833.

Translation.

HIS Britannic Majesty's Government has been informed that several Spanish vessels, which had been condemned by the Mixed Commissions of England and Spain for having been engaged in the slave trade, in contravention of the treaties subsisting between His Majesty and the King of Spain for the suppression of this illegal traffic, have lately been found carrying on this trade.

This system tends so directly to set at nought the object of those treaties, that His Majesty's Government is of opinion that it will be absolutely necessary to apply some remedy to it. In its opinion, the only efficacious method which occurs for obviating the recurrence of similar abuses would be, the entire breaking up of every vessel which shall have been condemned for taking part in the slave-trade, and the sale of her materials.

I have therefore received instructions to address myself without loss of time to your Excellency, in order to endeavour to obtain the acquiescence of the Government of his Catholic Majesty in the measure above mentioned, and I comply with them in the perfect conviction that your Excellency will acknowledge the justice of the proposal, which has only for its object the rendering efficient the treaties subsisting between the Crowns of Great Britain and Spain, and that you will use every effort for inducing his Catholic Majesty to yield his consent to the measure proposed for his Majesty's adoption by the British Government.

The Chevalier de *Zea Bermudez*,
&c. &c. &c.

(signed) *H. U. Addington*.

Second Enclosure in No. 1.

Mr. *Addington* to M. de *Zea Bermudez*.

Sir,

Madrid, 15 February 1833.

Second Enclosure
in No. 1.

IN referring myself to the conversation which I held with your Excellency yesterday, on the subject of the slave-trade, as still carried on between the African coast and Cuba under the Spanish flag, I have the honour to enclose herewith a copy of the last appeal which I made on that subject to your Excellency's predecessor, and to request your particular attention to that communication, as well as to that which I addressed to M. de Salmon on the 8th of December 1830, to which it refers.

In executing this duty I think it expedient to state, that since the date of the last-mentioned communication, which contains the propositions which were then considered by His Majesty's Government as affording the only effectual means of suppressing the slave-trade, which is still perseveringly carried on without reserve under the Spanish flag between the African coasts and the Island of Cuba, every day's experience has more and more convinced His Majesty's Government that the measures thus proposed can alone thoroughly effect the object desired.

But they also consider that the additional measure of breaking up all vessels which may be hereafter condemned for having been engaged in the slave-trade, such as I submitted it, on behalf of my Court, to your Excellency in my letter of the — ultimo, will be highly useful for the further prevention of that abominable traffic.

The Chevalier de *Zea Bermudez*,
&c. &c. &c.

I have, &c.
(signed) *H. U. Addington*.

No. 2.

SPAIN.

Viscount *Palmerston* to Mr. *Addington*.

No. 2.

Sir,

Foreign Office, 6 June 1833.

THE communications upon slave-trade, received for some years past from British agents abroad, incontestably prove that the slave-trade of Spain is more extensive than that of any other country.

Every year the truth of this fact becomes more apparent, and whilst the slave-trade of other countries is progressively diminishing, or entirely put down, that of Spain is found to continue in unabated activity.

Proofs of this fact have been frequently placed before the Spanish Government by His Majesty's command, and the remonstrances which have been made on this subject by your predecessors and yourself have shown the strong feeling which it excites in the British Government.

Hopes have occasionally been held out that the Spanish Government would at length take some effectual steps for indicating its good faith, by a strict fulfilment of the treaty of 1817; but these hopes have not been realized, and the efforts of Great Britain to induce Spain to perform her engagements to put an end to the slave-trade, have hitherto been utterly unavailing.

I have not received from you any communication upon this subject since your despatch of the 18th February, in which you reported another attempt you had then recently made, in pursuance of instructions from this office, to obtain from the Spanish Government a compliance with the earnest and repeated remonstrances of the British Government. But the enclosed communication from His Majesty's Commissioners at the Havana, and the accompanying report from His Majesty's Commissioners at Sierra Leone, show the necessity of making another application to the Spanish Government, because these communications prove that the slave-trade is still carried on extensively at Cuba, under the protection of the Spanish authorities in that island, and they show that the only effectual remedy for the evil would be the adoption by the Spanish Government of a stipulation, that ships fitted out for slave-trade shall be liable to be detained and condemned, by reason of the nature of their equipment, even though they should have no negroes on board.

The Netherlands agreed to such a stipulation, and the Netherland slave-trade has ceased.

France has passed a law to this effect; and the Brazilian Government is willing to propose to its Legislative Assembly the adoption of a similar regulation.

Spain has hitherto answered the representations of this country, on the continuance of the Spanish slave-trade, by nothing but vague promises of inquiry, or by assurances that her colonial authorities should be ordered to execute more strictly the treaty upon this subject.

These promises and assurances have never produced any result; and the sincerity of the Spanish Government can never be believed in so long as it refuses to agree to the simple stipulation which has been mentioned above.

You are therefore instructed again to represent to the Spanish Government, in the most urgent manner, how necessary it is for the vindication of its good faith and for the fulfilment of its solemn engagements that it should immediately agree to such a stipulation.

You will also add, that the frankness which belongs to the friendly relations so happily subsisting between the two countries compels His Majesty's Government to declare explicitly to that of Spain, that Great Britain claims, as a right, the faithful and complete fulfilment of the engagement entered into by Spain, to abolish the slave-trade throughout the entire dominions of the Spanish crown; and that hitherto that engagement has been notoriously and flagrantly violated.

I have, &c.
(signed) *Palmerston*.

H. U. Addington, Esq.
&c. &c. &c.

SPAIN.

No. 3.

No. 3.

Mr. *Addington* to Viscount *Palmerston*.—(Received July 16.)

My Lord,

Madrid, 4 July 1833.

I HAVE had the honour to receive your Lordship's despatch of the 6th of June, and in conformity with the instructions therein contained, I have made a fresh representation, both verbally and in writing, to the Spanish Secretary of State, respecting the abuses still perseveringly committed under the Spanish flag, in respect to the commerce in slaves between Cuba and the African coast.

I enclose herewith a copy of the letter which I have addressed to M. de Zea on this occasion, to which I annexed a literal translation of your Lordship's above-mentioned despatch and its enclosures, as the most effectual mode, in my conception, of proving to M. de Zea the deep and increasing interest which His Majesty takes in the final extinction of African slave-trade. In speaking to the Spanish minister on this subject, he confined himself to general assurances of his desire to effect the suppression of the abuses of which His Majesty's Government complain; but he did not seem willing to enter upon the subject of the measures which have been proposed for the more effectual attainment of that object by Great Britain.

I shall not fail to recal the subject frequently to M. de Zea's recollection.

I have, &c.

(signed) *H. U. Addington*.

The Right Hon. Viscount Palmerston, G.C.B.

&c. &c. &c.

Enclosure in
No. 3.

Enclosure in No. 3.

Mr. *Addington* to M. de Zea *Bermudez*.

Sir,

Madrid, 2 July 1833.

I AM instructed by His Majesty's Secretary of State to inform your Excellency, that His Majesty's Government have seen, with much pain and disappointment, that all the representations which I have been at various times ordered to make to the Government of his Catholic Majesty, respecting the slave-trade, which is still carried on between the island of Cuba and the coast of Africa, have failed of producing any effect, and not only that, but that to those representations the Spanish Government has not even thought fit hitherto to make any substantial reply whatever.

The enclosed papers, marked No. 1, will put your Excellency in possession of the actual state of the slave-trade, still prosecuted under the Spanish flag, down to the commencement of this year; by which you will perceive that that trade rather increases than diminishes.

The letter, marked No. 2, will show you the only mode which His Majesty's Commissioners at the Havana consider as fitted to put an effectual check upon the frightful abuses which are daily committed by Spanish merchants, and winked at by Spanish officers, in defiance of the treaty and of decency, under that flag.

And the paper, No. 3, which is the literal translation of a despatch which I have received from Viscount Palmerston, with the papers above-mentioned, will make your Excellency fully acquainted with the sentiments of His Majesty's Government on the subject of those abuses, and also that of the conduct of the Spanish Government in suffering them to continue unrestrained, contrary to their solemn engagements towards Great Britain, while they have in their hands the means of putting, with perfect facility, an entire stop to them.

To the language of that despatch it is unnecessary that I should add anything, nor would it, in truth, be easy to confer additional force on sentiments so clearly expressed or language so energetic.

In laying the enclosed papers therefore before your Excellency, I shall confine myself to urging you earnestly to move his Catholic Majesty to take this affair at length into his serious consideration, and to adopt, without further delay or hesitation, the measures which have been so often proposed by Great Britain for checking effectually the disgraceful traffic in slaves, which is carried on so incessantly and so shamefully under the Spanish flag.

It is impossible that, while all other nations are seconding Great Britain, conformably to their engagements taken with her, in attaining the great object of her humane views, namely, the total extinction of the commerce in human beings, she should much longer look passively on the defiance which is bid by Spain alone to the fulfilment of her obligations towards Great Britain.

The Chevalier de Zea *Bermudez*,
&c. &c. &c.

I have, &c.

(signed) *H. U. Addington*.

No. 4.

SPAIN

Viscount Palmerston to Mr. Addington.

No. 4.

Sir,

Foreign Office, 26 July 1833.

I HEREWITH transmit to you, for your information, two copies of papers, marked (A.) and (B.) relating to the slave-trade, which have this day been presented, by His Majesty's command, to both Houses of Parliament.

H. U. Addington, Esq.
&c. &c. &c.

I am, &c.
(signed) Palmerston.

No. 5.

No. 5.

(Extract.)

Viscount Palmerston to Mr. Villiers.

Sir,

Foreign Office, 9 September 1833.

THE extent to which the slave-trade is still carried on under the Spanish flag and in the Spanish colonies has, for some time past, attracted the serious attention of His Majesty's Government, and this matter should form the subject of your earliest communications with the Government of Spain.

The King of Spain stands bound by the solemn engagements of a treaty to abolish the slave-trade in every part of his dominions. This engagement not only remains unfulfilled, but is violated in the most scandalous manner by the connivance of those authorities who represent his Catholic Majesty in his colonial possessions; and this to such a degree and in such a manner as to expose the Spanish Government itself to the gravest suspicions of bad faith with regard to this traffic.

If the Spanish Government profess that every measure is enforced by them which existing regulations prescribe, the ready answer to them is, "then adopt the Equipment Article." If the ingenuity and enterprize of the slave trader is such that he is able, while his cargo is on board, to defeat the precautions and elude the vigilance of the cruizers acting under the treaties as they stand, let the Spanish Government agree to a stipulation, declaring a particular kind of equipment to be ground sufficient for the condemnation of a vessel, and let them give us those additional means of prevention which would be afforded by the chances of intercepting the slave ship before she had taken her cargo on board, or after she had run the negroes on shore.

I addressed a despatch upon the subject to Mr. Addington on the 6th of June last, and if, on your arrival at Madrid, you should find the object which His Majesty's Government have in view still unattained, you will consider that despatch as addressed to yourself, and you will use every exertion to prevail upon the Spanish Government to agree to the proposed stipulation.

G. W. F. Villiers, Esq.
&c. &c. &c.

I am &c.
(signed) Palmerston.

No. 6.

No. 6.

M. de Vial to Viscount Palmerston.

(Translation.)

My Lord,

London, 9 September 1833.

I HAVE the honour to acquaint your Excellency, that on the 10th of April last came to an anchor in this port of Havana His Britannic Majesty's schooner the "Nimble," conducting as her prize the "Negrita," Spanish goleta, with 196 Africans, who, according to intelligence transmitted from the port, were labouring under dysentery. The terrible epidemic of the cholera morbus, which had made the greatest havoc in that city as well as in the whole island of Cuba, was then fortunately on the decrease, which filled the inhabitants with anxiety, as they considered that it would be giving fresh scope to the malady if the landing of the unhappy negroes were permitted, by spreading the focus of the infection &c. of the victims. If the Captain-General of the island, on the one hand, was deeply concerned to behold its pacific inhabitants giving way to their just fears, he, on the other, could not help feeling the most poignant reluctance at surrendering those unhappy wretches to the destructive attack of the unconquerable cholera, which would infallibly have sacrificed them to its fury.

In

SPAIN.

In the terrible alternative in which he was, of either punctually complying with the provisions of the treaty concluded between His Britannic Majesty and my august Sovereign in 1817, or not allowing the disembarkation of the "Negrita's" crew, and ordering her to keep aloof from the island for fear of the calamities that would be occasioned by the sickness with which it was infected, he resolved, in concert with the Supreme Board of Health, that the vessel in question should be sent to Sierra Leone, where there is a Mixed Commission invested with the same powers as are possessed by that of Cuba for passing sentence in such cases; for which purpose the conducting commander would be offered the supplies he might want.

Having come to this resolution, the Captain-General alluded to informed the captor of it, for him to put to sea with his prize. But as he excused himself, stating that he had addressed a letter to the Mixed Commission, whose answer would determine his ulterior proceedings, the Captain-General waited for the reply he should receive from the English Commissioners, to whom he had also proposed to consent to the resolution being carried into effect. They did answer by protesting against that step, on the ground that it would be a violation of the treaty; but at the same time they allowed the vessel to be sent to the Island of Trinidad, waving, this once only, on account of the grievous circumstances of the country, the assurance which, a month before, they had given to the governor of that island. Accordingly she sailed after the prize had been declared lawful, but without the issuing of the competent letters of emancipation, which was entrusted to the Governor of Trinidad.

In consideration of the above statement, and of the powerful motives which may be urged in favour of the measures adopted on this occasion by the Captain-General of Cuba, with the consent of the British Commissioners, my Government hopes that His Britannic Majesty, persuaded that principles of humanity dictated those measures, and that these principles alone, and no other design, rendered it necessary, at this calamitous juncture, to encroach on some of the formalities agreed upon in the said treaty, will issue the proper orders for furnishing, as soon as possible, the necessary instructions to the British Commissioners for them not to oppose the adoption of the like measure in cases of the same nature which might occur hereafter.

The pious sentiments which characterize the august Sovereign of your Excellency permit me not to doubt that I shall be quickly enabled to return a satisfactory answer to my Government on this subject.

I beg your Excellency's permission to repeat on this occasion, &c.

(signed) *Juan de Vial.*

The Right Hon. Viscount Palmerston, G. C. B.
&c. &c. &c.

No. 7.

No. 7.

Viscount *Palmerston* to Mr. *Villiers*.

Sir,

Foreign Office, 4 November 1833.

I HEREWITH transmit to you, for your information, and for communication to the Spanish Government, the accompanying copy of a despatch* and of its enclosures, from His Majesty's Commissioners at the Havana, in corroboration of former representations respecting the illegal traffic in slaves at present carried on in the Island of Cuba. You will point out to the Spanish minister, in a particular manner, the purport of this communication, as affording an additional proof of the complete neglect with which the repeated remonstrances of His Majesty's Commissioners, on the subject of the arrival of slave vessels in the Havana, are treated by the local authorities of that place.

I am, &c.

G. W. F. Villiers, Esq.
&c. &c. &c.

(signed) *Palmerston.*

* See Class (A.) No. 58.

No. 8.

SPAIN.

Viscount *Palmerston* to Mr. *Villiers*.

No. 8.

Sir,

Foreign Office, 22 November 1833.

I HEREWITH transmit to you the copy* of a communication which I have received from His Majesty's Commissioners at the Havana, showing the flagrant manner in which the stipulations, contracted solemnly by Spain with Great Britain, for the abolition of the slave-trade, are violated by the colonial authorities of that power.

I can add nothing to the force of the facts themselves as related by the Commissioners.

All the circumstances reported by them are notorious and cannot be contradicted, and the recent rebellion of the newly-imported slaves has unhappily added still more to their publicity. But such facts have unfortunately been reported so often by this Office to the Spanish Government without effect, that the conclusion seems almost inevitable that the slave-trade is actually upheld by direct though secret instructions from that Government.

Had the case been otherwise, the systematic evasion of the stipulations of the treaty practised by governors of Cuba would long ago have been punished, and have given way to a line of conduct much more consistent with the good faith pledged by the Sovereign of Spain in his compacts with this country.

I have to instruct you to make another earnest attempt to awaken the Spanish Government to a sense of what is due upon this subject, not only to the Government of this country, but also to the national character of Spain itself.

You will remind them, moreover, of the danger which recent circumstances have shown might accrue from an overwhelming number of new negroes in Cuba at a time when it might be difficult to keep down the temper and spirit of those already long imported, an argument which, if others fail, may perhaps induce the Spanish Government to adopt the only effectual measure, namely, that of issuing a peremptory order to the authorities in Cuba to carry into immediate and effectual execution the stipulations of the treaty of 1817 between Great Britain and Spain, for the total abolition of the slave-trade of Spain.

G. W. F. Villiers, Esq.
&c. &c. &c.

I am, &c.
(signed) *Palmerston*.

No. 9.

No. 9.

M. de Vial to Viscount *Palmerston*.

(Translation.)

My Lord,

London, 18 December 1833.

DON FELIPE RAVEL, of Havana, &c. captain of the schooner "Gerges," in 1827 was captured by the English schooner and carried to the city of Havana, for having some blacks on board his vessel, on which account he, on the 30th of April last, memorialized King Ferdinand VII., imploring his Majesty to pardon him.

Her Majesty the Queen Regent having had the above particulars laid before her, has directed me to state to His Britannic Majesty's Government, that, being disposed to remit to that unfortunate man the penalty imposed on him by the Mixed Commission established at Havana, it would gratify her Majesty's royal heart if His Britannic Majesty, on his part, would grant the petition preferred by the above Captain Felipe Ravel.

In obeying this royal order, I have every reason to flatter myself that your Excellency will co-operate in inclining the clemency of your Sovereign to accede to the wishes of her Majesty the Queen Regent of Spain, and, in the hope of being enabled by your Excellency to return a satisfactory answer to my Government.

I avail myself, &c.

(signed) *Juan de Vial*.

The Right Hon. Viscount Palmerston, G. C. B.
&c. &c. &c.

* See Class (A.) No. 58.

PORTUGAL.

P O R T U G A L.

No. 10.

No. 10.

Mr. *Hoppner* to Viscount *Palmerston*.—(Received January 22.)

My Lord,

Lisbon, 7 January 1833.

By His Majesty's schooner "Pike" I had the honour to receive your Lordship's despatch of the 26th ultimo.

Having communicated the purport thereof verbally to M. de Santarem, who offered no objection to the plan suggested, with a view to prevent the employment of vessels which have been once condemned for being engaged in the slave-trade, I took the opportunity of reminding him of my former notes, calling on the Portuguese Government to abolish this traffic altogether throughout their States by one general Act. M. de Santarem observed, that they had great complaints to make against the Brazilian Government, which employed their flag in covering vessels engaged in this trade, and excused himself by an appeal to the unsettled state of the country, and the pressing duties he had had to perform, for not having answered the notes I had addressed to him on this subject. In order to engage him to do so without further delay, I have, in transmitting to him a copy of your Lordship's despatch, again brought the above questions before him, and have now the honour to forward to your Lordship a copy of my letter to his Excellency for your information.

I have, &c.
(signed) *R. B. Hoppner*.

The Right Hon. Viscount Palmerston, G. C. B.
&c. &c. &c.

Enclosure in No. 10.

Enclosure in
No. 10.Mr. *Hoppner* to Viscount *de Santarem*.

Sir,

Lisbon, 5 January 1833.

I HAVE herewith the honour to transmit to your Excellency the copy of a despatch I have just received from Lord Viscount Palmerston, directing me to endeavour to obtain the concurrence of the Portuguese Government in the plan which they propose as a corrective to the practice of again employing in the slave-trade vessels which have been already condemned by the mixed British and Foreign Commission Courts, for having been previously engaged in that illicit traffic, namely, the entire destruction of the same, and the sale of their materials when broken up.

With this demand I trust the Portuguese Government will see no difficulty in complying, and I beg leave at the same time to recal your Excellency's attention to the notes which I had the honour to address to you on the 28th February and 7th May last, by desire of Viscount Palmerston, inviting the Portuguese Government to take immediate steps for the total abolition of this inhuman traffic, in compliance with their own engagements to do so.

Upon this latter subject the first of the two notes just referred to is so full and specific, that I can add nothing more in support of the notice there advanced to induce the Portuguese Government immediately to comply with the just expectation of His Majesty's Government. From your Excellency I have heard no argument in opposition to these; but, on the contrary, you have met my applications with a silence which seems to me the more extraordinary, as you cannot but be aware of the importance of this question, and of the great interest which His Majesty's Government attaches to it.

The same observation I am under the necessity of making with regard to the note I had the honour to address to you on the 14th May, requesting information with respect to the number of vessels employed by the Portuguese Government in each year, under the several treaties existing between Great Britain and this country for the suppression of the slave-trade, and I am sure you will pardon my remark, that this backwardness on your part to meet the views of His Majesty's Government, and even to afford them the information which you alone can supply, must appear to them very strange, if not indicative of a wish to oppose their intention of effecting a total abolition of this nefarious traffic.

His Excellency Viscount de Santarem,
&c. &c. &c.

I have, &c.
(signed) *R. B. Hoppner*.

No. 11.

PORTUGAL.

Mr. *Hoppner* to Viscount *Palmerston*.—(Received February 15.)

My Lord,

Lisbon, 2 February 1833.

No. 11.

I HAVE the honour to transmit, for your Lordship's information, the translation of a note addressed to me by M. de Santarem, in reply to the proposal relative to the measures to be adopted for preventing the re-employment of vessels in the slave-trade that have been once condemned for being engaged in that traffic, which, by your Lordship's instructions, I submitted to that Minister in the early part of last month.

I have, &c.

(signed) *R. B. Hoppner*.

The Right Hon. Viscount Palmerston, G. C. B.
&c. &c. &c.

Enclosure in No. 11.

Enclosure in
No. 11.Viscount *Santarem* to Mr. *Hoppner*.

(Translation.)

Sir,

Foreign Office, Lisbon, 30 January 1833.

HAVING laid before his Majesty your note to me of the 5th instant, enclosing a despatch from Lord Palmerston, relative to the measures which the British Government judge it would be proper to take against vessels condemned by the Mixed British and Foreign Commission, and in which that Minister orders you to obtain the concurrence of the Portuguese Government on that point, I am commanded by his Majesty to state to you, in answer, that his Majesty's Government will abide by the decision to be taken on this subject by other nations similarly situated; and I beg to add, that although the circumstances in which this kingdom has been placed have not allowed his Majesty's Government to turn their attention to this point, nevertheless I have the honour to request you will inform Lord Palmerston that his Majesty's Government will immediately proceed to ascertain the determination come to by the other interested governments with regard to this business, in order to give, in common accord with them, a decisive answer.

I am, &c.

R. B. Hoppner, Esq.
&c. &c. &c.

(signed) *Visconde de Santarem*.

No. 12.

No. 12.

M. Sampayo to Viscount *Palmerston*.

My Lord,

London, 7 May 1833.

I HAVE received instructions from my Government again to call your Lordship's attention to the case of the two Spanish mariners, late of the Portuguese schooner "Ninfa," captured by His Majesty's brig "Conflict" in November 1830, and who were sent to Lisbon for trial, and detained there ever since September 1831.

On this subject I had the honour of addressing your Lordship so far back as July 30, May 29 and September 17, 1832, urging His Britannic Majesty's Government, by whose orders they were sent to Lisbon, to forward the charges upon which they were to be tried, as, without this essential requisite, it was impossible for the courts of law in Portugal to take cognizance of their case, no accusation being formally preferred against them.

It would be difficult for me to describe to your Lordship the very unpleasant dilemma in which the Government of Portugal is placed; on the one hand, by the clamours of the individuals themselves, and on the other by the reiterated and pressing remonstrances of his most Catholic Majesty's Minister in Lisbon, by whom they were claimed; and, after a detention of more than 21 months, may I most earnestly beg your Lordship at once to decide the point whether, in case it has been determined not to prosecute these men in the courts of Portugal, there can be any objection to their being delivered over to the Spanish authorities, under such declarations and securities as the circumstances of the affair may prescribe.

Most respectfully soliciting your Lordship's early and definitive answer,

I have, &c.

F. J. De Sampayo.

The Right Hon. Viscount Palmerston, G. C. B.
&c. &c. &c.

PORTUGAL.

No. 13.

No. 13.

Viscount *Palmerston* to *M. Sampayo*.

Sir,

Foreign Office, 5 July 1833.

Your several letters of the 29th May and 17th September 1832, and of the 7th May 1833, on the subject of certain persons, part of the crew of the Portuguese slave schooner "Nympha," have been referred to the proper law adviser of the Crown, and that officer has stated it to be his opinion that, as the individuals in question were serving on board of the "Nympha" as part of the crew at the time the engagement took place between the "Nympha" and His Majesty's gun-brig "Conflict," they are amenable to the laws of Portugal, and may and ought to be tried by the tribunals of that country.

The charge against them is that of having, in violation of the treaties subsisting between the Crown of Portugal and His Majesty, illegally and by force resisted the lawful exercise of the right of visiting the Portuguese schooner "Nympha" by His Majesty's gun-brig "Conflict," being duly authorized to make such visit, by which resistance several of His Majesty's subjects were wounded, and the lives of the commander, officers and crew of the "Conflict" endangered.

Upon this ground and charge His Majesty's Government, in handing over to the Portuguese Government the individuals in question, part of the crew of the "Nympha," expressed, through letters to His Majesty's Consul-general at Lisbon and to yourself, the just expectation of His Majesty that due punishment would, by the Portuguese law, be inflicted upon the offenders.

Documents containing the evidence, which in the year 1831 was in possession of His Majesty's Government, were at the time transmitted through His Majesty's acting Consul-general at Lisbon, and His Majesty's Government await to know whether any, and what, further evidence will be required in the case.

M. Sampayo,
&c. &c.

I am, &c.
(signed) *Palmerston*.

No. 14.

No. 14.

Viscount *Palmerston* to *Mr. Hoppner*.

Sir,

Foreign Office, 5 July 1833.

WITH reference to my despatch to you of the 30th of July 1831, and to subsequent correspondence, on the subject of the crew of the Portuguese slave-schooner "Nympha," I transmit herewith to you the copies of a correspondence between M. Sampayo and this office upon the subject, and I have to desire that you will furnish the Portuguese Government with copies of the papers which have been sent to you by me, containing statements and throwing light upon the facts adduced in this case, and that you will inquire from the Portuguese Government whether any, and what, further evidence will be required in order to adjudication in the Portuguese courts of law.

R. B. Hoppner, Esq.
&c. &c. &c.

I am, &c.
(signed) *Palmerston*.

See Class (B.) 1832, Nos. 19 and 25, and No. 13, above.

No. 15.

No. 15.

Viscount *Palmerston* to *Mr. Hoppner*.

Sir,

Foreign Office, 26 July 1833.

I HEREWITH transmit to you, for your information, two copies of papers, marked (A.) and (B.), relating to the slave-trade, which have this day been presented, by His Majesty's command, to both Houses of Parliament.

R. B. Hoppner, Esq.
&c. &c. &c.

I am, &c.
(signed) *Palmerston*.

NETHERLANDS.

No. 16.

No. 16.

Viscount *Palmerston* to Mr. *Jerningham*.

Sir,

Foreign Office, 14 June 1833.

I HEREWITH transmit to you the copy* of a communication which has been received at this office from the Admiralty, stating that the instructions referred to in the treaty between Great Britain and the Netherlands, for the suppression of illegal slave-trade, have been issued to the ships and vessels of His Majesty's navy mentioned in the enclosed letter, and that the instructions which had been issued to His Majesty's ships, named in the margin of that letter, have been recalled.

I have to desire that you will communicate this information to the Government of the Netherlands.

The Hon. G. S. Jerningham,
&c. &c. &c.

I am, &c.
(signed) *Palmerston*.

* See Class (A.) Enclosure in No. 24.

No. 17.

No. 17.

Viscount *Palmerston* to Mr. *Jerningham*.

Sir,

Foreign Office, 26 July 1833.

I HEREWITH transmit to you, for your information, three copies of papers, marked (A.) and (B.), relating to the slave-trade, which have this day been presented, by His Majesty's command, to both Houses of Parliament.

The Hon. G. S. Jerningham,
&c. &c. &c.

I am, &c.
(signed) *Palmerston*.

No. 18.

No. 18.

Viscount *Palmerston* to Mr. *Jerningham*.

Sir,

Foreign Office, 9 November 1833.

YOUR despatch of October 26th, 1832, containing the Baron de Verstolk's answer upon the subject of the treatment experienced by the negroes emancipated under the Court of Mixed Commission at Surinam, was transmitted to His Majesty's Commissioners at that place, in reply to the representations which they had made to me upon that subject.

The Commissioners have, in return, submitted some few observations on the contents of the note of Baron Verstolk de Soelen; and I think it right to communicate them to you that you may report them to that minister.

Upon that part of the Baron's note wherein he appears to throw discredit on the facts which the Commissioners have stated, the Commissioners say that their authority for asserting that the whole of the free labourers were to be treated precisely as slaves, with the exception only of those who were draughted into the corps of Guides, was the person himself to whom those orders were given, the late Major Darsteller, the chief of the engineer department in Surinam, and who also had the charge of all those negroes.

The Commissioners add, that the major bore the highest character at Surinam for honour and veracity; and that they have every reason to believe that his statement was strictly true.

The Commissioners do not call in question the statement of Baron Verstolk, that the negroes incorporated in the corps of Guides had first given their full consent to that measure, but they observe that the comparatively idle life of a soldier suits so well with the negro character, that the great object, as they understand, of every man among the free labourers is to become a soldier.

In respect to the severity of the task assigned to the individuals in question,
the

NETHERLANDS. the Commissioners remark, that it would be sufficient upon that point to refer to the admitted fact, that the government at Surinam have recently attempted to establish a new sugar estate, without exacting such severe exertions from the negroes, as to place it beyond a doubt that their labour is not voluntary; most especially, knowing, as they do, that they shall not derive the slightest benefit themselves from the produce.

In respect to the food, clothing, lodging and medicines of the liberated negroes, the Commissioners remark with satisfaction, that they have never heard any complaints upon that subject; and they say, that since the abandonment of the sugar cultivation they have not heard of any severe punishments being inflicted on any of the labourers who had been emancipated under the Court of Mixed Commission.

The Commissioners state, lastly, that they have felt it to be necessary to make the above observations, not only for the purpose of vindicating their own accuracy against the insinuations contained in the note of Baron Verstolk, but also with a view to show that they are particularly careful not to make any statements to His Majesty's Government for which they have not a most sufficient authority to produce.

The Hon. G. S. Jerningham,
&c. &c. &c.

I am, &c.
(signed) *Palmerston.*

BRAZIL.

B R A Z I L.

No. 19.

No. 19.

Mr. *Aston* to Viscount *Palmerston*.—(Received January 24, 1833.)

My Lord,

Rio de Janeiro, 13th November 1832.

I HAVE the honour to enclose a translation of a decree which has been issued by the Regency in pursuance of the resolution that passed the Legislative Assembly towards the close of last session; constituting a Commission for the examination and settlement of the claims of the Imperial Government upon that of His Majesty, for the capture of Brazilian slave vessels by the British cruizers on the coast of Africa, which captures have, as your Lordship is aware, already given rise to an official correspondence between the two Governments.

The Brazilian Minister in London is instructed to bring this question again before His Majesty's Government, and to urge its speedy and satisfactory termination.

I am, &c.
(signed) *Arthur Aston.*

The Right Hon. Viscount *Palmerston*, G. C. B.
&c. &c. &c.

Enclosure in
No. 19.

Enclosure in No. 19.

(Translation.)

DECREE.

It being determined by the 13th article of the law of the 24th October last, that a Commission should be immediately appointed, composed of three members, chosen amongst the most enlightened and intelligent persons, in order to liquidate the amount of the Brazilian prizes made by the British cruizers on the coast of Africa, and which have already been claimed by the Imperial Government, and the merchants *Ignacio Ratton*, *Francisco José da Rocha*, and *Joaquin Antonio Ferreira*, possessing the required qualifications, the Regency, in the name of the Emperor, is pleased to appoint them to the said Commission.

Bento da Silva Lisboa, Minister for Foreign Affairs, &c. &c. &c. shall so understand, and cause it to be executed.

(signed) *Francisco de Lima E. Silva.*
Jose Costa Carvalho.
Joao Braulio Moniz.
Bento da Silva Lisboa.

Palace, Rio de Janeiro, 3d November 1832.

M. de Mattos to Viscount Palmerston.

Brunswick-place, le 26 Janvier 1833.

LE soussigné, &c. a l'honneur d'accuser la reception de la note que son Excellence M. le Vicomte Palmerston, &c. lui adressa le 4 Juin 1832, en réponse à la sienne du 9 Avril de la même année, dans laquelle son Excellence trouve que le soussigné insiste de nouveau, quoique sous une autre forme, sur le droit d'appel des sentences de la Commission Mixte de Sierra Leone, et lui déclare, qu'ayant encore une fois pris en considération cet objet, qui avait déjà mérité l'attention la plus sérieuse du Gouvernement du Roi, ne voit aucune raison pour changer l'opinion développée dans la note de son Excellence du 16 Septembre 1831.

En réplique, le soussigné, se permettra d'observer d'abord, que dans sa note du 9 Avril, il traita cette question au fond comme il l'avait fait auparavant, et que pour avoir dit la même chose, d'une manière plus convenable et plus simple, il ne s'ensuit pas qu'il en ait changé la forme.

Le soussigné a toujours soutenu que les sentences de la Commission de Sierra Leone, dans tous les cas par lui indiqués (comme dans d'autres qui feront le sujet de nouvelles reclamations,) blessaient tant les intérêts des parties, que ceux de son Gouvernement, et afin de concilier les dites sentences avec les droits du Brésil, il proposa qu'elles fussent revisées. M. le Vicomte Palmerston répondit que ces sentences, quant aux parties, n'admettaient point d'appel. Mais le soussigné maintient que, s'il en est ainsi quant aux parties, il n'en est pas de même par rapport au Gouvernement, à qu'il appartient de fiscaliser et de défendre les droits de la nation qu'il préside. Comme preuve, enfin, de l'offense contre ces droits nationaux, le soussigné a cité des faits individuels, dont il résulte é idemment que la Commission de Sierra Leone, sans pouvoir ni autorisation, a taché explicitement de ruiner et d'anéantir toute espece de commerce entre le Bresil et l'Afrique.

Telle est la question que le soussigné a eu toujours en vue, quoiqu'à son commencement elle ne fut pas reduite à cette simplicité et précision.

Comme, cependant, le Gouvernement du Roi ne l'envisage pas de même, et refuse d'admettre la justice des reclamations Brésiliennes, il ne reste au Gouvernement Impérial d'autre ressource que d'appeler à l'arbitrage d'un tiers gouvernement.

La dernière partie de la note du soussigné du 9 Avril 1832, contenait une proposition à cet effet, et M. le Vicomte Palmerston ne l'ayant nullement considérée dans sa réponse à la même note, le soussigné agit d'après les ordres qu'il vient de recevoir, en la mettant de nouveau sous les yeux de son Excellence.

Le soussigné ose espérer que le Gouvernement du Roi se prêtera à un arrangement pareil, d'autant plus que si les reclamations du Brésil sont réellement destituées de justice, le refus qu'elles ont éprouvé jusqu'à présent ne manquera pas d'être secondé par la décision de la puissance compromissaire.

Le soussigné, &c.

(signé) Le Chevalier de Mattos.

Son Excellence Vicomte Palmerston, G. C. B.
&c. &c. &c.

M. de Mattos to Viscount Palmerston.

Translation.

(Translation.)

Brunswick-place, 26 January 1833.

My Lord,
THE undersigned, &c. has the honour to acknowledge the receipt of the note which his Excellency Viscount Palmerston, &c. addressed to him on the 4th of June 1832, in answer to his of the 9th of April of the same year, in which his Excellency finds that the undersigned insists again, though under another form, on the right of appeal from the sentences of the Mixed Commission of Sierra Leone, and declares to him that having once more taken this subject into consideration, which had already engaged the most serious attention of the King's Government, he sees no reason for altering the opinion stated in his Excellency's note of the 16th of September 1831.

In reply, the undersigned begs leave to observe, in the first place, that in his note of the 9th of April he treated this question, in regard to its merits, as he had done before, and that, from having said the same thing more suitably and simply, it does not follow that he has changed its form.

The undersigned has always contended that the sentences of the Commission of Sierra Leone,

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Leone, in all the cases specified by him (as in others which will form the subject of fresh reclamations,) prejudiced the interests of the parties, as well as those of his Government, and, to reconcile those sentences with the rights of Brazil, he proposed that the former should be revised. Viscount Palmerston replied that those sentences, as far as the parties were concerned, admitted of no appeal. But the undersigned maintains, that if this be the case with respect to the parties, the same does not apply to the Government, which is bound to watch over and defend the rights of the nation over which it presides. To prove, finally, the offence against these national rights, the undersigned has brought forward individual facts, whence it evidently results, that the Sierra Leone Commission, without power or authorization, has sought, by implication, to ruin and destroy every kind of commerce between Brazil and Africa.

This is the question which the undersigned has always had in view, though, at its beginning, it was not reduced to the same simplicity and precision.

As, however, the King's Government views it in another light, and even refuses to allow the justice of the reclamations of Brazil, the Imperial Government has no other expedient left than to appeal to the arbitration of a third government.

The last part of the note of the undersigned of April 9, 1832, contained a proposal to this effect, and as Viscount Palmerston has not taken any notice of it in his answer to that note, the undersigned, in compliance with the order which he has received, submits it again to his Excellency.

The undersigned hopes that the King's Government will agree to such an arrangement, so much the rather, as, if the Brazilian reclamations are really devoid of justice, the refusal which they hitherto have met with will not fail to be confirmed by the decision of the arbitrating power.

The undersigned, &c.
(signed) Le Chevalier de Mattos.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 21.

No. 21.

Viscount Palmerston to M. de Mattos.

Foreign Office, 6 March 1833.

THE undersigned, &c. has the honour to acknowledge the note which was addressed to him on the 26th January 1833 by the Chevalier de Mattos, &c., urging again that the sentences pronounced by the Mixed Brazilian and British Slave Trade Commission at Sierra Leone may undergo revision, by being submitted to the arbitration of a third power. In reply, the undersigned has the honour to refer the Chevalier de Mattos to the note which he addressed to him upon the 16th September 1832, and to inform him, that His Majesty's Government see no reason to doubt the correctness of the principle upon which they then declined to submit the sentences of the Mixed Commission Court to revision, and that they feel themselves therefore precluded from agreeing to the proposal of referring those sentences to a decision of a third power.

The Chevalier de Mattos,
&c. &c. &c.

The undersigned, &c.
(signed) Palmerston.

No. 22.

No. 22.

Viscount Palmerston to Mr. Fox.

Foreign Office, 16 March 1833.

Sir,
I HEREWITH transmit to you, for your information and guidance, the accompanying copy of a note* which I have received from the Chevalier de Mattos, proposing that the sentences pronounced by the Mixed Brazilian and British Slave Trade Commission at Sierra Leone may undergo revision, by being submitted to the arbitration of a third power, together with the copy of the answer† which, by His Majesty's command, I have returned to the Chevalier de Mattos' proposition.

Henry Stephen Fox, Esq.
&c. &c. &c.

I am, &c.
(signed) Palmerston.

* See No. 20.

† See No. 21.

No. 23.

BRAZIL,

No. 23.

Mr. Ouseley to Viscount Palmerston.—(Received 22 April.)

My Lord,

Rio de Janeiro, 13 February 1833.

ON the 12th April 1832 a decree passed the Houses of Legislature here, enacting that all negroes imported into this country, for the purposes of traffic, should be re-exported to Africa at the expense of the shippers.

The ship "Zephyr" entered the harbour of Rio with above 400 negroes on board, under the pretext of having a permission from the British Government, and has lately been seized by the Imperial Government, and condemned under this Act, the negroes to be sent back to Africa at the expense of the shippers, who are required to deposit 20 contos of reis for the expenses of re-transportation to Africa.

This vessel, not having been taken at sea, does not come under the jurisdiction of the Mixed Commission; but this being the first time that the decree of the 12th April has been put in force, I conceived it to be my duty to point out to M. de Lisboa the entire incompatibility of its provisions with those of the treaty for the suppression of the slave-trade.

It would be very desirable that this mission should be furnished with instructions as to the pleasure of His Majesty's Government on this head, as, in the event of a slaver being brought in and condemned by the Mixed Commission here, a difficulty would certainly arise.

I have the honour to enclose a copy of my note to M. de Lisboa on this subject.

One object of the Imperial Government appears evidently to be the discontinuance of the Mixed Commission at Rio de Janeiro; and, indeed, such is its avowed intention, as expressed by more than one person connected with it.

I have, &c.

(signed) W. G. Ouseley.

The Right Hon. Viscount Palmerston, G. C. B.
&c. &c. &c.

Enclosure in No. 23.

Mr. Ouseley to M. de Lisboa.

Enclosure in
No. 23.

Rio de Janeiro, 11 February 1833.

THE undersigned, &c. having learned that the Africans lately imported into Rio de Janeiro on board the "Zephyr" are, in virtue of the decree of the 12th April 1832, to be re-exported to Africa, has the honour of offering to his Excellency the Chevalier de Lisboa, &c. some observations on this subject.

This being the first time that the decree above alluded to has been acted upon, it appears to the undersigned to be his duty to point out to his Excellency that this decree is in direct contradiction to the terms of the treaty for the suppression of the slave-trade existing between Great Britain and the Brazils.

The vessel in question not having been taken at sea, does not, perhaps, come under the jurisdiction of the Mixed Commission, nor has the British Government any other direct relation with this case than that which arises from having given the licence which has been so greatly abused. That licence was granted to prevent the parties concerned from suffering by the effects of an *ex post facto* law, the ship having, in the first instance, sailed from Africa before the date of the stipulation affecting it. The detection of the subsequent attempt at a fraudulent introduction of negroes, under this permission, is due to the vigilance and prompt execution of the law by the Brazilian authorities at Rio.

But had this vessel been taken at sea by a cruiser of either power, and condemned by the Mixed Commission, the decree of April 1832 would have been found in complete opposition to the article of the convention,* which provides that the negroes shall remain in servitude for a term of years preparatory to their complete emancipation, &c.: it would then have been incumbent upon the undersigned to protest formally against any such violation of the treaty.

The undersigned is well aware of the sincere and ardent desire of the Brazilian Government, both from motives of humanity and prudence, to put an end to the transportation of Africans into this empire; he is, therefore, the more anxious that no difficulty should arise on this head out of a matter of form rather than of principle. The undersigned thinks he can assure his Excellency that he will meet, on the part of the British Government, every disposition

* See Alvarà of her Most Faithful Majesty, 26th June 1818, additional article 7.

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disposition to modify the details of the existing convention, so as to meet the wishes and interests of the Imperial Government, keeping always in view the engagement that each of the contracting parties has taken to do away with this odious traffic, and secure emancipation to its victims by every means in their power, and therefore takes the liberty to suggest that some measure, reconciling the conditions of the treaty with those of the decree of 1832, (at present completely incompatible,) be immediately proposed, whether through the medium of M. de Mattos in London, or otherwise, it is for his Excellency to decide.

The Chevalier de Lisboa,
&c. &c. &c.

The undersigned, &c.
(signed) *W. G. Ouseley.*

No. 24.

No. 24.

Viscount *Palmerston* to Mr. *Fox*.

Sir,

Foreign Office, 7 May 1833.

His Majesty's Government have anxiously waited for a favourable answer to the overture which Mr. Aston, so far back as October 1831, was directed to make to the Government of Brazil, for their consent to an international stipulation, whereby ships fitted up for slave-trade should, when met with, be treated as if the illegal act for which they were equipped had been committed.

The Brazilian Government must be aware that all the efforts which their wise and beneficent intentions upon this subject have given rise to, have hitherto failed, under the existing law, to put an end to the illegal traffic of Brazil in slaves from Africa; and it must be obvious, therefore, that the only mode of meeting the difficulty, is to add some more effectual stipulation to the treaty now in force upon the subject. His Majesty's Government are of opinion that the stipulation which His Majesty's Chargé d'Affaires at Brazil was desired to press upon the Brazilian Government will fully answer the intended purpose.

In the treaty between this country and the Netherlands for the suppression of the slave-trade, a stipulation to a similar purport was inserted, and it has had the effect of entirely putting down the slave-trade under the Netherland flag: a similar stipulation recently inserted in a formal convention between the Crowns of Great Britain and of France for the suppression of the slave-trade, will, it is expected, be equally efficacious in putting an end to the illegal slave-trade of France.

Under these circumstances, I have to instruct you again formally to propose to the Brazilian Government the stipulation to which I have above referred. I entertain a confident hope that the proposal will be met, on the part of the Brazilian Government, with a cordiality consonant with those liberal principles which they profess; and in that case you are hereby authorized to conclude and sign an article to the effect of that of which I annex a copy, and which is to be considered as an additional article to the convention concluded between Great Britain and Brazil for the suppression of the slave-trade on the 23d November 1826.

H. S. Fox, Esq.
&c. &c. &c.

I have, &c.
(signed) *Palmerston.*

No. 25.

No. 25.

M. de Mattos to Viscount *Palmerston*.

Brunswick-place, le 3 Mai 1833.

Le soussigné, &c. a eu l'honneur de recevoir la note du 6 Mars dernier, par laquelle son Excellence M. le Vicomte Palmerston, &c. lui annonce que le Gouvernement du Roi ne voit aucune raison pour douter de l'exactitude des principes qui le portèrent le 16 Septembre 1832, à s'opposer à la révision des sentences de la Commission Mixte de Sierra Leone, et, par conséquent, qu'il ne peut pas admettre l'arrangement proposé par le soussigné dans sa note du 26 Janvier de la présente année, où, dit son Excellence, que le soussigné réitère la prétention de faire réviser ces sentences, en les soumettant à l'arbitrage d'un gouvernement tiers.

En premier lieu, le soussigné prendra la liberté de faire observer, que ce n'est pas là exactement l'objet qu'il a eu en vue dans sa note du 26 Janvier, et que le

seul

seul argument sur lequel son Excellence fonde son refus de la proposition contenue dans sa dite note est précisément celui qui établit la nécessité d'un arbitrage dans le cas dont il s'agit.

Pour placer donc cette affaire sous son véritable jour, et en venir à une juste conclusion, le soussigné croit nécessaire de récapituler la substance de la Correspondance à laquelle cette discussion a donné lieu.

Les bâtimens Brésiliens capturés sur la côte d'Afrique, ayant été condamnés par la Commission Mixte de Sierra Leone, avec une injustice notoire, et des nullités manifestes, les préjudiciés eurent recours au Gouvernement Impérial, afin d'obtenir la réparation de leurs pertes. Or, ces sentences attaquaient non seulement les intérêts des préjudiciés en particulier, mais en général ceux du Brésil, en ce que les résultats des précédens établis par elles, ont fermé aux sujets Brésiliens tout espèce de commerce avec l'Afrique, et ont ainsi tourné évidemment au détriment de l'Empire.

Le Gouvernement Impérial, en sa qualité de protecteur et conservateur de tous ces intérêts, fit représenter pourtant au Gouvernement de Sa Majesté Britannique la nécessité d'annuler ces précédens aussi ruineux au commerce Brésilien, et y ajouta que, pour vérifier cette circonstance, il devenait indispensable de procéder à l'examen des sentences de la Commission de Sierra Leone—sentences constituant la preuve des maux dont on se plaint à si juste titre. Ce n'est donc point un appel des parties intéressées, une révision des sentences à la requête des parties, que l'on demande; mais un examen impartial de toute la question, afin de constater si les décisions prononcées par la dite Commission portent préjudice ou non au commerce du Brésil en général.

Il est donc évident que la seule réponse de M. le Vicomte Palmerston aux représentations du soussigné, à savoir, que d'après les traités existens, les sentences de la Commission de Sierra Leone n'admettent point d'appel ou de révision, est bien loin de satisfaire au point principal des dites représentations, puisqu'il n'est nullement question d'appels interjetés par des individus, mais bien de réclamations de la part d'un Gouvernement contre les actes sanctionnés par un autre Gouvernement. Si les traités privent les parties du droit d'appel, il ne s'ensuit pas que le Gouvernement Impérial n'ait celui d'insister sur le redressement d'injustices aussi éclatantes, et qu'on ne doive pas prendre connaissance des preuves essentielles de ces injustices, qui sont autant d'infractions à des traités, qui n'ont certainement pas eû pour but de détruire tout commerce entre le Brésil et l'Afrique.

Le Gouvernement Impérial soutenant cette doctrine, et celui de Sa Majesté Britannique la contestant, et l'un et l'autre étant indépendants, et ne reconnaissant aucun tribunal supérieur qui puisse les juger, le moyen que le droit des gens présente pour clôre la discussion, est de choisir un arbitre auquel les deux Gouvernemens soumettent,—arbitre qui décidera du point en controverse, c'est à dire, si le Gouvernement Impérial possède ou non le droit de faire les représentations contre l'injustice de sentences qui attaquent les intérêts généraux du Brésil, et de faire reconsidérer et annuler ces sentences, à l'effet de réparer les injures déjà faites au commerce Brésilien, et d'en prévenir les conséquences à l'avenir.

Rien ne paraît plus juste et plus raisonnable; et si le Gouvernement du Roi est tellement convaincu de la justesse de son raisonnement, il devrait d'autant moins s'opposer à un arbitrage dont le résultat ne peut que lui être favorable.

Le soussigné se flatte donc que M. le Vicomte Palmerston voudra bien consentir à l'objet de sa note du 26 Janvier, sur laquelle il est de son devoir d'appeler de nouveau l'attention de son Excellence.

Le soussigné, &c.

(signé) Le Chevalier de Mattos.

Son Excellence le Vicomte Palmerston, G.C.B.

&c. &c. &c.

M. de Mattos to Viscount Palmerston,

(Translation.)

3d May 1833.

THE undersigned, &c. has had the honour to receive the note of the 6th of March last, by which his Excellency Viscount Palmerston, &c. announces to him that the King's Government sees no reason to doubt the correctness of the principles which led it, on the 16th September

Translation.

BRAZIL.

tember 1832, to oppose the revision of the sentences of the Mixed Commission at Sierra Leone, and consequently that it cannot allow the arrangement proposed by the undersigned, in his note of January 26th last, where his Excellency says the undersigned repeats the demand of having the sentences revised by submitting them to the arbitration of a third Power.

In the first place, the undersigned takes the liberty of remarking, that this is not exactly the object which he had in view in his note of January 26th, and that the only argument on which his Excellency founds his refusal of the proposition contained in the said note, is precisely what proves the necessity of an arbitration in the case referred to.

To place, then, this transaction in its real light, and to arrive at a just conclusion, the undersigned deems it necessary to recapitulate the substance of the correspondence which has arisen out of this discussion.

The Brazilian vessels captured on the coast of Africa having been condemned by the Mixed Commission at Sierra Leone with notorious injustice and manifest errors, the aggrieved individuals applied to the Imperial Government for reparation of their losses. Now these sentences affected not only the interests of the aggrieved persons in particular, but those of Brazil in general, insomuch as the conclusions drawn from the premises or principles laid down by those sentences have shut out the Brazilian subjects from all kind of commerce with Africa, and have thus evidently redounded to the prejudice of the empire.

The Imperial Government, in its quality of protector and conservator of all these interests, had, however, represented to the Government of His Britannic Majesty the necessity of annulling principles so ruinous to the Brazilian commerce; adding, that in order to be able to do so, it would be indispensable to proceed to the examination of the sentences pronounced by the Commission of Sierra Leone; sentences involving the proof of the evils which are so just an object of complaint. What, therefore, is demanded, is not an appeal to the parties interested, nor a revision of the sentences at the instance of the parties, but an impartial examination of the whole question, in order to ascertain whether the decisions pronounced by the said Commission will, or will not, be prejudicial to the commerce of Brazil in general.

It is therefore evident that the only answer of Viscount Palmerston to the representations of the undersigned, namely, that according to the subsisting treaties, the sentences of the Commission at Sierra Leone do not admit of appeal or revision, is far from satisfying the principal point of the said representations, because the object in question is not the interposition of appeals by individuals, but reclamations on the part of a Government against acts sanctioned by another Government. If the treaties deprive the parties of the right of appeal, it does not follow that the Imperial Government is not competent to insist on the redress of such glaring acts of injustice, and that no cognizance ought to be taken of essential proofs of such unjust acts, which are so many infractions of treaties, the object of which latter can certainly not have been the destruction of all commerce between Brazil and Africa.

As the Imperial Government advocates this doctrine, and the Government of His Britannic Majesty contests it, and as both are independent, and do not acknowledge any superior tribunal that might sit in judgment upon them, the remedy provided by the Law of Nations, for setting this question at rest, is to choose an arbitrator, to whom the two Governments submit, and who is to decide on the disputed point, namely, whether the Imperial Government does, or does not, possess the right of making representations against the injustice of sentences which compromise the general interests of Brazil, and of causing those sentences to be re-considered and annulled, in order to repair the injuries already inflicted upon the Brazilian commerce, and to obviate the consequences of it hereafter.

Nothing appears more just and more reasonable; and if the King's Government is so convinced of the justice of its reasoning, it ought so much the less to oppose an arbitration, the result of which cannot but be favourable to it.

The undersigned flatters himself, therefore, that Viscount Palmerston will be pleased to consent to the object of his note of the 26th January, on which the undersigned has been directed once more to call his Excellency's attention.

The undersigned has the honour, &c.

(signed) The Chevalier de Mattos.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Viscount Palmerston to M. de Mattos.

Foreign Office, 18 May 1833.

THE undersigned has to acknowledge the receipt of the note addressed to him, on the 3d instant, by the Chevalier de Mattos, in which the Chevalier de Mattos renews his request on behalf of the Government of the Brazils, for the arbitration of a third power between Great Britain and Brazil, upon the question, whether the Government of Brazil possesses the right to make representations against the justice of sentences pronounced by the Mixed Commission at

at Sierra Leone, which, in the opinion of the Brazilian Government, are adverse to the general interests of Brazil, and to cause those sentences to be reconsidered and annulled.

In reply, the undersigned feels it is duty to remark to the Chevalier de Mattos, that the convention on the 28th July 1817, which was concluded in addition to the treaty of the 22d of January 1815, between His Majesty and the King of Portugal, was adopted and renewed by His Majesty and the Emperor of Brazil, by the convention of the 23d of November 1826; and the undersigned has to observe, that the 8th Article of this convention of the 28th July 1817, declares that the decisions of the Mixed Commissions, established under it, shall be without appeal. But the Brazilian Government, disputing the justice of some of those decisions, proposes that a question should be submitted to a third Power, with a view to their revision.

The undersigned, upon this, has to state to the Chevalier de Mattos, that, as the question which the Brazilian Government proposes to refer to a third Power is, whether the Brazilian Government shall or shall not abide by engagements which it has entered into with Great Britain under the stipulations of a treaty, he is compelled to declare that the reference is one to which His Majesty's Government cannot consent.

His Excellency the Chevalier de Mattos,
&c. &c. &c.

The undersigned, &c.

(signed) *Palmerston.*

No. 27.

M. de Mattos to Viscount Palmerston.

Brunswick Place, le 20 Mai 1833.

LE soussigné, &c. s'empresse d'accuser la reception de la note que son Excellence M. le Vicomte Palmerston, &c. lui fit l'honneur de lui adresser le 18 du mois courant, en réponse à la proposition du soussigné, à fin de soumettre à l'arbitrage d'un tiers Gouvernement la question relative aux sentences de la Commission Mixte de Sierra Leone, dans les cas des bâtimens Brésiliens capturés par les croiseurs Britanniques sur la côte d'Afrique.

Le soussigné ne manquera pas de faire parvenir cette réponse à la connaissance de son Gouvernement, et lui demander des instructions là-dessus.

Le soussigné, &c.

(signé) *Le Chevalier de Mattos.*

Son Excellence le Vicomte Palmerston, G.C.B.
&c. &c. &c.

No. 27.

M. de Mattos to Viscount Palmerston.

Brunswick Place, 20 May 1833.

(Translation.)

THE undersigned, &c. hastens to acknowledge the receipt of the note which his Excellency Viscount Palmerston, &c. did him the honour to address to him on the 18th instant, in answer to the proposal of the undersigned for submitting to the arbitration of a third Government the question relative to the sentences of the Mixed Commission at Sierra Leone, in the cases of Brazilian vessels captured by the British cruisers on the coast of Africa.

The undersigned will not fail to transmit this answer to his Government, and will ask for instructions on the subject.

The Right Hon. Viscount Palmerston,
&c. &c. &c.

The undersigned, &c.

(signed) *The Chevalier de Mattos.*

Translation.

No. 28.

Mr. Ouseley to Viscount Palmerston.—(Received May 22.)

My Lord,

Rio de Janeiro, 25 February 1833.

No. 28.

I HAVE the honour to enclose a translation of a note which I have received from M. de Lisboa, in answer to my representation on the incompatibility of the decree for re-exporting Africans taken on board slave vessels with the provisions of the existing convention between Great Britain and the Brazils.

His Excellency has forwarded instructions to M. de Mattos to communicate on the subject with His Majesty's Government.

I have, &c.

(signed) *W. G. Ouseley.*

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

BRAZIL.

Enclosure in No. 28.

M. de Lisboa to Mr. Ouseley.Enclosure in
No. 28.

(Translation.)

Palace, Rio de Janeiro, 20 January 1833.

IN acknowledging the receipt of the note, dated the 11th instant, that Mr. Ouseley, Chargé d'Affaires, &c. transmitted to me, suggesting the propriety of modifying the enactments of our Legislature relative to the fate of the Africans fraudulently introduced into the empire, and whose re-exportation was decreed by the proper authority, I have the honour to inform Mr. Ouseley, that by the last packet I forwarded the requisite instructions to the Imperial Legation to come to an arrangement with the Government of His Britannic Majesty on this point.

W. G. Ouseley, Esq.
&c. &c. &c.

I take, &c.
(signed) *Bento de Silva Lisboa.*

No. 29.

No. 29.

Mr. Ouseley to Viscount Palmerston.—(Received May 22.)

My Lord,

Rio de Janeiro, 27 February 1833.

THE Brazilian Government seems to be really desirous of preventing the importation of Africans into this country. Since the seizure of the "Zephyr," with slaves on board, another vessel, the schooner "Lebre," under Portuguese colours, was brought in on the 22d instant from Ilha Grande by one of the Brazilian cruisers.

The slaves had all been landed; but the manner in which the vessel was fitted up, the manacles, branding-irons, and other articles on board, were considered as affording sufficient evidence of the illegal character of the schooner, and it has been accordingly detained.

The armed vessels sent out to cruize on the Brazilian coasts are furnished, I am told, with orders to endeavour, by every means in their power, to put an end to the traffic in slaves; but although the Government is probably sincere in its wish to prevent the introduction of negroes, the feeling against the slave trade is by no means universal among the inhabitants generally.

The officer who was at first appointed to the command of the schooner of war (the "Doña Francisca") that brought in the slaver in question on the 22d, refused to accept it, alleging, that if he did so, he was determined to do his duty, and take or detain all suspicious vessels, in which case he should incur much odium, and even much personal risk, from those interested in the slave trade. I have heard it surmised, but am not aware how justly, that the present commander of the "Doña Francisca," although he seized the vessel, did not do his utmost to secure the Africans or the captain and crew; only one man was taken on board.

It is said that most of the vessels now engaged in this traffic between the Brazils and Africa are under Portuguese colours.

I have, &c.
(signed) *W. G. Ouseley.*

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 30.

No. 30.

Mr. Ouseley to Viscount Palmerston.—(Received May 22.)

My Lord,

Rio de Janeiro, 25 March 1833.

I LEARNT yesterday that a schooner and brig of war are immediately to be put in commission by the Brazilian government, and proceed to the coast of Africa, under the command of an Englishman, named Broom, long in the naval service of this country, to cruize against the slave vessels.

I have, &c.
(signed) *W. G. Ouseley.*

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 31.

BRAZIL.

No. 31.

M. de Mattos to Viscount Palmerston.

Brunswick Place, 30 Mai 1833.

LE Gouvernement Brésilien ayant pris en considération la note que Monsieur W. G. Ouseley lui adressa le 11 Février de cette année, et comptant sur l'assurance y contenue, qu'il rencontrerait de la part du Gouvernement Britannique les meilleures dispositions pour modifier les détails de la convention du 28 Juillet 1817, en ce qui regarde le sort des Africains illicitement introduits dans le Brésil pour l'odieux trafic d'esclaves, et tombés sous la juridiction de la Commission Mixte de Rio de Janeiro, à ordonné au soussigné de proposer à son Excellence M. le Vicomte Palmerston d'ajouter à la susdite Convention quelqu' article, qui, là-dessus, puisse concilier les intérêts des hautes parties contractantes avec le bien de l'humanité.

Les stipulations additionnelles que le Gouvernement Impérial croit plus propres à remplir ce but, et que le soussigné se trouve spécialement autorisé à soumettre à l'attention de son Excellence, sont les suivantes :

1. Que les esclaves introduits dans le Brésil, et jugés par la Commission Mixte respective, soient ré-exportés, au lieu d'y rester d'aucune manière.

2. Que cette ré-exportation ait lieu aux frais et dépens des importeurs, et pour Sierra Leone, où les esclaves seront mis à la disposition des autorités Britanniques.

De cette manière il paraît que la convention du 1817 s'accordera parfaitement avec la législation à laquelle M. Ouseley se réfère dans sa note du 11 Février ; législation basée sur la participation la plus sincère aux vues philanthropiques de la Grande Bretagne, et, en même temps, sur le devoir impérieux de se prémunir contre les dangers qu'il est tant à craindre de l'accumulation de plus de nègres sur ceux qui, malheureusement, vu les circonstances particulières du Brésil, n'y abondent déjà que trop.

Le soussigné espère que le Gouvernement du Roi reconnaitra l'urgence d'un pareil arrangement, et que le Ministre de Sa Majesté à Rio de Janeiro ne tardera pas à recevoir les pouvoirs nécessaires pour terminer, d'une manière ou d'autre, cette affaire, à laquelle le Gouvernement Impérial attache la plus grande importance.

Le soussigné, &c.

(signé) Le Chevalier *de Mattos*.

Son Excellence le Vicomte Palmerston, G.C.B.

&c. &c. &c.

M. de Mattos to Viscount Palmerston.

Translation.

(Translation.)

Brunswick Place, 30 May 1833.

THE Brazilian Government having taken into consideration the note which W. G. Ouseley, Esq. addressed to it on the 11th February last, and relying on the assurance therein contained, that it would meet, on the part of the British Government, with the greatest willingness to modify the details of the convention dated the 28th July 1817, in what relates to the manner of disposing of the negroes illicitly imported into Brazil by means of the odious slave trade, and fallen under the cognizance of the Mixed Commission at Rio de Janeiro, has directed the undersigned to propose to his Excellency Viscount Palmerston to add to the above mentioned convention some article which, in reference to the subject under consideration, might reconcile the interests of the high contracting parties with the well-being of humanity.

The additional stipulations which the Imperial Government deems best calculated to attain this end, and which the undersigned is expressly authorized to submit to his Excellency's attention, are the following :

1st. That the slaves imported into Brazil, and adjudged by the respective Mixed Commission, shall be re-exported instead of remaining there in any manner whatsoever.

2d. That this re-exportation shall take place at the charge and expense of the importers, and shall be effected to Sierra Leone, where the slaves shall be placed at the disposal of the British authorities.

It should seem that in this manner the convention of 1817 will perfectly agree with the laws to which Mr. Ouseley refers in his note of the 11th February ; laws resting on the most sincere participation in the philanthropic views of Great Britain, and, at the same time, on the urgent duty of guarding against the dangers so much to be apprehended from an accumulation of more negroes upon those who, unfortunately, considering the particular circumstances of Brazil, already abound there too much.

The

BRAZIL.

The undersigned hopes that the King's Government will acknowledge the paramount necessity of such an arrangement, and that the Minister of His Majesty at Rio de Janeiro will shortly be furnished with the requisite powers for terminating, in one way or other, this business, to which the Imperial Government attaches the greatest importance.

The undersigned, &c.
(signed) The Chevalier *de Mattos*.

The Right Hon. Viscount Palmerston, G. C. B.
&c. &c. &c.

No. 32.

No. 32.

Viscount *Palmerston* to Mr. *Fox*.

Sir,

Foreign Office, 5 June 1833.

His Majesty's Government have had under consideration the information which has been received from your predecessor and from Mr. Ouseley, and likewise from His Majesty's Commissioners resident at Rio de Janeiro, relative to a Brazilian law of the 7th November 1831, followed by a decree of the 12th April 1832, by which all negroes imported or attempted to be imported into Brazil for the purposes of traffic, are to be re-exported to Africa.

I have received His Majesty's commands to desire that you will present a strong remonstrance to the Brazilian Government against the measure in question.

Such a measure, if executed with every possible degree of care, would be liable to inflict much misery upon the negro; but it would be still more inhuman if carried into effect in the manner announced.

For although the law of the 7th November 1831, expressly directed that "the Brazilian Government shall carry this re-exportation into execution only after having contracted with the African authorities for an asylum for the negroes," yet it has been officially avowed in a letter from the Minister of Justice at Rio de Janeiro, of the 12th February 1833, published in the "*Diario do Governo*" of that period, that no arrangement has yet been made with the African authorities for the purpose of securing an asylum for any negroes re-exported, and yet the Minister of Justice, in face of this avowal, gives positive orders that negroes henceforward captured shall "be sent back to the points from whence they came, or to that place in Africa which may be most convenient."

The fate of the unfortunate individuals to whom this order might be applied would be but too certain.

It is well known that the negroes who arrive in the Brazils have suffered much in a voyage during which they have been crowded together in a small space, supplied with scanty and unwholesome food, and often afflicted with serious disorders; but on their voyage back to Africa, besides a repetition of their previous sufferings, they would be liable to further ill-treatment from the angry and disappointed feelings of the slave-traders, who would have charge of them; on the voyage to the Brazils, the hope of profit by the expected sale affords some motive to the trader to preserve the lives of his cargo; on the voyage back to Africa that slender restraint upon ill usage would be removed, and the pecuniary interest of the trader would tell indeed in the contrary direction.

Under such circumstances, few would be likely to reach the coast of Africa alive, and those who might do so would be reserved for a fate little better than that of their companions; for, when landed on the coast, if not put to death by the inhabitants of the district, they would probably be taken prisoners and sold again on the first opportunity, nor could any security be obtained for their protection, since neither the laws nor the power of civilized states could follow them when once they were landed.

On the ground therefore of humanity alone, His Majesty's Government feel that they would be justified in pressing this subject upon the consideration of the Brazilian Government. But the claims of humanity in this case are strengthened by the direct and positive stipulation of Article 7 of regulations annexed to the Convention of the 28th July 1817, between Great Britain and Portugal, recognized and contracted anew by the Brazilian Government in the Treaty of 23d November 1826. That Article runs as follows:—"In case of the condemnation

condemnation of a vessel for an unlawful voyage, she shall be declared lawful prize, as well as her cargo, of whatever description it may be, with the exception of the slaves who may be on board as subjects of commerce; and the said vessel, as well as her cargo, shall be sold by public sale for the profit of the two governments, and, as to the slaves, they shall receive from the Mixed Commission a certificate of emancipation, and shall be delivered over to the government on whose territory the Commission, which shall have so judged them, shall be established, to be employed as servants or free labourers. Each of the two governments binds itself to guarantee the liberty of such portion of these individuals as shall be respectively consigned to it."

It is on these grounds that I have received His Majesty's commands to desire that you will enter a formal protest against the law and decree recently passed by the Regency and General Assembly of Brazil, by which negroes entering Brazil, and liberated under the regulations of the convention, are to be re-transported to Africa; and you will earnestly press the Brazilian Government to rescind the law and decree in question, inasmuch as they are in direct contravention of the stipulations solemnly entered into between the two countries.

H. S. Fox, Esq.
&c. &c. &c.

I am, &c.
(signed) Palmerston.

No. 33.

No. 33.

Viscount Palmerston to M. de Mattos.

Foreign Office, 2 July 1833.

THE undersigned, &c. has the honour to acquaint the Chevalier de Mattos, &c. that he has referred to the Secretary of State for the Colonial Department the proposal made by the Chevalier de Mattos, under orders from his court, that stipulations should be entered into between the British and Brazilian Governments, to the effect that slaves imported into Brazil, and adjudged by the Mixed Commission there, should be exported, at the expense of the importers, to Sierra Leone, and there placed at the disposal of the British authorities.

The undersigned would have had great pleasure in communicating to M. de Mattos the acquiescence of His Majesty's Government in the above proposal; but, after a careful consideration of the question, the Secretary of State for the Colonies has expressed his opinion that the proposal cannot with propriety be acceded to.

His Excellency the Chevalier de Mattos,
&c. &c. &c.

The undersigned, &c.
(signed) Palmerston.

No. 34.

No. 34.

Viscount Palmerston to Mr. Fox.

Sir,

Foreign Office, 5 July 1833.

WITH reference to my despatch of the 5th of June, on the subject of the Brazilian law of the 7th of November 1831, and the Brazilian decree of the 12th of April 1832, by which all negroes attempted to be imported into Brazil for the purposes of traffic are to be re-exported to Africa, I herewith send to you, for your information and guidance, the copy of a note* which has been addressed to me by the Chevalier de Mattos, and of the answer* which I have returned to it upon the subject in question, together with a despatch* which I have addressed, also on the same subject, to His Majesty's Commissioners at Rio de Janeiro.

H. S. Fox, Esq.
&c. &c. &c.

I am, &c.
(signed) Palmerston.

* See Nos. 31, 33 and 32.

BRAZIL.

No. 35.

Mr. Ouseley to Viscount Palmerston.—(Received July 5.)

No. 35.

My Lord,

Rio de Janeiro, 1 May 1833.

MR. CONSUL PARKINSON having complied with a request from the Portuguese Consul to act for him, as the Consul of the oldest ally of Portugal, until the arrival of his Exequatur, and to issue certificates and verify signatures, as required by the authorities of Bahia, was applied to for a clearance by the master of a swift-sailing schooner named the "Josephina," which, from its destination to the coast of Africa and the Havana, and other circumstances, is obviously employed as a slaver. Mr. Parkinson having refused to sign the papers of the vessel, under these circumstances, informed me of the fact in his last despatch, and also implied a request of my opinion on his conduct.

I have therefore written to that gentleman completely approving of his refusal to sign the papers of the "Josephina," and in so doing trust that I have not acted improperly. Bahia is one of the most notorious resorts of slavers in Brazil.

I have, &c.

(signed) *W. G. Ouseley.*

The Right Hon. Viscount Palmerston, G. C. B.
&c. &c. &c.

No. 36.

No. 36.

Viscount Palmerston to Mr. Ouseley.

Sir,

Foreign Office, 13 July 1833.

I HAVE received your despatches of this year, up to that of the 1st of May last. I coincide entirely in the opinion which you state yourself, in your despatch of the 1st of May, to have expressed to Mr. Parkinson, approving of his refusing to sign the necessary papers for enabling the vessel "Josephina" to proceed on a voyage which, according to the statement, was to be undertaken for the purposes of illegal slave trade.

W. G. Ouseley, Esq.
&c. &c. &c.

I am, &c.

(signed) *Palmerston.*

No. 37.

No. 37.

Viscount Palmerston to Mr. Fox.

Sir,

Foreign Office, 26 July 1833.

I HEREWITH transmit to you, for your information, two copies of papers marked (A) and (B), relating to the slave trade, which have this day been presented, by His Majesty's command, to both Houses of Parliament.

H. S. Fox, Esq.
&c. &c. &c.

I am, &c.

(signed) *Palmerston.*

No. 38.

No. 38.

M. de Mattos to Viscount Palmerston.

York Terrace, 3 Août 1833.

LA communication faite au soussigné, &c. par Monsieur le Vicomte Palmerston, &c. le 2 du mois dernier, ne se rapportant qu'à une partie de la note qu'il avait eû l'honneur d'adresser à son Excellence, en date du 30 Mai précédent (avec référence à celle que Monsieur Ouseley écrivit à cet égard au Ministre des Affaires Etrangères à Rio de Janeiro, le 11 Février de la présente année), sur la nécessité d'ajouter à la convention du 28 Juillet 1817, quelque article propre à mettre en harmonie la législation actuelle du Brésil et les stipulations de la même convention, quant au sort des Africains qui pourroient être illicitement introduits dans l'empire pour le trafic d'esclaves, il est du devoir du soussigné

signé

signé d'appeler de nouveau l'attention de son Excellence sur sa dite note du 30 Mai.

En y répondant, Monsieur le Vicomte Palmerston dit à peine que les stipulations additionnelles proposées par le soussigné ne sont pas de nature à pouvoir être admises par le Gouvernement du Roi, sans toutefois déclarer si le Gouvernement de Sa Majesté est disposé ou non à consentir à une altération quelconque de la convention en question. C'est cependant là le point sur lequel le soussigné pense qu'on doit convenir avant de s'arrêter sur les moyens d'effectuer une pareille altération.

Celle que le soussigné eut l'honneur de suggérer le 30 Mai, et qui fut rejetée par son Excellence, est susceptible de modifications qui, peut-être, la mettront plus d'accord avec les intérêts des deux Gouvernements, et d'ailleurs elle ne paraît pas l'unique moyen de parvenir au but désiré.

Comme cependant le soussigné n'est pas muni de pouvoirs pour rien conclure sur cette affaire, et seulement autorisé à solliciter l'envoi d'instructions au Ministre du Roi à Rio de Janeiro, afin qu'elle y soit terminée directement avec le Gouvernement Impérial, il se borne à prier son Excellence de vouloir bien expédier ces instructions le plutôt possible, et si faire se peut, par le prochain paquebot.

Le soussigné, &c.

(signé) Le Chevalier de Mattos.

Son Excellence le Vicomte Palmerston, G.C.B.
&c. &c. &c.

M. de Mattos to Viscount Palmerston.

Translation.

(Translation.)

York Terrace, 3 August 1833.

As the communication made to the undersigned, &c. by Viscount Palmerston, &c. on the 2d of last month, only refers to part of the note which he had the honour of addressing to his Excellency on the 30th of May preceding (relative to that which Mr. Ouseley wrote on the subject to the Minister for Foreign Affairs at Rio de Janeiro on the 11th of February last), on the necessity of adding to the convention of July 28, 1817, some article calculated to render the present laws of Brazil consistent with the stipulations of that convention, in regard to the manner of disposing of such negroes as might happen to be illicitly imported into the empire by means of the slave trade, it is the duty of the undersigned once more to call the attention of his Excellency to the said note of the 30th of May.

In his reply, Viscount Palmerston all but denies that the additional stipulations proposed by the undersigned are of such a nature as to be admissible by the King's Government, without, however, declaring whether His Majesty's Government is or is not disposed to consent to any alteration of the convention alluded to. Yet this is the point which, in the opinion of the undersigned, ought to be agreed on, before any notice can be taken of the means of effecting such an alteration.

That which the undersigned had the honour to suggest on the 30th of May, and which was rejected by his Excellency, is susceptible of modifications, which perhaps will place it more in accordance with the interests of the two Governments; besides, it does not seem to be the only method of accomplishing the desired purpose.

As, however, the undersigned is not provided with powers to conclude anything on this head, and is only authorized to request the forwarding of instructions to the King's Minister at Rio de Janeiro, in order that it may there be terminated on the spot with the Imperial Government, he only entreats his Excellency to have the goodness to transmit those instructions as soon as possible, and, if practicable, by the next packet.

The undersigned, &c.

(signed) The Chevalier de Mattos.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 39.

Viscount Palmerston to M. de Mattos.

No. 39.

Foreign Office, 6 August 1833.

THE undersigned, &c. has the honour to acknowledge the receipt of the note addressed to him by the Chevalier de Mattos, &c. on the 3d instant, in which the Chevalier de Mattos requests that instructions may be transmitted to His Majesty's Minister at Rio de Janeiro to empower him to conclude an arrangement with the Government of his Imperial Majesty the Emperor of Brazil,

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Brazil, for some modification of those provisions of the Convention of the 28th July 1817, which relate to the disposal of negroes emancipated by the decision of the Court of Mixed Commission, for the suppression of illicit traffic in slaves.

The undersigned has the honour to observe to the Chevalier de Mattos, that the object of the stipulation in the 2d Article of the regulations for the Mixed Commissions, which form part of the convention of July 1817, was to provide for the permanent support of the captured negroes, and to make it certain that they should be maintained in a state of freedom, and should not fall into the condition of slavery. It is obvious that, unless this object was accomplished, the purpose which the two Powers had in view when they made the treaty would, in a great measure, be defeated. That purpose was to prevent the amount of injustice and the mass of misery which result from the forcible abduction of human beings from their native land, in order to doom them to compulsory labour under foreign masters. The liberation of negroes found in captured vessels was decreed, first, as a means of rescuing those negroes from the fate to which the slave-trader had destined them; and secondly, as a fine upon those who had violated the laws by attempting to continue the trade in man. The latter object is, indeed, accomplished by the emancipation, whatever may be the subsequent disposal of the negroes; but the former is by far the most important of the two, and the arrangements agreed upon by the convention of July 1817, seem well calculated for its attainment.

His Majesty's Government regret that any discrepancy should have arisen between the legislation of Brazil and the provisions of that convention; but it is material to observe that the convention was anterior in date to the laws alluded to by the Chevalier de Mattos; and as that convention was binding upon the State of Brazil, and consequently upon its Legislature, the obvious mode of removing the discrepancy seems to be, for the Legislature of Brazil to repeal or modify laws which are at variance with the pre-existing engagements of the State.

As it was the Legislative Authority of Brazil which placed the legislation of that state in opposition to its treaty obligations, so it is for that same Legislative Authority to restore the harmony between its laws and its solemn engagements.

His Majesty's Government, however, will be ready to consider any proposal which the Brazilian Government may have to make, and which may be calculated to afford to captured negroes as effectual a security for freedom and maintenance as the provision of the treaty of July 1817, whether that proposal is made to Mr. Fox at Rio de Janeiro, or through the Chevalier de Mattos in London; but His Majesty's Government do not themselves wish to alter the stipulation in question; they have consequently no proposition of their own to make, and therefore the undersigned has at present no further instructions to send to His Majesty's Minister in Brazil upon this matter.

The Chevalier de Mattos,
&c. &c. &c.

The undersigned, &c.
(signed) *Palmerston.*

No. 40.

No. 40.

Viscount *Palmerston* to Mr. *Fox*.

Sir,

Foreign Office, 7 August 1833.

With reference to my despatch of the 5th July last, transmitting the copy of a note which I had received from M. de Mattos, and of the reply which I had returned to it upon the subject of the Brazilian law of the 7th November 1817, and of the decree of the 12th April 1832, by which all negroes attempted to be imported into Brazil for the purpose of traffic are to be re-exported to Africa, I herewith transmit to you, for your information and guidance, the copy of a further note* which I have received from M. de Mattos on that subject, together with a copy of my answer† to M. de Mattos' communication.

H. S. Fox, Esq.
&c. &c. &c.

I am, &c.
(signed) *Palmerston.*

* See No. 38.

† See No. 39.

No. 41.

BRAZIL.

No. 41.

Mr. Ouseley to Viscount Palmerston.—(Received August 21.)

My Lord,

Rio de Janeiro, 28 May 1833.

I HAVE the honour to enclose an extract from M. de Lisboa's report to the Legislative Assembly, relating to the Mixed British and Brazilian Commission, under the convention for the suppression of the slave trade.

After lamenting the notorious fact of the continuance of the introduction of slaves into this country, his Excellency recommends the adoption by the legislature of the proposals for the more effectual suppression of the traffic in slaves made by His Majesty's Government in 1829. An intention is likewise expressed to propose to the British Government that the negroes re-exported from the Brazils should be sent to Sierra Leone.

The Brazilian Minister for Foreign Affairs continues to hope that His Majesty's Government may be induced to allow a reference to the arbitration of a third power in the case of the prizes condemned at Sierra Leone.

I have, &c.

(signed) *W. G. Ouseley.*

The Right Hon. Viscount Palmerston, G.C.B.

&c. &c. &c.

Enclosure in No. 41.

Enclosure in
No. 41.

Extract from M. de Lisboa's Report to the Legislative Assembly.

(Translation.)

MIXED COMMISSIONS.

THE Mixed Brazilian and English Commission, which was instituted in this capital to judge the cases of contraband trafficking in slaves, in conformity with the treaty of the 23d of November 1826, continues to exercise its functions, and although it ought to have a wholesome influence in curbing this abominable trade in slaves, it has nevertheless come to the knowledge of the Imperial Government, with the most vehement grief, that there are yet persons so villainous and forgetful of their duties, and so taken up by their wretched thirst for sordid gains, that they have attempted to infringe the said treaty, and the provident dispositions of the law of the 7th November 1831. This behaviour has called forth, very justly, public indignation, and deserves to be punished with the most severe and rigorous penalties; for whoever embarks at present in such a traffic, or protects it, must be a wretch.

The English Government, whose endeavours in favour of the cause of the unhappy blacks from the coast of Africa have obtained the support of humanity, after having sent, through their Chargé d'Affaires at this court, all due praises of the said law of the 7th November 1831, which gives the most solemn testimony of the philanthropy and political wisdom of the General Legislative Assembly, recommends to the consideration of the Brazilian cabinet the utility of now enforcing those measures which the English Government themselves proposed in the year 1829, to prevent more effectually the contraband trading in slaves. This negotiation was entered upon with the Brazilian envoy resident in London, but from peculiar motives was not carried into effect.

The Brazilian Government having for the present declined pursuing the proposed negotiation, judges withal that it ought to be laid before the General Legislative Assembly, to be taken into due consideration, which I will not fail to carry into effect at a fitting opportunity.

The Government also judges it proper to make known to the General Legislative Assembly the difficulty that it has encountered in the performance of the second article of the law of the 23d November 1831, relative to negotiating with the African authorities, for the purpose of giving an asylum to those negroes who, being introduced into Brazil, should be re-exported to the coast of Africa. No one having appeared who would take charge of such a negotiation, probably arising from the dread of treating with barbarians interested in the sale of those slaves whom they make prisoners, in order to give full execution to the law, the Imperial Government are of opinion, that the most efficient plan would be, to propose to the English Government to receive those blacks which might be exported from Brazil in their establishment at Sierra Leone, to be there delivered to the British authorities, and from thence to be sent to their respective places of destination. It is to be hoped that the British Government will embrace this proposal, the result of which I shall duly communicate to the General Legislative Assembly.

The Mixed Brazilian and English Commission at Sierra Leone has not yet a competent number of Brazilian Commissioners, notwithstanding the chief commissioner has, since last year, been nominated, even after the notification of the Board of Trade: this commission, probably fearful of the disastrous consequences resulting from a residence in an unhealthy climate, or embarrassed by domestic affairs, has not yet departed.

The want of one or more Brazilian arbitrators in Sierra Leone has been often experienced,
and

BRAZIL.

and has been the principal cause of so many Brazilian vessels having been condemned which were employed in the slave-trade, at that period lawful, although the proofs which the instructions demanded, and which are contained in the convention of the 28th July 1817, could not be produced; and although some of those vessels were released, the indemnities for them have not yet been obtained.

The English Government, notwithstanding the energetic and well-supported reclamations which our envoy in London has made, continues to refuse to admit of any negotiation in that respect, alleging, that the vessels were adjudged by the Mixed Commission, from which there is no appeal; and to such a degree has it persisted in this respect, that it has even rejected the proposal for submitting the whole of the cases to the arbitration of some foreign power.

The Imperial Government insisting upon this last measure, which is in conformity with the rights of nations, and directed by a well-advised policy, have yet hopes that the English Government will accede to the just representations which we have made to it.

No. 42.

No. 42.

Mr. Ouseley to Viscount Palmerston.—(Received August 25.)

My Lord,

Rio de Janeiro, 8 June 1833.

I AM informed that several slave vessels are fitting out under Argentine colours in Rio Plata, for the coast of Africa, and that one slaver sailed from this harbour a short time ago under that flag.

As I believe that no specific convention for the suppression of the slave trade exists between His Majesty's Government and that of Buenos Ayres, there will be great difficulty in checking that traffic under the Argentine flag. It appears that His Majesty's cruizers cannot interfere further than to ascertain that the slavers under that flag are not Brazilian, or other vessels with fabricated papers, and not *bonâ fide* entitled to be considered Argentine property.

I have, &c.

(signed) W. G. Ouseley.

The Right Hon. Viscount Palmerston, G. C. B.
&c. &c. &c.

No. 43.

No. 43.

Mr. Ouseley to Viscount Palmerston.—(Received September 2.)

My Lord,

Rio de Janeiro, 18 June 1833.

I HAVE the honour of enclosing a copy of a note that I addressed to M. de Lisboa, recommending the entire destruction of vessels condemned for having been engaged in the slave trade, and the sale of the materials when broken up.

I have not yet received an answer to this note, but have no reason to expect the assent of the Brazilian Government to the proposal which it contains. I had previously spoken to the Brazilian minister on the subject, and from what he said of the opinion of his colleagues, and indeed of himself, on that occasion, can perceive that they are extremely averse to adopting the measure in question: motives of economy were put forward in objection, and a general and strong opposition to it was evidently expected by M. de Lisboa.

The great objection in this country to the adoption of this measure may be considered a strong argument in favour of its probable efficacy in contributing to prevent the traffic in slaves.

I requested M. de Lisboa's support of the views of His Majesty's Government on the proposed plan, and he hinted at a possible modification of it.

If this Government were to propose that the vessels condemned under the treaty should only be sold to one of the Governments, parties to the treaty, for the purpose of being armed and commissioned to cruize against slavers, or, by a clause in the bill of sale, or otherwise, to be placed beyond the reach of the illicit trade, it will be desirable that this mission shall be informed whether His Majesty's Government might possibly consider it advisable to admit of some similar modification of the present proposal.

I think it my duty to request your Lordship's attention to the possibility of such a counter proposition, as, from the tenor of M. de Lisboa's conversation on more than one occasion, it appears likely that it may be made.

His Excellency informed me that in the case of a vessel, the name of which he

he did not at that moment recollect, detained at Bahia by an English cruizer, the Brazilian Government bought the vessel, to prevent its falling into the hands of the slave-dealers, and that it is now fitting out at the arsenal here to cruize against slavers. His Excellency remarked that these vessels are peculiarly adapted for such service, being good sailors and well-built; and that the wanton destruction of property, which might be turned to useful purposes, would meet with much opposition in this country.

I have, &c.

(signed) *W. G. Ouseley.*

The Right Hon. Viscount Palmerston, G. C. B.
&c. &c. &c.

BRAZIL.

Enclosure in No. 43.

Enclosure in
No. 43.

Mr. Ouseley to M. de Lisboa.

Rio de Janeiro, 18 June 1833.

ACCOUNTS have from time to time been received by His Britannic Majesty's Government that vessels condemned by the Mixed British and Foreign Courts for having been engaged in the slave trade, contrary to the treaties between His Majesty and Foreign Powers for the suppression of that trade, have subsequently been found again engaged in that illegal traffic.

This practice tends so directly to defeat the objects of those treaties, that the undersigned, &c. has been instructed to represent to his Excellency M. de Lisboa, &c. that it is advisable, as the only effectual means of preventing a repetition of such proceedings, to cause the entire destruction of vessels condemned for having been engaged in the slave trade, and the sale of their materials when broken up. The undersigned has, therefore, the honour to request his Excellency to obtain the consent of the Imperial Government to this measure, and he does so the more readily, as he is well aware how anxious this Government is to adopt every effectual measure that can contribute to the suppression of the odious traffic in question.

Although this measure is one, the merits of which are not to be estimated in a pecuniary point of view, it is satisfactory to recollect that the lowness of the prices at which condemned slave vessels are generally sold, will remove all objection on the grounds of loss by the sale of their materials.

The undersigned, &c.

(signed) *W. G. Ouseley.*

His Excellency M. de Lisboa,
&c. &c. &c.

No. 44.

No. 44.

Mr. Ouseley to Viscount Palmerston.—(Received September 2.)

My Lord,

Rio de Janeiro, 3 July 1833.

IN the "Relatorio," or Report of the Minister of Marine to the General Legislative Assembly of this year, his Excellency mentions the continuance of the slave trade in this country, notwithstanding the enactments against it.

As an effectual means of preventing this illicit traffic, the minister proposes arming a sufficient number of small vessels, to form a sort of "*cordon sanitaire*" on the coast, and mentions that the government has bought two schooners, which are armed and equipped for the purpose of being employed on the "important service" of suppressing the slave trade.

Admiral Sir Michael Seymour lately showed me a despatch from the Lords Commissioners of the Admiralty, in which he is directed to co-operate with the Brazilian Government through His Majesty's mission for the more effectual prevention of the introduction of slaves into this country. I shall lose no time in endeavouring to obtain the real and efficient co-operation of this government with His Majesty's naval force on this station for the service in question; if sincerely afforded, it may be of the greatest use.

I have, &c.

(signed) *W. G. Ouseley.*

The Right Hon. Viscount Palmerston, G. C. B.
&c. &c. &c.

BRAZIL

No. 45.

No. 45.

Mr. Ouseley to Viscount Palmerston.—(Received September 2.)

(Extract.)

Rio de Janeiro, 4 July 1833.

IN conformity with the instructions contained in your Lordship's despatch of the 7th of May, addressed to Mr. Fox, and containing full powers for that gentleman to conclude and sign an additional Article to the Convention concluded in 1826, between Great Britain and Brazil, for the suppression of the slave trade, to the effect that ships fitted up for that traffic should, when met with, be treated as if the illegal act for which they were equipped had been committed, I addressed a note, a copy of which I have the honour to enclose, to his Excellency the Minister for Foreign Affairs, proposing to the Brazilian Government the adoption of the above-mentioned article, of which I transmitted a copy to M. de Lisboa.

(signed) *W. G. Ouseley.*

The Right Hon. Viscount Palmerston, G. C. B.
&c. &c. &c.

Enclosure in No. 45.

Enclosure in
No. 45.

Mr. Ouseley to M. de Lisboa.

Rio de Janeiro, 3 July 1833.

THE undersigned, &c. has the honour of transmitting to his Excellency M. de Lisboa, &c. copy of an Article proposed to be added to the Convention concluded between Great Britain and Brazil for the suppression of the slave trade, on the 23d November 1826. This Article is to the effect, that ships fitted up for the slave trade shall, when met with, be treated as if the illegal act for which they were equipped had been committed.

The wise and beneficent intentions and wishes of the Imperial Government to put an end to the illegal traffic in slaves from Africa have unfortunately hitherto failed, under the existing law, to be effective. The addition of a more effectual stipulation to the treaty now in force upon the subject becomes therefore obviously necessary. The projected additional Article now submitted for the consideration of the Imperial Government, is similar to a stipulation inserted in the treaty between Great Britain and the Netherlands, and is also recently made part of a recent convention between the Crowns of Great Britain and of France for the suppression of the slave trade, it is hoped, with every prospect of effectually putting an end to that odious traffic under the flags of those countries.

The undersigned, aware that the enlightened views of the Brazilian Government cause them to see in their true light the fatal present and prospective effects of the continuance of the importation into this empire of African negroes, an illicit traffic equally destructive of the moral feelings and energies and of the commercial and agricultural industry of this nation, and being also aware that not only every consideration founded on a wise policy, but a lively sense of the duties and motives of humanity alike actuate them in endeavouring effectually to prevent it, has much satisfaction in now recommending, in the most earnest manner, on the part of his Government, the adoption of the Article proposed to be added to the existing Convention between Great Britain and Brazil for the suppression of the slave trade.

His Majesty's Government entertain a confident hope that this proposal will be met, on the part of the Brazilian Government, with a cordiality consonant with those liberal principles which they profess, and that its adoption will be found an effectual means of contributing to the object which they, in common with the Government of His Britannic Majesty, have so much at heart, viz. the complete suppression of the criminal traffic in slaves, and will, at the same time, afford an additional proof of the good understanding and mutually friendly feelings that so happily subsist between the two Governments.

The undersigned, &c.

His Excellency M. de Lisboa,
&c. &c. &c.

(signed) *W. G. Ouseley.*

No. 46.

No. 46.

Mr. Ouseley to Viscount Palmerston.—(Received October 2.)

My Lord,

Rio de Janeiro, 3 August 1833.

SIR MICHAEL SEYMOUR has this day informed me that the "Snake" brig of war will immediately proceed to cruize off Rio de la Plata and the coast of Brazil against slavers.

The slave trade having been declared piracy by the Buenos Ayrean Government in 1824, the Argentine flag cannot, it is supposed, be made a shield for that illegal traffic; and I believe that orders are given to the captain of the "Snake" to detain slavers under that flag.

I have, &c.
(signed) *W. G. Ouseley.*

P.S.—The "Satellite" has just arrived from England, and the "Algerine" has been dispatched to Bahia.—*W. G. O.*

The Right Hon. Viscount Palmerston, G. C. B.
&c. &c. &c.

No. 47.

No. 47.

M. de Mattos to Viscount Palmerston.

(Extract.)

York Terrace, le 30 Novembre 1833.

LE soussigné, &c. à porté à la connaissance de sa Cour la note de M. le Vicomte Palmerston, &c. du 18 Mai dernier, en réponse à celle que le soussigné a eu l'honneur d'adresser à son Excellence le 3 du même mois, proposant le choix d'un arbitre pour décider la question relative aux navires Brésiliens capturés par les croiseurs Britanniques sur la côte d'Afrique, et condamnés par la Commission Mixte de Sierra Leone contre les stipulations expresses des traités existants.

Le Gouvernement Impérial n'a pu apprendre le refus d'une proposition si raisonnable et si conforme à la loi des nations, sans éprouver un regret, qui est devenu encore plus vif, par la considération des sacrifices énormes que le Brésil a fait en accédant aux réclamations de la Grande Bretagne, au sujet des prises de la Rivière de la Plata, et par le souvenir de l'injustice avec laquelle ces sacrifices lui ont été imposés.

Se voyant donc d'un côté pressé par les plaintes trop bien fondées, soit des parties atteintes par les jugements arbitraires de la Commission Mixte de Sierra Leone, soit du commerce du Brésil en général, et de l'autre, dans l'impossibilité de faire valoir ses droits, le Gouvernement Impérial a ordonné au soussigné de protester de la manière la plus solennelle contre la décision contenue dans la Note de son Excellence Monsieur le Vicomte Palmerston, du 18 Mai de la présente année, ainsique contre les conséquences de cette décision, en ce qui regarde, non seulement les prises Brésiliennes constantes de la liste annexée à la note du soussigné du 14 Avril 1831, mais aussi d'autres qui se trouvent dans le même cas, et qui n'ont pas encore été réclamées, le Gouvernement Impérial n'entendant pas porter le moindre préjudice aux droits des propriétaires respectifs par cette omission provisoirement nécessaire.

(signé) *Le Chevalier de Mattos,*

Son Excellence le Vicomte Palmerston, G. C. B.
&c. &c. &c.

BRAZIL.

(Extract.)—*M. de Mattos to Viscount Palmerston.*

Translation.

(Translation.)

York Terrace, 30 November 1833.

THE undersigned, &c. has communicated to his Court the note of Viscount Palmerston, &c. of the 18th of May last, in reply to that which the undersigned had the honour to address to his Excellency on the 3d of that month, proposing the election of an arbitrator to decide the question relative to Brazilian vessels captured by British cruizers on the coast of Africa, and condemned by the Mixed Commission at Sierra Leone, in contravention of the express stipulations of the existing treaties.

The Imperial Government could not learn the refusal of a proposition so reasonable and so conformable to the law of nations, without a feeling of regret, rendered the more lively by the consideration of the enormous sacrifices which Brazil made when she acceded to the claims made by Great Britain on the subject of the prizes made in the river Plata, and by the remembrance of the injustice with which these sacrifices were required from her.

The Imperial Government being thus, on the one hand, pressed by the complaints, but too well founded, both of the parties injured by the arbitrary decisions of the Mixed Commission at Sierra Leone, and of the merchants of Brazil generally; and, on the other, unable to enforce its rights, has directed the undersigned to protest in the most solemn manner against the decision contained in the note of his Excellency Viscount Palmerston, of the 18th May of this year, as also against the consequences of that decision, with respect not only to the Brazilian prizes named in the list annexed to the note of the undersigned of April 14, 1831, but also to others in the same circumstances, but which have not yet been claimed, the Imperial Government not intending to prejudice in the least the rights of the respective proprietors by this omission which is provisionally necessary.

(signed) *Le Chevalier de Mattos.*

The Right Hon. Viscount Palmerston, G. C. B.
&c. &c. &c.

No. 48.

No. 48.

Viscount Palmerston to M. de Mattos.

(Extract.)

Foreign Office, 13 December 1833.

THE undersigned, &c. has the honour to acknowledge the receipt of the note, which, on the 30 November 1833, was addressed to him by the Chevalier de Mattos, &c., and in which M. de Mattos, in the name of his Government, protests against the decision announced in the note from the undersigned to M. de Mattos, of the 18th of May last, relative to the proposed revision of sentences passed on Brazilian vessels by the Mixed Slave Trade Restriction Commission at Sierra Leone.

(signed) *Palmerston.*

His Excellency the Chevalier de Mattos,
&c. &c. &c.

BRAZIL. (*Consular.*) BAHIA.

No. 49.

BRAZIL.

Mr. *Parkinson* to Viscount *Palmerston*.—(Received 10 May 1833.)

No. 49.

My Lord,

Bahia, 8 November 1832.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, dated the 11th of August last, together with a copy of Papers (A) and (B), relating to the Slave Trade.

I have, &c.

(signed) *John Parkinson*, Consul.

The Right Hon. Viscount *Palmerston*, G.C.B.
&c. &c. &c.

No. 50.

No. 50.

Mr. *Parkinson* to Viscount *Palmerston*.—(Received 10 May 1833.)

My Lord,

Bahia, 9 November 1832.

I HAVE the honour to enclose for your Lordship's information a list (marked No. 1) of vessels which have cleared out from this port for the coast of Africa, during the six months ending 30th June last, together with a list (marked No. 2) of vessels which have entered this port from the African coast during the same period.

I have, &c.

(signed) *John Parkinson*, Consul.

The Right Hon. Viscount *Palmerston*, G.C.B.
&c. &c. &c.

First Enclosure in No. 50.

A LIST of such VESSELS as have sailed from the Port of *Bahia* to the Coast of *Africa*, from January 1832, to June of the same Year.

(Translation.)

Date of Departure.	Country.	Class.	Name.	Master.	Whither Bound.	CARGO.
1832. January 31	Brazilian	Schooner	Estrella	João Coelho da Silva.	Coast of Africa	-- 801 small rolls of tobacco, 16 pipes of spirits, and some other goods.
February 12	Ditto	Ditto	Julia	Manoel Correia	St. Thomé	-- 1,136 small rolls of tobacco, 30 baskets of Mampendi, 30 pipes of spirits, 5 others divided in 6 small casks, and 100.
March 12	American	Ship	Henry Hill	John Smith	-- New York, with liberty to touch at the Coast of Mina.	-- Tobacco and spirits.
March 19	Brazilian	Schooner	Carolina	Jozé Gustavo d'Albuquerque.	Coast of Mina	-- 431 small rolls of tobacco, 2 pipes, 28 barrels, and hogsheads of spirits, and 280.
April 19	Portuguese	Ditto	Theresa	Joaquim Telles de Menezes.	Coast of Africa	-- 874 rolls of tobacco, 2 pipes and 2 barrels of spirits.
April 28	-	Brig schooner.	Maceldes	Francisco Jozé d'Almeida.	-- Gold Coast, to touch at St. Thomé and Princes Islands.	-- 2,669 little rolls of tobacco, 54 pipes, and 5 half ditto, with spirits.
June 25	French	Ship	Paquebot Bordelais.	Cirivac André	Gold Coast	-- 5,094 small rolls of tobacco, 19 barrels of ditto, 54 ½ pipes of spirits, and 23 small casks more.

(signed) *Francisco Joaquim Alvares Branco Muniz Barreto*, Lieutenant-Colonel.
By Order of the Government.

CLASS B. CORRESPONDENCE

Second Enclosure in No. 50.

A LIST of such VESSELS as have arrived in this Port from the Coast of *Africa*, from January 1832 to June of the same Year.

(Translation.)

Date.	Country.	Class.	Name.	Master.	Whence.	Cargo.	Consignee.
1832. January 2.	Brazilian	- - Brig schooner.	Mathildes	- - Pedro Jozé Neto.	- - Unin, in 27 days.	- - 2 barrels of oil and ballast.	- - Miguel Antonio Neto.
February 2.	Ditto	- Brig	Tiberio	- - Francisco Jozé d'Almeida.	- - Coast of Africa, in 33 days.	- - In ballast	- - Manuel Cor-doza dos Santos.
- 3.	Ditto	- Schooner	Constituição	João Francisco	- - Ajuda, in 30 days.	- - Palm-oil, clothes & ballast	- - Jozé Cerqueira Lima.
March 7.	Ditto	- - Brig schooner.	- - Duarte Felicidade.	- - Silverio Jozé Pereira.	- - Gold Coast, in 46 days.	- - In ballast	- - Venceslão Miguel d'Almeida.
April 23.	French	- Ship	- - Paquet de Bourdeaux.	Cavaot	- - Gold Coast, in 25 days.	- - Palm-oil	- - The Master.
- 28.	Brazilian	- Schooner	Fortuna	- - Jozé Pereira Nobrega.	- - Gold Coast, in 30 days.	- - Palm-oil, baskets & gourds	- - Pedro Autran

(signed) *Francisco Joaquim Alvares Branco Muniz Barreto*, Lieutenant-Colonel.
By Order of the Government.

No. 51.

Mr. *Parkinson* to Viscount *Palmerston*.—(Received 10 May 1833.)

My Lord,

Bahia, 31 December 1832.

I HAVE the honour to enclose for your Lordship's information a list (marked No. 1) of vessels which have cleared out from this port for the Coast of *Africa* during the six months ending this 31st December 1832, together with a list (marked No. 2) of vessels which have entered this port from the African Coast during the same period.

I have, &c.

(signed) *John Parkinson*, Consul.

The Right Hon. Viscount *Palmerston*, G.C.B.
&c. &c. &c.

First Enclosure in No. 51.

A LIST of such VESSELS as have sailed for the Coast of *Africa*, between July 1832, and December of the same Year.

(Translation.)

Date.	Country.	Class.	Name.	Master.	Whither Bound.	CARGO.
1832. August	Brazilian	- - Brig schooner.	Avelina.	- - Joaquim Pereira dos Santos.	- - Gibraltar, with liberty to touch at St. Thomé and Princes Islands.	- - 400 rolls of tobacco and spirits.
October	Ditto	- Brig	Orisonte	- - Antonio Joaquim Gomez.	- - Gold Coast, with liberty to touch at St. Thomé and Princes Islands.	- - 400 rolls of tobacco.
- 11.	Ditto	- Schooner	Esperança	- - Corme Jozé Rodrigues.	Gold Coast	- - Tobacco, spirits, and sundries.
- 13.	Ditto	- Brig	Fortuna	- - Francisco Pinto d'Araujo Vianna.	Ditto	- - (Sailed without having been visited).
- 17.	Ditto	- Schooner	Heroiaa	- - João Sabino	Angola	- - 40 pipes of spirits and 2 boxes of cigars.
- 22.	Ditto	- Snow	Ligeiro	- - João Gualberto de Mattos.	- - Gold Coast, with liberty to touch at St. Thomé	- - 56 pipes of spirits, 158 small rolls of tobacco, and sundry goods.
- 23.	Spanish	- Schooner	Manetete	- - Jeronimo Balhar	- - - - -	- - 10 pipes of spirits, 2,471 rolls of tobacco, and sundry goods.
- 27.	Brazilian	- Brig	- - N. Snra. da Gloria.	- - Manoel Simoes da Silva.	- - Coast of Africa, with liberty to touch at St. Thomé.	- - 116 pipes of spirits and sundry goods.

(signed) *Francisco Joaquim Alvares Branco Muniz Barreto*, Lieutenant-Colonel.
By Order of the Government.

Second Enclosure in No. 51.

A LIST of such VESSELS as have arrived in this Port from the Coast of *Africa*, from July 1832 to December of the same Year.

(Translation.)

Date.	Country.	Class.	Name.	Master.	Whence.	Cargo.	Consignee.
1832. July 19.	Brazilian	- - Brig schooner.	Clara -	- - Jozé da Silva Rios.	- - Ajuda, in 27 days.	Sundry goods -	- - Joaquim Alvarez da Cruz Rios.
August 7.	Ditto	- Barque -	Fortuna -	- - Manuel Antonio das Neves.	- - Princes Island, in 22 days.	- - Wax, oil, and sundry goods.	- - Francisco Leziague & Co.
- 19.	British	- Snow -	Friendship -	James Vent	- - Coast of Africa, in 32 days.	- - Oil, cloths, and sundry goods	- - André Pinto da Silveira.
- 22.	Brazilian	- Schooner -	Julia -	- Manoel Correa	- - Ajuda, in 30 days.	Oil and cloths -	- - The Master.
- 29.	Ditto	- Ditto -	Carolina -	- - José Gustavo d'Albuquerque.	- - Ajuda in 39 days.	In ballast -	- - Not clear at the registry.
Dec. 7.	Ditto	- - Brig schooner.	Avilera -	- - Joaquim Vieira dos Santos.	- - St. Thomé, in 27 days.	- - 27 pipes, 10 half ones of palm-oil, and 140 cloths.	- - The Master.

(signed) *Francisco Joaquim Alvares Branco Muniz Barreto*, Lieutenant Colonel.
By Order of the Government.

BRAZIL. (*Consular.*) PERNAMBUCO.

No. 52.

BRAZIL.

Mr. Cowper to John Bidwell, Esq.—(Received 2 April 1833.)

No. 52.

Sir,

Pernambuco, 31 December 1832.

I HAVE the satisfaction to state that, during the present year, I have no instance to report of the importation, at or near this port, of slaves from the African coast. At the same time, this is to be understood only as regards the open mode in which this traffic was formerly carried on; it being now one of immense risk, and, in its fullest sense, contraband. That new slaves have occasionally been found on estates in the interior is not to be denied; but, as far as this Government is concerned, it is just to observe, that, wherever discovered, they have been seized, and the proprietors proceeded against for the penalties. The present President acts with much energy on these occasions, and only a few days ago caused upwards of 70 to be seized, and a process is now going on against the owner. He has republished the laws under this head, declaring his resolution to put them into force. There is every reason to hope that, late as it is, the eyes of this Government are opened to the prejudicial effect of the slave system upon the morals and energies of this people. Labour being the exclusive lot of slavery, a stigma became attached to every species of exertion performed by negroes, and the sons of small occupiers of land deem it a degradation to handle a spade, preferring idleness and a loss of the comforts of life to this imaginary loss of personal dignity. The youths employed in shops and warehouses are seen followed by a negro, carrying a parcel not larger than a book, and it is surprising that no attempt, until forced upon the government, has not long ago been made to stop a system, considerations of humanity set aside, so manifestly tending to enervate the people and destroy the only basis of future advancement. The Treaty under this head, as far as the sphere of my observation extends, has operated efficiently towards the ulterior total abolition, and I hope yet to see the first ship returned from this country to Angola with the restored victims of mercenary and heartless speculators.

I have, &c.

(signed) *Henry Cowper*, Consul.

John Bidwell, Esq. &c. &c. &c.

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No. 53.

No. 53.

Viscount *Palmerston* to Viscount *Granville*.

My Lord,

Foreign Office, 28 February 1833.

I HEREWITH transmit to your Excellency the copies of five despatches, and of their enclosures, which have been received from the Lieutenant-Governors of Gambia and Sierra Leone by the Secretary of State for the Colonial Department, and have been communicated to me from thence, reporting the particulars of the cases of certain Africans whom the Lieutenant-Governor of the Gambia had seized and sent to Sierra Leone for adjudication.

Your Excellency will make use of these papers in your discussions with the French Government on the subject of Albreda, illustrating, as they do, the difficulties which the British authorities experience in checking the removal of Africans under the French flag from the River Gambia.

The Right Hon. Viscount Granville,
&c. &c. &c.

I am, &c.
(signed) *Palmerston*.

First Enclosure in No. 53.

1st Enclosure
in No. 53.Lieutenant-Governor *Rendall* to Mr. *Hay*.

Sir,

Government House, Bathurst, 12 January 1832.

I HAVE the honour to forward herewith a Copy of a Passport given from the Secretary's Office at Sierra Leone to a slave named "Colé," belonging to M. Durand Valantin, of Senegal, who was seized by the Collector here, and sent for adjudication to the Court of Vice-Admiralty.

I have received no information of the reasons why this unfortunate man should be reconsigned to slavery, and feel it therefore my duty to make known the same.

R. W. Hay, Esq.
&c. &c. &c.

I have, &c.
(signed) *G. Rendall*, Lieutenant-Governor.

(Passport.)

No. 270.

Secretary's Office, Colony of Sierra Leone.

PERMIT to depart on his voyage from this Colony to St. Louis, on the Senegal, "Colé," a black passenger on board the schooner "Reine et Caroline," Soliceœur, Commander, and bound for Senegal.

Given under my Hand and Seal of Office at Freetown, Sierra Leone, this 12th day of December 1831.

A true Copy. (signed) *Henry Rishton*, Colonial Secretary.
A. Hunter, Colonial Secretary. Bathurst.

Second Enclosure in No. 53.

2d Enclosure
in No. 53.Lieutenant-Governor *Rendall* to Viscount *Goderich*.

My Lord,

Bathurst, River Gambia, 3 February 1832.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 9th December last, and duly note the principles of law therein contained respecting foreigners.

I regret, however, to state, that I have sent two cases of the kind alluded to to Sierra Leone, with all the proof I could collect, and at considerable expense to this settlement, yet, by some extraordinary supineness on the part of the police magistrates, they have both been discharged without coming to trial.

The first was the case of the liberated African girl "Betty," who was put on board the schooner "Les Valentins" by Jaques N. Diaye, the native captain, with a passport from M. Sallomon, of Albreda, where "Betty" had never been in her life. She was put on board at night, and had not the least idea where she was going. My firm conviction, upon hearing the girl's story, was, that she was being kidnapped from this place for the purpose of reclaiming the slave child of this Jacques N. Diaye, but Mr. Campbell, the police magistrate at Sierra Leone, thought proper to dismiss the case without suffering it to come to a jury.

The next case was M. Durand Valantin, for surreptitiously bringing a slave boy, named "Vulcan," from the factory in the Rio Nunez to this settlement, and apprenticing him to a blacksmith, with a clause in the indenture that he was to be restored to his master, M. Valentin, at the expiration of his term. All the parties were sent to Sierra Leone, with the original indenture; but this case was discharged by Mr. Logan Hook in the same way as the former.

Your

Your Lordship can hardly be aware of the difficulty that exists in discovering slave offences, and bringing the parties to conviction, from the unwillingness of witnesses to come forward, and the supineness of those whose duty it frequently is to send such parties to trial.

I have, &c.

The Right Hon. Viscount Goderich, (signed) *G. Rendall*, Lieutenant-Governor.
&c. &c. &c.

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in No. 53.

Third Enclosure in No. 53.

Lieutenant-Governor *Rendall* to Mr. *Hay*.

Sir,

Bathurst, River Gambia, 4 March 1832.

WITH reference to my letter of the 12th of January last, No. 66, I have the honour to enclose copy of the decree in the case of "Les Valantins," by which it will be seen that every thing is given up to the claimant.

His honour, Chief-Justice Jeffcott, has kindly favoured me with a copy of his sentence in this case, which I beg leave to transmit also.

It appears that the proceedings in this case have been much neglected and mismanaged at Sierra Leone; in the first instance, by suffering the master of "Les Valantins" to leave the colony before the case was brought into court, whose evidence must have condemned the vessel; next, in the suppression of some of the most important facts, viz. that it was impossible to send the vessel to Sierra Leone for the want of a master and seamen, and that the only alternative was to take bail; that the name of the officiating Judge of Vice-Admiralty was included in the bond; that the slave "Colé" was found concealed in the fore-castle of "Les Valantins," after the officer of the customs had been told that there was nobody on board except those named in the "role d'équipage;" and what is still more extraordinary than all, that the age of "Colé" is suffered to be given in evidence as 28, when it is notorious to every person who saw the man after seizure, that he must have been upwards of 50 years of age. The ridiculous assertion that he was to be apprenticed for 14 years made this the more remarkable.

It induces me strongly to doubt whether the real slave "Colé" could have been examined, as the difference of appearance between 55 and 28 must have struck the registrar and proctors.

It is certain that the boy "Marka" could not be found until six days before the trial, for the case was re-opened to receive his evidence, and "Colé" (if it were he) was not examined until twelve months after his arrival in Sierra Leone.

There are various other discrepancies, but I will close with one circumstance which calls loudly for redress, viz. that the documents sent down by the seizer were obtained with some difficulty from the very proctor who conducted the case for the claimants.

The affair altogether bears so hard upon Mr. Bland, acting-collector, that I have directed the half-costs decreed against him to be paid from the colonial revenue, until the pleasure of Lord Goderich can be known thereon.

It is not for me to question the decision of his honour the Chief Justice, though I must say I differ in opinion with him; and I should advise an appeal to the High Court of Admiralty, if it were not that I fear the proctors at Sierra Leone have so mismanaged the case as to render it hopeless.

I regret the failure of this prosecution, as it gives the slave traders in this river, and the settlements to windward, a triumph over the well-meaning efforts of those who are opposed to them.

I have, &c.

R. W. Hay, Esq. (signed) *G. Rendall*, Lieutenant-Governor.
&c. &c. &c.

In the Court of Vice-Admiralty, *Sierra Leone*.

THESE are to certify that the following document is a true copy of the original decree made in the case of the French schooner "Les Valantins," whereof Jacques N. Diaye late was master, which said schooner, seized and prosecuted by J. Bland, Esq., was restored upon the 9th day of December, A. D. 1831.

In witness whereof, &c.

(signed) *Henry Rishton*, Registrar, C.V.A., Sierra Leone.

Whereupon we, the honourable J. W. Jeffcott, Judge of the said Court of Vice-Admiralty, after certain affidavits in the case, affirming the aforesaid allegations, did, upon the said 17th day of June, proceed to issue the usual monition in such cases, and did receive into court a certificate from the person commanded to execute the same, whereby it was certified that he had duly executed the same in manner as therein commanded him, between the hours of 12 and 2 on the said 17th day of June; and afterwards, to wit, on the 5th day of August in the year aforesaid, the said monition here returned into court by Charles Cole, gentleman, marshal of the said court of Vice-Admiralty, as having duly executed and performed in all things as therein was commanded him, and Durand Valantin, part owner of the said schooner "Les Valantins," being thereunto duly admonished and cited in this behalf by the tenor of the said monition, comes here into court in his own behalf and on behalf of René Valantin, also part owner of the said schooner "Les Valantins," by John Thorpe the younger, his proctor, and says, that for anything above alleged, induced, pleaded, propounded, avowed, and set forth, by the said Robert Dougan against the said schooner "Les Valantins," her guns, tackle, apparel, and furniture, and the goods, wares, and

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and merchandizes, laden on board the same, ought not in any wise to be adjudged to be condemned, forfeited, confiscated, or otherwise hurt or detained, by reason that the said schooner and cargo are protected from such seizure by the treaties between His Britannic Majesty and his Christian Majesty, and also by reason that the said two natives of Africa were not slaves, but had been liberated and apprenticed to him, the said Durand Valantin, and to the said Jacques N. Diaye, pursuant to the French law, all which he is ready to verify: Wherefore the said Durand Valantin also prays the advice of the court in the premises, and that the said schooner "Les Valantins," her guns, tackle, apparel, and furniture, and the goods, wares and merchandizes, laden on board the same, may, by the definitive sentence of the said court, be adjudged and decreed to be restored to him, the said Durand Valantin, for the use and behalf of himself, the said Durand Valantin, and the said René Valantin, the sole owners and proprietors thereof. Whereupon we, the Honourable J. W. Jeffcott, judge of the said court of Vice-Admiralty, having heard, and seen, and understood, and fully and maturely discussed, the merits of the said cause or business respecting the seizure or detention of the said schooner called "Les Valantins," whereof Jacques N. Diaye was master, her guns, tackle, apparel, and furniture, and the goods, wares, and merchandizes, laden on board the same, by John Bland as aforesaid, which was lately, and still is, pending before us on the part and behalf of the said John Bland against the said schooner called "Les Valantins," whereof Jacques N. Diaye was master, her guns, tackle, apparel, and furniture, and the goods, wares, and merchandizes, laden on board the same, and against all persons in general who have or pretend to have any right, title, or interest therein; and we, rightly and duly proceeding therein, and the said Robert Dougan for and on the part and behalf of the said John Bland and the said John Thorpe the younger, for and on behalf of the said Durand Valantin, appearing before us and praying sentence to be given, and justice to be done; and all persons in general who have or pretend to have any right, title, or interest, in the said schooner, her guns, tackle, apparel, and furniture, and the goods, wares, and merchandizes, laden on board the same, being duly and legally cited and monished, called and appearing, having first inquired into and duly considered the whole proceedings had and done before us in the said business, and having observed what law ought to be observed in this behalf, have thought fit and do think fit thus to proceed to the giving and promulgating our definitive sentence and final decree in the said business in manner and form following:—Forasmuch as we have, by the Acts enacted, preferred, deduced, alleged, avowed, propounded, and proved, in the said business, found and clearly discovered that the said Robert Dougan hath founded and proved his intention, to wit, that the possession of the river Gambia had been ceded to His Britannic Majesty by his Most Christian Majesty, by virtue of a certain treaty signed at Versailles, A. D. 1783, which treaty stands as yet unrepealed and unannulled by any subsequent treaty or convention whatsoever, and that therefore all persons passing through the waters of the said river Gambia are bound to pay obedience to British laws; and forasmuch as the said schooner was at anchor within the Port of Bathurst in the river Gambia aforesaid, having on board two natives of Africa, to all appearance kept, treated, and confined as slaves, the names of the said natives of Africa, to wit, "Colé" and "Marka," not having been upon the muster-roll of the said vessel, and the said Durand Valantin having stated that he had purchased the said "Colé," but justifying the said purchase by the production of a certain passport, said to have been granted by an individual calling himself the French resident at Albreda, but who, nevertheless, had not, up to the detention of the said vessel, produced his credentials to, or been acknowledged by, the British authorities of St. Mary's, in the said river Gambia:

But inasmuch as the said schooner hath been released on bail without the sanction of the said court, and the same hath not been acknowledged before any competent authority, and subsequent to the said release on bail the said schooner hath been prosecuted before the French tribunal at Senegal, whereby it appears that the said native of Africa, named "Colé," was emancipated after he had been purchased as aforesaid by the said Durand Valantin at Albreda as aforesaid; and that the said Durand Valantin did not, subsequently to the said "Colé's" emancipation, or while he was within British waters or within British jurisdiction, treat, deal with, or confine, the said "Colé" as a slave, according to the true intent and meaning of the Act of Parliament in this behalf propounded, but considered him as his apprentice, lawfully emancipated, by one whom the said Durand Valantin conceived to have competent authority so to do. And the said French court having amerced the said Durand and René Valantin in a certain sum of money for having had the said "Marka" on board, his name not having been entered on the muster-roll of the said schooner, which, by the laws of France as well as of Great Britain, was bound to have been done:

Now, therefore, we, the Honourable John W. Jeffcott, first calling upon the name of Christ, and having God alone before our eyes, and having heard counsel learned in the law thereupon, do hereby pronounce, decree, and declare, that the said John Bland had good cause and just and sufficient reason for seizing and detaining the said schooner and sending her to the court of Vice-Admiralty of Sierra Leone for adjudication; but that the bail bond given in this cause having, for the causes above-mentioned, been irregularly taken, the same be and is hereby cancelled and annulled, and the bail dismissed.

And we do further pronounce, decree, and declare, that the said "Colé" be restored to the said Durand Valantin, the said "Colé" not having been found to have been kept and dealt with as a slave while within British waters and within British jurisdiction, according to the tenor of the Act of Parliament above recited. And we do further pronounce, decree, and declare, that the said "Marka" be restored to the French authorities at Senegal, from which place he appears to have been surreptitiously stolen or enticed away by the said Jacques N. Diaye.

And

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And we do further decree that each party do pay his own portion of the costs attending the prosecution of the said cause; and we declare that the said John Bland is not, and ought not to be, amenable to any prosecution or expenses whatsoever, for having detained the said schooner as aforesaid.

This sentence was read and promulgated by the judge aforesaid at the court-hall in Freetown, in the colony of Sierra Leone, being the place where the general quarter-sessions of the peace are wont to be holden, upon the 9th day of December, A.D. 1831.

Which we attest,

(signed)

Henry Rishton, Registrar.
Charles Cole, Marshal.

A SUMMARY of the OBSERVATIONS made by the Judge of the Vice-Admiralty Court of *Sierra Leone*, in pronouncing sentence in the case of the French schooner "Les Valantins," prosecuted in that Court for an alleged infraction of the Consolidated Slave Trade Abolition Act of the 5 Geo. 4, cap. 113.

AFTER some preliminary remarks upon the length of time which had been suffered to elapse before the cause was ripe for adjudication, and declaring it to be his opinion that the delay was not to be attributed to the seizor, but that it had been principally caused by gross neglect upon the part of a late officer of the court, the judge delivered the judgment of the court to the following effect:

This is an information filed at the instance of John Bland, acting collector of the customs at the port of Bathurst, in the island of St. Mary, river Gambia, against a certain schooner called "Les Valantins," the property of Durand and René Valantin, subjects of the King of the French, for an alleged infraction of the Consolidated Slave Trade Abolition Act, the said schooner having been found in the harbour of Bathurst under circumstances which induced a grave suspicion that she was engaged in a violation of British law, by carrying on the illicit traffic in slaves within British jurisdiction. The circumstances which led to her detention, and to the institution of the present proceedings, were the following:—The claimant, Durand Valantin, being, as I have observed, a French subject, ordinarily residing at Senegal, was in the habit of trading between that settlement and the French factory of Albreda, situated on the river Gambia, about 18 or 20 miles from St. Mary's. In order to reach this factory, it is necessary that all vessels should pass within cannon-shot of the town of Bathurst, and it has been invariably required that all French vessels, previous to proceeding to Albreda, should deposit their papers with the British authorities of Bathurst, calling for them on their return. The schooner "Les Valantins," commanded by an individual named Jacques N. Diaye, arrived at Bathurst on her way to Albreda, early in the month of August 1830, and after depositing her papers as usual with the collector of the customs, who visited her, and found nothing to warrant a suspicion that she was engaged, or likely to be engaged, otherwise than in the ordinary legitimate traffic, she sailed for Albreda.

On her return from that place she was again visited by the collector of the customs, and then it was that he made the discovery which induced him very properly to detain her. He found two negroes on board, one a boy of tender years, whom he had not seen when he first visited the vessel, and whose name did not appear upon the "role d'équipage," or muster-roll, as it ought to have done, and the other a man who, to all appearance, was kept, treated, and dealt with as a slave. Here certainly was ample ground for suspicion; and what, on the other hand, is done by the claimant to rebut that suspicion? He produces a passport for one of the negroes, the man named "Colé," from an individual styling himself the French resident at Albreda; while, with reference to the other, a boy named "Marka," a very confused, and, as it subsequently appeared, false account is given by the master of the schooner, Jacques N. Diaye, who stated the boy to be his (J. N. Diaye's) apprentice, and that he had, through mere inadvertence, neglected to have his name inscribed on the muster-roll; an account which subsequent investigation proved to be totally at variance with the truth, the boy *not* being the apprentice of the master, but kidnapped or enticed away by him from Senegal, for what purpose the court can only form a conjecture, certainly not a favourable one, as far as the master is concerned.

The passport which was produced by the claimant, D. Valantin, then on board the schooner, and which was signed by M. Sallomon, as resident of Albreda, the Lieutenant-governor of St. Mary's refused to acknowledge as conferring any right upon foreigners to remove any person out of the river Gambia without the previous sanction of the British authorities to such a proceeding, and in so doing, the Lieutenant-governor acted, in my opinion, perfectly right.

By virtue of a solemn treaty entered into between his Most Christian Majesty and His Majesty the King of Great Britain, signed at Versailles in the year 1783, a treaty which stands unrepealed and unannulled by any subsequent treaty or convention, the full sovereignty of the river Gambia, from its source to its mouth, is ceded to Great Britain in as full and ample a manner, to all intents and purposes, as the sovereignty of the Senegal has been ceded to France by the King of Great Britain. It therefore follows that foreigners, when permitted to trade in the river Gambia, are, while within its waters, subject to British law and amenable to British jurisdiction. Then comes the question, how have the French obtained permission to trade in the Gambia, when it is well known that the English are sedulously excluded from trading in the Senegal? and the answer is, that they have been in the habit of resorting, more as a matter of courtesy than of right, to a place called Albreda, which they occupy as a comptoir or factory, having to that end purchased from

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the native chiefs a piece of ground, which in its fullest extent amounts to 400 yards by 200 yards, or 400 yards in length and 200 yards in breadth, and no more.

To this place we have hitherto suffered the French to trade, and although we might have excluded them, and our conduct could not have been called in question, according to the strict letter of the 10th article of the treaty of 1783, by which the unlimited sovereignty of the river Gambia is ceded to us, still, having let them in, we are bound to treat them with courtesy, and to afford them every protection, upon this simple and easy condition, that they will be obedient to our laws while within our acknowledged jurisdiction; for although we allow them, and, as I have already observed, more as a matter of courtesy than of right, to trade to Albreda, we are not, by so doing, to denude ourselves of our sovereignty over the river Gambia; and were I even to admit, which I do not, that the title of the French to the factory of Albreda were ever so well established, they are clearly restricted by treaty from any control over the river, and can consequently claim none.

I now come to the important question, by the answer to which the judgment of the court can alone be influenced, and that is, have the claimants in this cause violated British law while resident in British territory and within British jurisdiction? This is a question which, after giving to it, in all its bearings, my most anxious deliberation, I cannot take it upon me, *quoad* the negro "Colé," to affirm.

A number of documents have been placed upon the files of this court, consisting of a passport from the individual styling himself the French resident at Albreda, a certificate from that person relative to the emancipation of the negro "Colé," together with the proceedings and sentence of a French court, the Cour de Première Instance, at Senegal, and upon a careful perusal of all these documents, I cannot take it upon myself to say that the act committed by the claimant, D. Valantin, can possibly be called an infraction of the British Act of Parliament upon which the libel or information is founded, according to the true intent and meaning of that Act.

For what are the facts, as detailed to the court in the various exhibits laid before it? Durand Valantin, the claimant, being at Albreda, a French factory (for such, however doubtful their original claim to it may be, it must be considered, as long as the French are permitted to trade there), the claimant being, I say, at this French factory, and not within British jurisdiction, purchases, according to French law, a slave, from a person to whom that slave had been a captive taken in war, or rather he remits to the owner of this slave a sum of money in which he was indebted to him, and takes the slave in discharge of the debt. Immediately upon so purchasing him, and with at least the tacit acquiescence of the wretched slave, if indeed a person in a state of slavery can with propriety be said to acquiesce, a state in which the acquiescence must necessarily be all on one side,—*Ubi tu pulsas, ego vapulo tantum*,—he takes him to the French resident; and the papers before me from that M. Sallomon are acknowledged as such by the French authorities, and goes through all the formalities required by the French law for the purpose of procuring the emancipation of this slave, and causing him to be apprenticed to him, the claimant. As soon as this ceremony had been gone through, the negro "Colé" appears to me to have been no longer a slave in the sense contemplated by the Act, but an emancipated negro, apprenticed or to be apprenticed (for the emancipation and apprenticeship do not appear to be complete until they are ratified and registered before the authorities at Senegal) to the claimant, whom he is bound to serve for the somewhat extended term of 14 years, and then as the price of his servitude, that servitude being *le prix de son rachat*, to be ever afterwards absolutely and *bonâ fide* free, and entitled to all the rights, privileges, and immunities of a French subject and citizen.

Now I am not going to express any approbation of this system of emancipation, which, I believe, our French neighbours consider an imitation of the plan pursued by us at Sierra Leone, but which, like some other foreign imitations of British institutions, does not bear the most perfect resemblance to the original. We, it is true, apprentice our liberated Africans, but we do so *not* after we have *purchased* them, that is to say, held out an *inducement* to slavery; for as long as you buy, the natives will not fail to supply the market, nor will they be very fastidious as to the source whence that supply is derived; and it is on that account that we prohibit our subjects from purchasing slaves for any purpose under the penalty of death. We apprentice them, but never for a longer period than seven years, and that after we have rescued them from slavery *vi et armis*; denouncing the system of slavery as one to be put down by the strong hand, and not holding out an encouragement to it by making them a subject of barter, and inducing the wretched natives to make war upon and kidnap each other in order to supply the market. We, I say, apprentice them, not for the benefit of the state, but solely for the protection and support of the individual himself, whom we have rescued at the expense of our treasure and the blood of our citizens; and during his apprenticeship we watch sedulously over his interests, and he is entitled, even while in that state, to all the rights and privileges of a British subject. When, therefore, I see the Duc de Richelieu, when French Minister for Foreign Affairs, writing to the British Secretary of State, that instructions would be sent out to the authorities in the French colonies to encourage as much as possible "voluntary emancipations, upon the principle pursued by the English," I cannot help regretting that his Excellency did not take some pains to make himself better acquainted with what the English system really was.

But to return to the question at issue: all the documents before me prove that the claimant, Durand Valantin, did not purchase a slave within British jurisdiction, for the purchase or transfer took place at Albreda, the French factory, and that before he put him on board his schooner this quondam slave had been emancipated, as far as the provisions of the French law were concerned; and that he was neither considered nor treated in the

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light of a slave, according to the true intent and meaning of the Act of Parliament upon which, and upon which alone, this libel is founded. That Act of Parliament could not, in fact, have any reference to a case like this, of which the framers of it could not have contemplated the existence; and it will, therefore, be for the Legislature of this colony to frame an Act, subject to the approval of His Majesty's Government, for supplying the *casus omissus*, and remedying the evils consequent upon it. For that we have a right to legislate for the river Gambia cannot, I presume, be disputed while the treaty of 1783 is in existence; and if foreigners are not prepared to obey the laws which may hereafter be enacted to regulate their intercourse with it, they must, as a matter of course, forego the privilege of trading in that river.

After taking in this negro, emancipated, as I have described, by the French resident, the schooner proceeded to St. Mary's for her papers, the claimant says, but it is evident from the protest which he has entered against a British merchant of Bathurst, for the non-performance of a contract, that he had an ulterior object. However that may be, while this vessel was at anchor in the harbour of Bathurst, waiting for her papers or otherwise, the collector of the customs came on board, and finding the two individuals "Colé" and "Marka," under the circumstances I have detailed, the Lieutenant-governor having refused to acknowledge the passport of the resident of Albreda, the negro "Colé" being, to all appearance, treated and dealt with as a slave, and the name of "Marka" not appearing on the "role d'équipage," there certainly was probable cause for seizure, and the Lieutenant-governor of St. Mary's determined, in consequence, to send the schooner down to Sierra Leone to be prosecuted in the Vice-Admiralty Court. Had Lieutenant-governor Rendall adhered to his original resolution, a good deal of inconvenience would have been saved to the court and the parties; but a different course was unfortunately adopted, and irregularities have been admitted, which of themselves would, independently of any other circumstances, go far towards vitiating all the subsequent proceedings.

After the seizure of the vessel, and, as I have said before, there was every probable cause for seizure, the proper course would have been to send her down to this colony, where there is a Vice-Admiralty Court, for adjudication. Instead of doing so, Lieutenant-governor Rendall, who, although vice-admiral, is not judge of the Court of Vice-admiralty, assuming to himself the office of the judge, inadvertently, I am sure, and certainly from the best of motives, let the vessel out on bail, having previously had the master and crew examined before the civil magistrates; examinations which I am, however, bound to say cannot be recognized by this court.

Before, I say, any regular examinations had been taken, before the vessel had been, in fact, brought into court, and without obtaining the permission of the judge, which was the first step to be taken, he allowed the claimant, Durand Valantin, to enter into a bond, himself in 1,500 *l.*, and three merchants of Bathurst in 250 *l.* each, by which they acknowledge themselves to be bound in the above respective sums "to George Rendall, Esq., or to the judge of the Court of Vice-Admiralty of Sierra Leone, as the case may be;" the condition of the obligation being, "that if the said Durand Valantin shall abide the sentence of the Vice-Admiralty Court of Sierra Leone, or that of the High Court of Admiralty of England, in the case of the King *v.* the schooner 'Les Valantins,' within three months after such sentence shall have been pronounced, then the said obligation to be void, otherwise to be of full force and virtue," &c.

With every respect for Lieutenant-governor Rendall, and a thorough conviction that in what he did he was actuated by the best dispositions, and was chiefly anxious, while he performed what he considered his duty, to avoid anything which might have the appearance of unnecessary harshness or severity towards the claimant, still I must say that the rules by which the proceedings of Vice-Admiralty Courts are regulated, have been, in this instance, widely departed from, and it is impossible for me to acknowledge the validity of the bond now before me.

Before the bond was given, the vessel and cargo were appraised and their value estimated—but by whom? "By sworn appraisers," it is said. But sworn by whom, and to whom amenable, if found not to have discharged their duty? not sworn, certainly, before the court, or by its authority, nor subject to its jurisdiction; and their acts, consequently, neither admissible nor recognizable by the court. Then, with reference to the examinations before the civil magistrates of Bathurst, all these must be expunged from the proceedings, and can form no part of the evidence upon which the definitive sentence of the court must be founded.

Under all these circumstances, were I even of opinion that the acts of the claimant had been an infraction of the Slave Trade Abolition Act, I should, nevertheless, have no power of complying with the prayer of the prosecutor, and pronouncing the condemnation of this vessel and cargo, for the vessel and cargo are gone: they are not in court, nor within its jurisdiction, and in their room I have nothing but a piece of waste paper. The parties were not before the court when this bond was taken without its authority; and the essential words by which the parties submit themselves to its authority are not to be found in it. I should therefore stultify the proceedings of this court, and hold its authority up to contempt, if I assumed a power and a jurisdiction which I did not possess and had no means of enforcing; for, were I to pronounce this vessel forfeited, I could not, I repeat it, enforce the penalty, the parties not having given bond to me or by my authority.

In saying this much, however, let me not, I say again, be supposed to impute blame to the seizer or to the Lieutenant-governor of St. Mary's. On the contrary, that settlement is so situated, nearly 500 miles distant from Sierra Leone, that there was, under the circum-

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stances, scarcely any other course left them to pursue than that which they adopted. It shall, however, be my endeavour to prevent any recurrence of what has, in this instance, taken place, by providing an adequate remedy, in the appointment of a surrogate, with power to take examinations *in preparatorio*, and to release vessels on bail, after they shall have been appraised by officers duly appointed by the court.

To proceed, however, with the circumstances which followed this irregular release of the vessel: After she had been so released she returned to Senegal, and there proceedings were immediately instituted against her by the French authorities of that colony, the claimant, Durand Valantin, states, at the instigation of the Lieutenant-governor of St. Mary's, an assertion, the correctness of which I must, however, take leave to doubt, it being scarcely to be supposed that the Lieutenant-governor would have taken a bond from that person to abide the sentence of this court, and at the same time prefer charges against him before his own authorities.

Proceedings were, however, instituted at Senegal, and the vessel and cargo were, after a lengthened investigation, released; the court there pronouncing that the claimant, Durand Valantin, had complied with the laws of France, as far as regards the negro Colé, who was not to be considered in the character of a slave, having been *bonâ fide* emancipated before the French resident at Albreda; but with respect to the negro child "Marka," the court pronounced that the claimant had committed an act for which he was amenable to punishment, in taking that individual on board and not entering his name on the muster-roll, as he was bound to do, as well by the law of England as of France, and for this offence the court condemned him to pay a pecuniary fine and the costs of suit.

Now the Courts of Admiralty in England have been always accustomed to pay respect to the decisions of the foreign Courts of Admiralty, without too nicely inquiring into the grounds upon which such decisions have been founded, and I am, for many reasons, not disposed to depart from that principle upon the present occasion, although I must say, that had the case come before me in the first instance I think it likely that I should, for a reason to which I shall presently advert, have come to a different conclusion from that at which the Court of Senegal has arrived.

At first I entertained some doubt whether I should receive these French documents at all, the question before me not properly involving any violation of the French law, with which this court has nothing to do, but being confined to the alleged violation of a British Statute by a person residing, or being, at the time of such violation, within British jurisdiction. When I, however, on the other hand, considered the peculiar situation of this French factory, and that the *animus* with which the act was committed must be taken into consideration, in estimating the nature and degree of the offence, and when I also reflected that this vessel having been suffered to leave the Gambia before she had been regularly brought into court, but under circumstances of strong suspicion, and that her detention and the cause of it must have come to the knowledge of the authorities of Senegal, her seizure there was an almost inevitable consequence, and the claimant having, besides, in the claim which has been filed on his behalf, set forth that he could prove the legality of his acts by the production of these documents, as well as by reference to certain treaties and conventions, I determined, and the more readily because he was a foreigner, to receive them. I have carefully perused these documents, and the conclusion to which I have come, after devoting my most anxious attention to their perusal, and, amongst them, I must say, that no treaty or convention to the effect that he has stated has made its appearance, is, that, as I before observed, the entire sovereignty of the River Gambia is exclusively vested in His Britannic Majesty, and that the claimant has failed to produce an iota of evidence to the contrary; but that, with reference to the negro "Colé," the act of emancipation having taken place at Albreda, where the original purchase or transfer also took place, that emancipation having been proved to the satisfaction of the French court to have taken place in regular form before M. Sallomon, although I am bound to say that there was no evidence to that effect, other than the mere assertion of the claimant, when the vessel was seized, and M. Sallomon, although not recognized by the British authorities at St. Mary's, or possessing any power or authority within the River Gambia, where he clearly has none, still being clothed with certain powers, *quoad* Frenchmen, it is clear that the claimant knew he was not violating the laws of his own country by receiving this negro in payment of a debt at Albreda, and subsequently emancipating him, and that having so emancipated him *before he brought him into British waters*, the claimant did not consider him, and he was not, in point of fact, a slave, and the claimant must, under such circumstances, have been wholly guiltless of any intention of violating British law.

All this evidence, I must however again observe, has been produced subsequently to the detention of the vessel, and during the progress of the investigation at Senegal; the claimant having been unprovided with *any written proof* of "Colé's" emancipation when he was found under such suspicious circumstances at Bathurst; that evidence having been produced to the court at Senegal long subsequent to the vessel's detention; so that had she been sent up in the first instance, it is a matter of doubt to me whether I should have admitted evidence which I now, from courtesy to the decision of the foreign tribunal by whom it has been considered sufficient, am not disposed to reject.

I have also ascertained from the best authority that the property of the French in their emancipated or apprenticed negroes has hitherto been respected at St. Mary's, and that the rights of those emancipated or apprenticed negroes are sedulously guarded by the French authorities at Senegal and Goree.

Acting, therefore, upon the evidence before me, although I am far from admitting that
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the system of voluntary emancipation, which is encouraged and legalized by the French law, is at all assimilated to that which exists amongst us, although professedly founded upon it, but that it is quite distinct from the system adopted by us, both in its principle and its effects, by holding out an encouragement to, instead of checking, the slave-trade; still I should be loth, under all the circumstances, and considering, as I am bound to do, that there was no *mala fides* in the conduct of the claimant, who knew he was acting in conformity with his own laws, and could not have contemplated a violation of ours, I say, I should be very unwilling to visit him with so severe a punishment, for that which at most could have been but an involuntary error, as the forfeiture of his vessel and cargo.

That penalty, however, even had the offence been more clearly brought home to the claimant than it has been, and if I entertained none of the doubts which I do at present, with reference to the case, it would, upon the present occasion, be out of my power to impose, the vessel and cargo having, as I have already observed, been irregularly released, and not being within the jurisdiction nor under the control of this court.

I may as well take this opportunity of stating publicly, and particularly to the foreigners who may be present, that the absolute and unrestricted sovereignty of the River Gambia has, by the treaty to which I have referred, been vested in His Britannic Majesty; and although we allow the French to trade there by courtesy, and I should be sorry indeed that the right to trade to so insignificant a spot should cause any interruption of amity or good feeling between two great nations; the two, I may say, "*par excellence*," civilized nations of the world, and who, it is to be hoped, will ere long be seen cordially uniting and co-operating in that one great and noble object which their sincere and united efforts alone can accomplish—the universal extinction of slavery; still I am bound to say, that we have the right, and will exercise it, to make laws for regulating the intercourse of foreigners with that river; and it is my intention to propose to the Council of this colony, within a very few days, the enactment of a law prohibiting foreigners from taking out of the River Gambia any negro or other person by virtue of any passport or letters of emancipation from any person or persons whomsoever other than the British authorities at St. Mary's; and that if any foreigner or other person shall be found endeavouring to smuggle any person out of the river under colour of any such passport, the negro or negroes found on board shall be forfeited, and a penalty of 100 *l.* for each person so attempted to be smuggled or conveyed away shall be inflicted on the master or owner, together with the forfeiture of the vessel and cargo.

By this Act a palpable omission will be supplied, at the same time that the law will be made clear to all whom it may concern; and that such an Act is absolutely called for, I cannot help feeling, when I find, in perusing the papers laid before me in this cause, although the accusation which they involve does not form any part of the libel, nor has it been, as it might have been, made matter of charge against the claimant, and which I mention therefore only incidentally, that the individual styled the Resident of Albreda, M. Sallomon, has taken it upon himself to grant passports for two individuals, not French but *British* subjects—one, I understand, a liberated African—persons not residing at Albreda, or within the limits of his residentship, but two persons, subjects of His Majesty, and actually dwelling at St. Mary's, a British settlement, and that the master of this French schooner actually had the effrontery (for I can apply no milder term to such conduct) to attempt to smuggle those two persons, by virtue of M. Sallomon's passport, out of the River Gambia, without applying for or obtaining the permission of the British authorities at St. Mary's; so that it would appear as if M. Sallomon, not content with exercising his functions within the limits of his own confined jurisdiction, arrogated to himself a control over the motions of British subjects, by assuming a power which he must have known was vested exclusively in the British Governor of St. Mary's. This was really, to use a French phrase, a little "*trop fort*," and it is a matter of surprise to me that it has been allowed to go unpunished. Such conduct will, however, be effectually provided against by the Act which I propose to introduce, and I have therefore no fear of its repetition.

In delivering the judgment of the court, I have again to express my regret that a case of this kind should have come before me for decision, because it is one which, as respects the judge as well as the parties, is strictly *primæ impressionis*, and in giving my opinion, upon which I have no precedent to be guided by, I shall, however, endeavour to do impartial justice to the best of my ability, and in so doing take care that no private feeling or prepossession of any kind shall interfere with the discharge of my public duty.

In pronouncing sentence it is my duty to be guided by the terms of the libel filed in the cause, which, as my Lord Stowell has observed, is equivalent to the indictment at common law, and to form my decision upon the evidence produced in support of that libel. Now, with what does the libel in this case charge the claimant? with an infraction of the British Statute 5 Geo. 4, c. 113.

Is the claimant, as a French subject, punishable for a violation of that Statute? He is, clearly and decidedly, if the violation has taken place within British jurisdiction. The only question, therefore, for the court to decide is, whether the claimant has violated the law in the terms stated in the libel, he, the claimant, being at the time within British jurisdiction. But, upon an anxious and a careful perusal of the evidence laid before me, I cannot take it upon me to affirm that proposition. Two natives of Africa were found on board this vessel, under such circumstances of suspicion as gave the seizor an undoubted right to seize. These two individuals, however, in the terms of the libel, are described to have been treated and dealt with as slaves. But what are the facts as they appear in the written evidence before the court? One of them, "Colé," is proved to have been emancipated before he

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he was put on board, and cannot, therefore, be considered a slave according to the strict meaning of the Act; for, as I have before observed, the framers of it could not have contemplated such a conflict of jurisdiction as the existence of a French factory on the banks of a British river has unfortunately produced. With respect to "Colé," it is in proof that the claimant purchased him; an act for which a British subject would be punished with death; still, in a French subject and upon French territory, for although we claim the sovereignty of the river, we cannot claim jurisdiction over the French residents at Albreda for acts committed within the limits of that factory, as long as we allow them to trade and to hoist the French flag there, it was no infraction of British law, and does not therefore make the claimant amenable to punishment, or his vessel to forfeiture in this court. It is also proved, that after purchasing, and before putting him on board and taking him into our waters, (for I maintain that to us belongs the exclusive sovereignty of the whole river,) he was no longer a slave, having been emancipated in French territory, according to French law, and consequently in the eye of the claimant a legalized apprentice. And although such emancipation and apprenticeship are very contrary to the spirit of British law and British institutions, still it would, in my mind, be laying a kind of trap for the claimant to punish him for that in which, from the evidence before me—evidence which I must, however, again observe was not before the seizer, but produced subsequently—I am bound to believe, he was acting *bonâ fide* and unconscious of offence. It would be to treat him somewhat after the fashion in which Shylock is treated when he is allowed to take his pound of *flesh*, but not one drop of *blood*, if we were to grant him permission to go to Albreda, and while there on the *land* perform a legal act which, the moment he entered our waters upon his return became illegal, and a cause of forfeiture. That he ought, before he attempted to take this African out of the River Gambia, to have communicated to the Lieutenant-governor and the authorities of St. Mary's, there can be no doubt; although I can see no penalty for acting otherwise in the Act of Parliament upon which the libel is founded, and that for the reason I have already adduced, that it could not have been contemplated by its framers.

This, in addition to the circumstances before alluded to, is, however, an additional reason for the enactment of further laws and the granting of additional and extended powers to the authorities of St. Mary's, due notice of which will be sent to the authorities of Senegal. Upon the present occasion, however, being unable to see any express violation of the Act upon which this information has been grounded, as far as the negro "Colé" is concerned, I direct him to be restored to the claimant, confident that the Governor of Senegal and the other authorities there will protect his interest, and see that the contract into which the claimant has entered with him is faithfully observed; and knowing, also, that had it been in the power of the court to declare him forfeited, we could ourselves adopt no other course than that of apprenticing him for a limited number of years, after the period during which he would be entitled to the government allowance should have expired. With respect to the negro child Marka, whose name did not appear upon the muster roll, and who has been libelled as a slave, or a person intended to be treated and dealt with as a slave, he appears to have been kidnapped and conveyed away from Senegal, of which place he is a native, and where, according to his own statement, his father now resides. With whatever intentions, therefore, he was taken away from that colony, he ought clearly, as a French subject, to be delivered up to the French authorities at Senegal, to whom I order him to be delivered over; and I shall request the Governor of this colony to communicate on the subject with the Governor of Senegal, who, I have no doubt, will cause the necessary inquiries to be made into the cause of his abduction from that government. His being found in the manner I have described on board "Les Valantins," his name not being entered upon the muster-roll, was a sufficient motive for, and amply justified his detention; but as the claimant has been already punished for that act by the French court, I shall not inflict any additional penalty on him, except the payment of his proportion of the costs of this prosecution. The bond entered into in this cause having been irregularly taken, I direct it to be cancelled, and the bail dismissed; and, once more stating it as my opinion that the seizer had ample cause for seizure, I pronounce he is not liable to any prosecution in consequence of that seizure, or to any expenses, except his proportion of the costs in this cause, which I direct to be paid equally by the seizer and the claimant.

The above is the substance of the observations made by me in pronouncing sentence in the case of the schooner "Les Valantins," in the Vice-Admiralty Court of Sierra Leone, on the 9th December 1831.

(signed) J. W. Jeffcott,

Chief Justice and Judge, Vice-Admiralty Court.

25 February 1832.

Fourth Enclosure in No. 53.

Lieutenant-Governor Findlay to Lord Goderich.

My Lord,

Sierra Leone, 7 September 1832.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, No. 41, under date of the 6th of May 1832, enclosing the copy of a letter from Lieutenant-governor Rendall, informing your Lordship that he had sent several persons to this colony to be tried for alleged acts of slave-dealing in the Gambia, and accusing the magistrates of this colony with supineness in discharging those individuals without bringing them to trial.

I have the honour of enclosing to your Lordship the copy of a letter from Mr. F. Campbell,

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Campbell, with a copy of the examinations taken in the case of the liberated African girl "Betty."

Your Lordship will perceive that the girl's mistress acknowledges having sent her on board with the child whom she wished to send to her friends at Senegal, but that she had no improper motive in doing so, and that as soon as she knew that the captain had procured a passport for the girl at Albreda, she told him that it was not a proper passport, and that he must get one from the Governor of St. Mary's; but when he went to Government House to apply for it he was immediately imprisoned. It appears that the police magistrate did not think there were sufficient grounds to send Yassaw Mary and Lang Ly to the sessions for trial, and ordered them to be discharged, and the girl "Betty" returned to the Gambia with her mistress. M. Durand Valantin acknowledges "Vulcan" to have been a slave, and that he placed him with a blacksmith at St. Mary's to learn that trade. He knew at the same time that the boy could not be taken from St. Mary's, unless by his own consent. M. Valantin, being a French subject, could not be brought to trial for that offence in our courts, and the police magistrate ordered him to be discharged. The boy "Vulcan," at his own request, was allowed to return to the Gambia.

I have, &c.

(signed) *Alexander Findlay*, Lieutenant-governor.

The Right Hon. Viscount Goderich, G.C.B.
&c. &c. &c.

Mr. *Campbell* to Lieutenant-governor *Findlay*.

Sir,

Freetown, 31 August 1832.

I HEREWITH enclose a copy of the proceedings in the case to which the Lieutenant-governor Rendall alludes in his despatch to Lord Goderich, and which I hope will be considered a sufficient refutation of the charges made against my official conduct on that occasion.

I have, &c.

(signed) *P. Campbell*, Acting Assistant Superintendent.

His Excellency Lieutenant-governor *Findlay*,
&c. &c. &c.

(A true copy.)

(signed) *James Findlay*, Principal Secretary.

Examination of *Durand Valantin*.

Logan Hook, Esq., P. M.
Fred. Campbell, Esq., J. P.

DURAND VALANTIN brought up, charged with slave-dealing at the island of St. Mary's, in the river Gambia.

"Wilkin" sworn, states, that he is a Mandingo; that a long time ago he was taken by the Foulahs during a war; they sold witness to the brother of Durand Valantin, whose name witness knows as Valantin only. Witness does not know the name of the country where Durand Valantin's brother bought him; it was a place where there were only three white men, who were French. A short time after witness was purchased, a vessel came to the place, and Durand Valantin's brother took witness on board it, and conveyed him to Gambia. They arrived in Gambia at night, about gun-fire. The next morning, about breakfast-time, Durand Valantin came on board the vessel and took witness ashore, and delivered him to George Alicocks, the blacksmith, with whom witness has been living ever since, during three rainy seasons, learning the trade of a blacksmith. Alicocks used witness very well indeed; witness would have died but for his kind treatment a short time since. Alicocks wished to send witness back to Mr. Valantin at Goree, in a French vessel, and took witness to the commissary to get a passport. The commissary refused to grant one, as witness was a slave, and sent Alicocks and witness to the governor, who also refused to allow witness to be sent to Goree on the same account.

George Alicocks states, that about June 1829, just after he arrived in Gambia, he, intending to set up a blacksmith's shop in that place, was at another blacksmith's there, inquiring into the nature of the trade, and also inquiring for a lad to be an apprentice or helper to him, when Durand Valantin, who was there, asked witness, if he gave him a lad, would witness take him and learn him blacksmith's work. Witness said he would, as he wished particularly to get such a lad. Nothing more passed on the subject at that time, but about four months after Durand Valantin came to witness and asked if he would keep his word about taking a lad, as he had one then he could place with witness. Witness agreed to take the lad, and Durand Valantin went and brought the boy "Wilkin" to witness. Witness does not know whether he brought him from a vessel or not. An indenture was drawn out, binding the lad to witness for four years, and that witness should return him to Durand Valantin at the end of that time, or at any earlier period in case witness did not wish to keep him the whole of the time; he was also to be returned to D. Valantin if witness died or left the colony. Mr. Pellegrin's clerk, Robert Harding, drew the indenture; Mr. Pellegrin witnessed it. Witness did not know that the lad was a slave. Witness had the lad for about 13 months. He turned out a very bad boy, with many evil propensities; and witness being tired of him, and not wishing to keep him any longer, determined to send him back to Mr. Valantin at Goree; for which purpose witness took the

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the lad to the commissary at St. Mary's, to get a passport for him; the commissary refused to grant one, and sent witness to the governor, who would not allow the lad to be sent to Goree.

Ordered, That the case stand over for further investigation.

Logan Hook, Esq., P. M.

Alex. Rae, Esq., J. P.

George Hitchcock, Esq., J. P.

Durand Valantin brought up for further examination.

The former evidence taken, read over.

"Wilkin," sworn; he re-states the evidence given on the former occasion, and saith, further, that the vessel which conveyed him from the place where Mr. Durand Valantin's brother bought him belonged to Durand Valantin. Witness knows that Durand Valantin's brother bought him as a slave, because the Foulah who sold him to that person told witness so, and showed witness two brass pans and two guns, which he said were what Durand Valantin's brother had paid him for witness. In the evening on which witness was first taken into Gambia, when the gun fired, witness was told what it meant by a boy who was on board the vessel; witness was told also, by the same person, that the person who bought him of the Foulah and Durand Valantin were brothers; witness was told this when Durand Valantin came on board the vessel in the morning on which he took witness on shore. Witness, on being questioned whether he was a slave while in Gambia, says he was not; but he fears he would be placed in a state of slavery if he was sent to Goree, and does not wish to go to Goree on that account, but is willing to return to Gambia.

DEFENCE.

Durand Valantin states that his brother René Valantin brought the boy "Wilkin" to Gambia, and there gave him to this prisoner, who bound him apprentice to George Alicocks, that he might learn the trade of a blacksmith. The boy was a slave, but prisoner knew that when landed in British territory he was free, and could not be removed from it without his own consent; that he might stay at Gambia or leave it, just as he liked, and that he could not be obliged to leave it; all which chances prisoner was willing to take, and never intended to use any force towards the boy.

John Billaud, sworn, states, that in the year 1805, when he was at Senegal, Durand Valantin was born there: Senegal was then in possession of the French. Witness knew Durand Valantin's mother very well, and knew him an infant just born; never knew Durand Valantin to live for any length of time in a British settlement; has known him to have vessels for a length of time, which have always sailed under French colours; never knew or heard that Durand Valantin had taken the oath of allegiance as a British subject.

Ordered, that Durand Valantin, not being a British subject, be discharged.

Fifth Enclosure in No. 53.

Lieutenant-governor *Findlay* to Mr. *Hay*.

5th Enclosure
in No. 53.

Sir,

Sierra Leone, 19 September 1832.

I HAVE the honour to acknowledge the receipt of your letter of the 4th of March, enclosing the copy of a letter from Lieutenant-governor Rendall, relative to a man named "Colé," who had been furnished with a passport from the secretary to this government, and which, he states, consigns the man to slavery.

I am sorry Lieutenant-governor Rendall has been so hasty in making a complaint on this subject. He may have felt disappointed at Mr. Valantin's vessel not being condemned in the Vice-Admiralty Court of this colony, but I think he has no just ground for accusing the authorities of this government of supineness in the discharge of their duties, particularly in cases connected with slave-dealing.

I have now the honour of transmitting to you, for the information of Lord Viscount Goderich, the decision of the Judge of the Vice-Admiralty Court in the case of Mr. Durand Valantin's vessel, by which you will perceive that the man "Colé" was decreed to be restored to M. Valantin as his apprentice, and "Colé" was furnished with the usual passport from the secretary to enable him to leave the colony.

You will also observe that the boy "Marka" was ordered to be returned to the French authorities at Senegal, which was done accordingly; and I herewith enclose the copy of a letter I addressed to the Governor of Senegal on that occasion. I trust my letter, with the documents from the records of the Vice-Admiralty Court, will convince his Lordship that due attention has been paid to the cases submitted by Lieutenant-governor Rendall for trial in the courts of this colony.

I have, &c.

R. W. Hay, Esq., &c. &c.

(signed) *A. Findlay*, Lieutenant-governor.

(Passport.)

Albréda, le 9 Août, 1830.

Il est permis au noir nommé "Cole," appartenant à M. Durand Valantin, de s'embarquer sur la goëlette "Les Valantins," patron, Jacques N. Diaye, pour se rendre à Gorée.

(signed) *Sallomon*, le Résident.

Bathurst, Gambia, 2 May, 1831.

WE, the undersigned, do hereby declare and certify that the foregoing writing contains a true and faithful copy of the original passport transmitted to his Excellency the Lieutenant-governor of Bathurst, George Rendall, Esq., to John Samo, Esq., King's Advocate at Sierra Leone.

(signed) *Geo. Rendall.*
J. Bland.

Sworn before me, at Bathurst, this 2d day of May 1831.

(L. s.)

J. W. Jeffcott, Chief Justice.Protest of *Durand Valantin*.

Custom-house, St. Mary's, River Gambia, 10th Aug. 1830.

DURAND VALANTIN, of Senegal, owner of the French ship or vessel called "Les Valantins," of Senegal, burthen 73 tons, or thereabouts, personally appeared before me this 10th August 1830, to notify a protest against all whom it may concern, on account of the detention of the said ship or vessel by the British authorities in the port of Bathurst, river Gambia, a slave of the name of "Colé" having been found on board, which slave Durand Valantin received at Albreda, in payment from a native of the name of Gourmani, and which slave had permission to pass from Albreda to Goree in the said schooner by M. Sallomon, the French resident at Albreda. M. Sallomon's passport was presented to the British authorities at St. Mary's, and is now lodged in the hands of his honour the Lieutenant-governor.

Durand Valantin further declares that he made affidavit before M. Sallomon, that the said slave should be liberated at the end of 14 years, according to the French law; and, further, that the said Durand Valantin solemnly protests against all and every person or persons whomsoever, for all losses and damages that may be sustained by him in consequence of the seizure and detention of the said ship or vessel called "Les Valantins," and her cargo, &c. &c.

(signed) *D. Valantin.*

Sworn before me, at St. Mary's, this 10th day of August 1830.

(signed) *J. Bland*, Notary Public.

Bathurst, Gambia, 2d May 1831.

WE, the undersigned, do hereby declare and certify, that the foregoing writing contains a true and faithful copy of the original protest entered in the books of the notary of this settlement on the 10th day of August 1830.

(signed) *Geo. Rendall.*
J. Bland.

Sworn before me, at Bathurst, this 2d day of May 1831.

(signed) *J. W. Jeffcott*, Chief-Justice.

M. Valantin to Lieutenant-Governor Rendall.

Monsieur le Gouverneur,

Sainte Marie, 11 Août, 1830.

Je prends la liberté de vous confirmer ce que j'ai eu l'honneur de vous dire verbalement hier, relativement aux circonstances qui ont amené la détention de mon navire—détention, contre laquelle je proteste solennellement comme attentatoire à tous mes droits de sujet de Sa Majesté Très Chrétienne.

J'ai l'honneur de vous exposer de nouveau, M. le Gouverneur, que le captif nommé "Colé," dont l'existence légale à bord de mon navire vous a paru un motif suffisant d'en prononcer la saisie, m'a été remis en paiement à Albréda par un natif nommé Gourmani; que ce captif est muni, comme vous avez pu vous en convaincre, d'un passeport de M. Sallomon, résident Français d'Albréda, et que j'ai fait à M. Sallomon la déclaration par laquelle je me conformais aux formalités que mon Gouvernement prescrit dans de semblables transactions, le transfert de ce captif de l'établissement Français d'Albréda dans la colonie Française du Sénégal, ne pouvait être légale pour moi, qu'avec la permission qui m'a donné M. le Résident d'Albréda—permission, que de nombreux antécédens, m'autorisaient à réclamer, et jusqu'à ce jour la signature de M. le Résident d'Albréda a été reconnue valable dans toutes les occasions antérieures semblables par vos prédécesseurs, comme par les Autorités Françaises du Sénégal et dépendances, et il est de toute évidence que le Gouvernement Français n'a point entendu tenir un Résident à Albréda sans le pouvoir de délivrer aux sujets Français qui sont sous son administration les titres nécessaires à leur propre garantie comme à celle de leurs propriétés.

Le refus que vous avez fait de reconnaître la signature de M. Sallomon, comme agent du Gouvernement Français dans la Gambie, me paraît en contradiction manifeste avec les actes de vos prédécesseurs, et quoique j'ignore l'étendue des pouvoirs qui sont conférés à M. le Résident d'Albréda, je les croirai assez fortement établis par des antécédens, qui sont une sanction tacite de son Gouvernement.

Je ne veux point dévier de la marche que je suis dans cette occurrence, comme celle que me présente le plus de garantie dans les poursuites que je serai en droit de diriger contre que de droit, et j'ai l'honneur de vous prier, M. le Gouverneur, de ne voir d'autre motif dans les démarches que je fais, que celui de défendre mes intérêts et ceux qui me sont confiés,

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et c'est pour atteindre ce but que je viens vous proposer toutes les garanties qu'il vous plaira d'exiger pour le relâchement de mon navire et de sa cargaison, en m'obligeant à représenter à une époque fixée le navire et la valeur que vous assignerez à sa cargaison, par cette transaction vous me mettriez, en mesure, de ne point souffrir ni des retards de la détention de mon navire, ni des chances que les circonstances peuvent me fournir dans la vente de cette cargaison; de pareilles transactions ont eut lieu dans de semblables occurrences, et j'ai lieu d'espérer, M. le Gouverneur, que vous ne refuserez pas de m'admettre à la jouissance des avantages qui peuvent dériver de ma position, sans porter atteinte à vos droits.

Mons. G. Rendall, Lieutenant-gouverneur,
&c. &c. &c.

J'ai, &c.
(signé) D. Valantin.

EXAMINATIONS in the CASE of "Les Valantins."

Colony of Sierra Leone.

In the Court of Vice-Admiralty.—In the case of the Schooner "Les Valantins,"
Jacques N. Diaye, Master.

APPEARED personally Durand Valantin, one of the owners of the said schooner, who, being duly sworn, saith, that the papers, writings and documents, hereunto annexed, marked from No. 1 to No. 4, inclusive, were given to the deponent by the established authorities at the Islands of St. Louis and Goree, and that the same are now brought and delivered up in the same plight and condition as when received by this deponent, without any fraud, addition, subduction, or alteration whatever, save the numbering and marking thereof.

(signed) D. Valantin.

Sworn at Freetown, Sierra Leone, the 30th day of September 1831, before me,
Henry Richton, Registrar.

In the Instance Court of Vice-Admiralty.—In the case of the Schooner "Les Valantins,"
J. N. Diaye, Master.

7th November 1831.

JOHN BILLAUD produced, sworn, and examined upon special interrogatories, put by permission of the court.

To the 1st, saith, that he resided in the town of Bathurst, in the river Gambia, from December 1819, to October 1826, during which period he was police clerk, overseer in the engineer department, storekeeper of the commissariat department, and interpreter of the French and Joloff languages.

To the 2d, saith, that he has been at the French settlement of Albreda about three or four times.

To the 3d, saith, that he does know of a French resident having granted passports several times to different individuals; that he knows so many instances of passports being granted by the French residents to French subjects proceeding to Goree and Senegal, that he cannot particularize any one instance.

To the 4th, saith, that he does not recollect seeing any of these passports examined at St. Mary's; that he never heard that they were not respected at St. Mary's by the authorities there.

To the 5th, saith, that he resided at the island of St Louis 16 years under the French and English Governments; that he is well acquainted with the form of the government of that island; and that he does not know whether the authorities of St. Louis make such bye-laws for the government of the French residents within their jurisdiction as they think fit, or no.

To the 6th, saith, that slaves are held as property within the settlements of the French on the coast of Africa, viz. Senegal and Goree, and the same is done under the sanction of the laws of France.

To the 7th, saith, that the French law does not, to his knowledge, prevent the removal of slaves from one French colony to another, provided they have a passport; that he does not recollect any such removal having taken place.

(signed) J Billaud.

This examination was taken and the truth thereof sworn to before me,
(signed) Henry Richton, Registrar.

(Translation.)

Albreda, 17th December 1830.

WE, the undersigned, French resident at the factory of Albreda, certify that on the 9th of August 1830, appeared at the said factory M. D. Valantin, merchant, and in our presence he declared to us that he wished to liberate the man named "Colé," aged about 28 years, and born at Brasson, under the engagement taken by him, "Colé," to serve during the term of 14 years as the price of his manumission.

In faith of which we have delivered the present certificate to serve as a voucher to all whom it may concern.

(signed) Sallomon.

(A true copy.)

(L.s.) (signed) Hesse, Special Commandant, Goree.

(Translation)

Goree, 4th August 1831.

FRANCE.

THE captain of a frigate, special commandant of the island of Goree, attests that the French resident at the factory of Albreda on the river Gambia is duly authorized to issue passports to all who may be entitled to receive them.

In faith of which we have signed the present to serve as a voucher to all whom it may concern.

(L.S.) (signed) *Hesse.*5th Enclosure
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(Translation.)

Extract of an Act of the Council of Government and Administration touching the Treatment of such Men as may be under Engagements for a certain period of time. Published at St. Louis, the 28th September 1823.

ARTICLE III.

THE captives must be enfranchised at the moment of purchase.

The act of enfranchisement shall be done in countries not under the French dominion by act under private signature, certified by the commandant of the nearest post which the engaged will enter on his time (of service), in the posts of the neighbouring establishments, by the incumbent charged with the administrative service, as performing the functions of the officers denominated civil officers, or if there be none such, before the chief of the ports of St. Louis and Goree, before the registrar.

The act shall be done in duplicate, one of which shall be deposited with the registrar, under the penalties enjoined by Article the 1st.

The duplicate shall be sent to France in the same manner as the duplicate acts of the civil officers are forwarded.

(A true Extract.)

Signed by the Secretary Archiviste.

(Translation.)

January 1831.

Notary Public, *René Valantin, Durand Valantin, and Jacques Diaye.*

LOUIS PHILIPPE, King of the French, to all to whom these presents shall come, greeting :

On the prosecution by the public officer against MM. René and Durand Valantin, both brothers and merchants, usually dwelling at St. Louis, and against the man named Jacques Diaye, a black, and a captive of Armafara, dwelling at Goree, all three accused of the misdemeanour of dealing in slaves, the president judge of information, on making himself acquainted with the case, made his report to the court assembled in the council chamber.

The information presents the following facts :

The 17th of July 1830, "Les Valantins," equipped by MM. René and Durand Valantin, commanded by the said Jacques Diaye, sailed from St. Louis for the river Gambia, with a muster-roll which had served during a preceding voyage, dated the 24th of December 1829. Durand Valantin, one of the owners, was aboard. The 9th of August the schooner arrived at Albreda. M. Valantin declares that he there received, in payment of a bad debt, a black named "Colé," duly furnished with a passport given him by the French resident at Albreda; that he declared to the French resident that he wished to take him to Goree to liberate him, receiving for his indemnification for the price of his ransom the benefit of his labour during the time established by the rules. On his arrival at Bathurst, the schooner was detained by the English authorities, assigning, as a pretext for the seizure, there having been found on board, 1st, the said "Colé;" 2d, a young black named "Marka," engaged for the usual time to the master, Jacques Diaye, and whose name was not on the muster-roll. The goëlette was released on caution being given for double the value of the ship and cargo, the blacks "Colé" and "Marka" were detained.

The schooner was to leave Bathurst at day-break on the 15th of August, but on the evening before, the master had embarked a black woman named "Betty," engaged for the usual time to an Englishman, having a child, of whom her master said he was the father; informed of this fact, the English agents came on board, seized on the black woman "Betty," with the infant which she carried, and the master, Jacques Diaye, but they gave the vessel liberty to quit, having, however, the impression that the black and her child were put on board on account of M. D. Valantin, as is proved by a letter from the Governor of Bathurst to the Governor of Senegal, dated the 15th of August last. Jacques Diaye was furnished with a passport, given by the resident of Albreda, for the embarkation of the black, "Betty," and her child; this passport remained in the hands of the English, and a copy of it was transmitted with the letter of the 15th of August above mentioned. The goëlette "Les Valantins" touched at Goree; she arrived at St. Louis on the 6th of September last. An investigation was begun by the late President Briégnol, but it was interrupted by the yellow fever.

After the report, the judges examined the documents of procedure lying on the table, also the requisition addressed to the judge of investigation by the public minister, after which the investigation closed, and the result communicated to the advocate-general, as it is not the practice for him to appear in person before the chamber for the purpose of making requests.

Read the report. Read the documents of procedure. Read the Article 8 of the King's Order of the 7th of January 1822. Read the law of the 25th of April 1827.

Considering that the embarkation of the blacks, "Colé" and "Betty," and the child

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which this last had with her, had been intimated to the resident of Albreda, the sole French authority in that country, this declaration banishes every suspicion of an intention to deal in slaves:

Considering that it is proved that the black, "Marka," was shipped as cabin boy, and that he had already made one voyage in the same capacity in the vessel, and to the same place, and had been brought back to the port of departure, although not borne on the muster-roll:

Considering that at the time of the detention of the schooner "Les Valantins," her cargo consisted of millet, which is only consumed in the river Gambia, at Goree and the Senegal, it is not to be supposed that the owners would sacrifice this cargo to any other port, carrying two negroes, of whom the value is so much inferior to the cargo. This vessel was not in a condition to enter on the slave-trade, the crew consisting of illiterate blacks incapable of navigating her from the coast:

Considering that the omission made by the owners and master to insert on the muster-roll the boy named "Marka" can only be punished by fine:

The Chamber is unanimously of opinion, that there is no foundation for any charge against the said René Valantin, Durand Valantin and Jacques Diaye, for having trafficked, or for having made the attempt to traffic, in slaves.

Ordered, in consequence, that the accused be set free; notwithstanding which, the Chamber hands them over to the Court of Correctional Police for having broken the regulation touching the equipment of vessels, inasmuch as the name of the cabin-boy "Marka" is not borne on the muster-roll.

Done and ordered in the council-chamber by the Court of the First Instance, assembled in the Isle of St. Louis, on the Senegal, 30th January 1831.

Pierre Delaroque, President, ad interim,
Arme Pernel,
Charles Andre,
Esprit Borell, Acting Judge. } Judges.
Present, *M. Francois Pecarrere*, Registrar, ad interim.

We command and order all bailiffs, on demand, to put the present in execution, and all our procurators at our courts to aid the same; all commandants and officers of the public forces to use violence, if lawfully required to do so. In faith of which the minute of the present deed is signed by the president and the registrar of the said court.

(signed) *Pecarrere*, Registrar.

Certified for legalization of the signature of M. Pecarrere, Registrar in St. Louis.

(signed) *Delaroque*,
President, ad interim, of the Court of the First Instance.

St. Louis, 18 January 1831.

Certified for legalization of the signature of M. Delaroque, President of the Court of the First Instance.

(L. s.) (signed) *V. Brou*,
Gouverneur of the Senegal and its Dependencies.

On the 16th of November 1831, Thomas Graham was duly sworn to the truth of the above translation from the originals filed in this honourable court.

Before me, (signed) *F. Graham*.
(signed) *Henry Richton*,
Registrar Vice-Admiralty Court.

COLONY OF SIERRA LEONE.

Instance Court of Vice-Admiralty, in the case of the Schooner "Les Valantins,"
A. N. Diaye.

Copy of so much of the definitive sentence as relates to the one slave "Colé, seized on board the above-named schooner "Les Valantins."

But inasmuch as the said schooner hath been released on bail, without the sanction of the court, and the same hath not been acknowledged before any competent authority, and subsequent to the said release on bail the said schooner hath been prosecuted before a French tribunal at Senegal, whereby it appears that the said native of Africa named "Colé" was emancipated after he had been purchased as aforesaid by the said D. Valantin, at Albreda as aforesaid; and that the said Durand Valantin did not, subsequent to the said "Colé's" emancipation, or while he was within British waters or within British jurisdiction, treat, deal with or confine the said "Colé" as a slave, according to the true intent and meaning of the Act of Parliament in this behalf propounded, but considered him as his apprentice, lawfully emancipated by one whom the said D. Valantin conceived to have competent authority so to do. And the said French court having fined the said Durand and René Valantin in a certain sum of money for having had the said "Marka" on board, his name not having been entered on the muster-roll of the said schooner, which, by the laws of France as well as of Great Britain, was bound to have been done:

Now, therefore, we, the Honourable John William Jeffcott, first calling upon the name of Christ, and having God alone before our eyes, and having heard counsel learned in the law thereupon, do hereby pronounce, decree and declare, that the said John Bland had good cause and just and sufficient reason for seizing and detaining the said schooner, and

sending

sending her to the Court of Vice-Admiralty of Sierra Leone for adjudication; but that the bail-bond given in this cause having, for the causes above mentioned, been irregularly taken, the same be and is hereby cancelled and annulled, and the bail dismissed.

And we further pronounce, decree, and declare, that the said "Colé" be returned to the said Durand Valantin, the said "Colé" not having been found to have been kept and dealt with as a slave while within British waters and within British jurisdiction, according to the tenour of the Act of Parliament above recited.

And we do further pronounce, decree, and declare, that the said "Marka" be returned to the French authorities at Senegal, from which place he appears to have been decoyed, stolen, or enticed away by the said Jacques N. Diaye.

And we further decree, that each party do pay his own portion of the costs attending the prosecution of the said cause; and we declare that the said John Bland is not, and ought not to be, amenable to any prosecution or expenses whatsoever for having detained the said schooner as aforesaid, save and except his portion of the costs of this suit as above-mentioned. Justice so requiring.

(signed) *J. W. Jeffcott*, Judge, Vice-Admiralty Court.

Which we attest,

Henry Richton, Registrar.
Charles Cole, Marshal.

I, the undersigned, hereby certify that these several sheets are true and faithful copies from the original documents deposited in the registry of the Court of Vice-Admiralty.

(signed) *Charles Baxter*, Acting Registrar.

Freetown, Sierra Leone, 18 September 1832.

Alexander Findlay to the Governor-general of Senegal.

Sir,

Government-house, Sierra Leone, 10th December 1831.

THE Chief Justice and Judge of the Vice-Admiralty Court of this colony having had under his consideration the case of the French schooner "Les Valantins," which had been seized in the harbour of Bathurst, in the river Gambia, for an alleged breach of the laws against the slave trade within British jurisdiction, has been pleased to restore the vessel and cargo without costs, conceiving that the owner, M. Valantin, had acted under an erroneous impression that he was justified in what he had done by the laws of France; that he had not completed the offence by landing the supposed slave upon British territory; and also taking into consideration the facts that Lieutenant-General Rendall had already made a complaint to you upon the subject, in consequence of which the accused parties had been subjected to trial and acquitted before a French tribunal, whose decisions our courts have always been accustomed to treat with respect.

It appearing in the progress of the trial before the Vice-Admiralty court that M. Valantin had been furnished with a passport for the negro "Colé" by an individual calling himself the resident of Albedra, and that individual had also taken upon himself to grant passports for two persons residing at St. Mary's, whom the master of the schooner "Les Valantins" endeavoured surreptitiously to convey out of the island without communicating his intention to take them on board to the authorities there.

I beg leave to protest to your Excellency against so gross a violation of British rights in the river Gambia—rights which have been conceded by treaty, and which you will, I am sure, acknowledge that it is the interest of both nations to preserve inviolate.

In order to guard against a similar collision of authority in future, and to prevent the inconvenience which must result from the seizure of a vessel under circumstances resembling those which attended that of "Les Valantins," I have to acquaint your Excellency, that it is the intention of this Government to pass an Act imposing a fine of 100*l.* upon the master of any foreign vessel who shall be found endeavouring to convey through the river Gambia, negro or negroes by virtue of any passport or other document which shall not have been previously submitted to the authorities of St. Mary's.

I have also to inform your Excellency, that the Judge of the Vice-Admiralty Court has ordered a negro boy named "Marka," apparently between seven and eight years of age, found on board "Les Valantins," to be restored to the authorities of your government, it having appeared to his Honour that this young person had been stolen from Senegal by Jacques N. Diaye, the master of the detained schooner, as will be seen from his depositions, a copy of which I have the honour to enclose.

I have accordingly given the boy "Marka" in charge to Mr. Chaise, the master of a French schooner about to proceed to Senegal, with directions that he should be delivered over, together with the letter to your Excellency, who, I have no doubt, will cause a strict inquiry to be made into all the circumstances connected with his removal.

I have only, in conclusion, to hope that your Excellency will see, in what has been done, both on the part of the judge and myself, a sincere desire, while preserving our own rights in all their integrity, to avoid, at the same time, anything which might be likely to lead to an interruption of the friendly relations which so happily subsist, and, I trust, may long continue to prevail, between our respective governments.

I have, &c.

(signed) *Alexander Findlay*,

Colonel and Lieutenant-governor.

(A true copy.)

(signed) *James Findlay*,

Lieutenant, Private Secretary.

FRANCE.

5th Enclosure
in No. 53.

FRANCE.

No. 54.

Earl *Granville* to Viscount *Palmerston*.—(Received March 25.)

No. 54.

My Lord,

Paris, 22 March 1833.

I HAVE the honour to enclose the Supplementary Convention to that of the 30th of November 1831, which M. de Broglie and myself signed this morning.

Although all the clauses of this Act are not exactly similar to those of the draft accompanying your Lordship's despatch of the 29th of January last, yet, as its provisions appear to me to be virtually consonant with the wishes of His Majesty's Government, I trust that it will meet their approbation.

Your Lordship will perceive that the two points which M. de Broglie proposed to specify in a protocol, with regard to the stated sum to be paid to the capturing vessels out of the proceeds of sale, and the demolition of the confiscated ships, are now embodied in the Supplementary Convention itself, under Articles 5 and 12.

I have, &c.

(signed) *Granville*.

The Right Hon. Viscount Palmerston, G. C. B.
&c. &c. &c.

No. 55.

No. 55.

Viscount *Palmerston* to Earl *Granville*.

My Lord,

Foreign Office, 7 April 1833.

I HEREWITH transmit to your Excellency the King's ratification of the Supplementary Convention for the suppression of the traffic in slaves, signed by your Excellency and the Duc de Broglie on the 22d ultimo; and I am to desire that your Excellency will exchange the same against a similar instrument ratified by His Majesty the King of the French.

I also enclose to your Excellency a certificate, to be signed by you and the Duc de Broglie, on the exchange of the ratifications; your Excellency will cause the date of the exchange to be inserted in this certificate, and return it to this office at the same time with the French ratification.

I am, &c.

(signed) *Palmerston*.

The Right Hon. Earl Granville, K. B.
&c. &c. &c.

No. 56.

No. 56.

Mr. *Aston* to Viscount *Palmerston*.—(Received June 13.)

My Lord,

Paris, 10 June 1833.

IN acknowledging the receipt of your Lordship's despatch of the 29th of January last, I have the honour to enclose the copy of a note which, in fulfilment of the instructions contained in that despatch, I have addressed to the French Minister for Foreign Affairs.

I have, &c.

(signed) *Arthur Aston*.

The Right Hon. Viscount Palmerston, G. C. B.
&c. &c. &c.

Enclosure in
No. 56.

Enclosure in No. 56.

Mr. *Aston* to the Duc de *Broglie*.

M. le Duc,

Paris, 10 June 1830.

I AM directed by His Majesty's Government to state to your Excellency, that His Majesty's Government approve of the instructions proposed to be given to the commanders of the English and French vessels of war employed for the suppression of the slave-trade under the conventions lately concluded between England and France. I have the honour to forward to your Excellency a list of the ships and vessels of the British navy to which His Majesty's Government propose that instructions and warrants should be issued agreeably to the Convention; and I have at the same time to request, that your Excellency will be pleased, in return, to furnish me with a list of the French cruizers which are to be supplied with warrants from the Lords Commissioners of the British Admiralty.

I have, &c.

(signed) *A. Aston*.

The Duc de Broglie, &c. &c. &c.

No. 57.

FRANCE.

No. 57.

Earl *Granville* to Viscount *Palmerston*.—(Received June 24.)

My Lord,

Paris, 21 June 1833.

I HAVE the honour to forward to your Lordship a copy of a note which I have received from the French Minister for Foreign Affairs, enclosing the warrants giving authority to the commanders of His Majesty's ships, employed in the suppression of the Slave Trade, to search French merchant vessels, conformably to the stipulations of the Conventions of November 30, 1831, and March 22, 1833.

His Excellency requests that His Majesty's Government will cause similar warrants to be issued to the commanders of the French vessels of war enumerated in the enclosed list, and suggests the propriety of directing, that the commanders should give up these warrants to their respective Governments whenever the vessels shall be recalled to Europe.

I have, &c.

(signed) *Granville*.

The Right Hon. Viscount *Palmerston*, G. C. B.
&c. &c. &c.

First Enclosure in No. 57.

The Duc de *Broglie* to Earl *Granville*.1st Enclosure
in No. 57.

Monsieur l'Ambassadeur,

Paris, le 20 Juin 1833.

J'AI l'honneur d'adresser à votre Excellence 22 mandats, signés de M. le Ministre de la Marine, et qui ont pour objet d'autoriser les commandans des bâtimens de Sa Majesté Britannique, dont M. Aston m'a transmis la liste le 11 de ce mois, à exercer le droit de visite à bord des navires marchands Français, en exécution des Conventions des 30 Novembre 1831, et 22 Mars 1833, relatives à la répression de la traite des noirs.

Je prie votre Excellence de vouloir bien réclamer de son Gouvernement, l'envoi de mandats analogues pour autoriser les commandans des bâtimens de la marine Française, dont elle trouvera la liste ci-jointe, à exercer réciproquement le droit de visite à bord des navires du commerce Anglais. Quelques-uns de ces bâtimens devant être prochainement relevés, je me réserve de faire connaître à votre Excellence les bâtimens qui seront désignés pour les remplacer, afin que ceux-ci soient également munis de semblables mandats.

Quant aux mandats des bâtimens rappelés, je pense qu'il entre dans les vues du Gouvernement de Sa Majesté Britannique, d'en faire opérer la restitution immédiatement après le retour des bâtimens en Europe.

Son Excellence le Vicomte *Granville*, K. B.
&c. &c. &c.

Agreez, &c.
(signé) *V. Broglie*.

The Duc de *Broglie* to Earl *Granville*.

(Translation.)

Monsieur l'Ambassadeur,

Paris, 20 June 1833.

I HAVE the honour to transmit to your Excellency 22 warrants, signed by the Minister of Marine, and having for their object to authorize the commanders of His Britannic Majesty's ships, named in the list transmitted to me by Mr. Aston on the 11th instant, to exercise the right of search on board French merchant vessels, in execution of the Conventions of 30 November 1831, and 22 March 1833, relative to the suppression of the Slave Trade.

I beg that your Excellency will have the goodness to request your Government to issue similar warrants to authorize the commanders of the French ships of war, of which a list is subjoined, to exercise reciprocally the right of search on board English merchant vessels. As some of these ships will soon be recalled, I will make known to your Excellency the vessels intended to replace them, in order that the latter also may be furnished with similar warrants.

In regard to the warrants of the recalled vessels, I think it will accord with the views of the Government of His Britannic Majesty, if they are given up immediately on the return of the vessels to Europe.

His Excellency Earl *Granville*, K. B.
&c. &c. &c.

Receive, &c.
(signed) *V. Broglie*.

FRANCE.

Second Enclosure in No. 57.

2d Enclosure
in No. 57.

LISTE des Bâtimens de Guerre Français qui, en exécution des Conventions du 30 Novembre 1831, et 22 Mars 1833, devront être munis de Mandats de l'Amirauté Britannique pour visiter les navires Anglais.

ANTILLES.—ILE DE CUBA.—MEXIQUE.

Noms de Navires.	Noms des Commandans.	Rang.
La Marne - - -	Génébrias - - -	Capitaine de Frégate.
L'Hébé - - -	Legrandais - - -	- - -
L'Adonis - - -	De Sercey - - -	- de Corvette.
La Badine - - -	De Cayeu - - -	Lieutenant de Vaisseau.
La Seine - - -	Tréhouart - - -	- - -
Le Méléagre - - -	Peyronnel - - -	Capitaine de Corvette.
BRESIL.		
La Thisbé - - -	Bonafous Murat - - -	Capitaine de Vaisseau.
La Victorieuse - - -	Le Févre (Hyppolyte) - - -	- de Frégate.
La Favorite - - -	Hamelin - - -	- - -
Le Griffon - - -	Dupetit Thouars - - -	- - -
L'Alcibiade - - -	Alix - - -	- de Corvette.
L'Orythie - - -	Larochassière - - -	- de Frégate.
AFRIQUE.		
Le Circé - - -	Ferrin - - -	Capitaine de Frégate.
La Bayonnaise - - -	Ménétrier - - -	- de Corvette.
La Champenoise - - -	De Genes - - -	Lieutenant de Vaisseau.
BOURBON.		
La Nièvre - - -	Garnier - - -	Capitaine de Frégate.
Le Lézard - - -	Parnajou - - -	Lieutenant de Vaisseau.
Le Madagascar - - -	Vailheu - - -	- - -

No. 58.

No. 58.

Viscount *Palmerston* to Earl *Granville*.

My Lord,

Foreign Office, 2 July 1833.

I HAVE transmitted to the Board of Admiralty the warrants, enclosed in your Excellency's despatch of the 21st of June, giving authority to the commanders of His Majesty's ships, employed in the suppression of the Slave Trade, to search French merchant vessels, conformably to the stipulations of the Conventions of November 30, 1831, and March 22, 1833.

The Admiralty warrants, authorizing the search of English merchant vessels by the commanders of French cruizers, will be prepared with all possible dispatch, so soon as the Act of Parliament, sanctioning the right, shall have been passed. The Admiralty will not have the power to issue these warrants until it shall be given to them by the passing of the Bill. The Bill, however, will be brought immediately into Parliament, and, until it has been, the French warrants will not be used.

Your Excellency will communicate the above statement to the French Government, with reference to the last paragraph in your Excellency's Despatch of the 21st of June.

The Right Hon. Earl Granville, K. B.
&c. &c. &c.

I am, &c.
(signed) *Palmerston*.

No. 59.

No. 59.

The Prince de *Talleyrand* to Viscount *Palmerston*.

Hanover-square, 12 Juillet 1833.

LE soussigné, &c. a l'honneur de faire part à son Excellence le Vicomte Palmerston, &c. que, par suite des Conventions arrêtées le 30 Novembre 1831, et le 22 Mars 1833, entre la France et la Grande Bretagne, relativement à la répression de la traite des noirs, et afin de pourvoir à l'exécution de l'Article 5 de la dite Convention du 22 Mars, Sa Majesté le Roi des Français a donné à son Consul-général en Angleterre, résidant à Londres, le pouvoir de recevoir les fonds qui reviendraient aux capteurs Français sur les bâtimens saisis par eux, et conduits dans

dans les ports d'Angleterre. C'est pareillement au Consul-général de Sa Majesté Britannique à Paris que seront remises par le Gouvernement Français les sommes résultant des prises faites par des bâtimens Anglais, et qui auraient été amenées dans des ports de France.

Le soussigné, en faisant cette communication à son Excellence le Vicomte Palmerston, saisit, &c.

(signé) *Le Prince de Talleyrand.*

Son Excellence le Vicomte Palmerston, G. C. B.
&c. &c. &c.

FRANCE.

No. 59.

The Prince de *Talleyrand* to Viscount *Palmerston*.

(Translation.)

My Lord,

Hanover-square, 12 July 1833.

THE undersigned, &c. has the honour to communicate to his Excellency Viscount Palmerston, &c. that, in accordance with the Conventions, concluded November 30, 1831, and March 22, 1833, between France and Great Britain, relative to the repression of the trade in slaves, and in order to provide for the execution of Article 5 of the said Convention of March 22, His Majesty the King of the French has empowered his Consul-general, resident in London, to receive the sums which may accrue to French captors on account of the vessels seized by them and brought into English ports. In like manner, the French Government will remit to the Consul-general of His Britannic Majesty at Paris the sums arising from prizes made by English vessels, and brought into the ports of France.

The undersigned, &c.

(signed)

The Prince de Talleyrand.

The Right Hon. Viscount Palmerston, G. C. B.
&c. &c. &c.

No. 60.

Viscount *Palmerston* to Earl *Granville*.

No. 60.

My Lord,

Foreign Office, 26 July 1833.

I HEREWITH transmit to your Excellency, for your information, three copies of papers, marked (A) and (B), relating to the slave trade, which have this day been presented, by His Majesty's command, to both Houses of Parliament.

I am, &c.

The Right Hon. Earl Granville, K. B.
&c. &c. &c.

(signed) *Palmerston.*

No. 61.

Viscount *Palmerston* to Earl *Granville*.

No. 61.

My Lord,

Foreign Office, 23 August 1833.

I HEREWITH transmit to your Excellency the copy of a note which I have received from the Prince de Talleyrand, relative to the arrangements to be made for the receipt of the proceeds of vessels which may be captured under the recent Slave Trade Convention with France. I send also the copy of a communication which I have received upon this subject from His Majesty's Treasury.

Under the circumstance of there being no British Consul-general in Paris, it seems to be very desirable that the duties, which, under the treaty, have been assigned in London to the French Consul-general, should, in Paris, be confided to your Excellency.

I must therefore trouble your Excellency to undertake the duty of receiving from the French Government the proportion of monies which may eventually become due to English captors out the produce of French slave vessels captured by the British cruizers, and carried into any French port.

Your Excellency will be pleased to communicate this arrangement to the French Government, and to intimate to them, that the collectors of customs at Bathurst on the River Gambia, Port Royal in Jamaica, the Cape of Good Hope, and the colony of Demerara, will be authorized to cause the necessary steps to be taken relative to such vessels and slaves as may be delivered up by French cruizers, in order that proceedings may be instituted accordingly.

I am, &c.

The Right Hon. Earl Granville, K. B.
&c. &c. &c.

(signed) *Palmerston.*

FRANCE.

No. 62.

No. 62.

Viscount *Palmerston* to Earl *Granville*.

My Lord,

Foreign Office, 31 August 1833.

WITH reference to my Despatch to your Excellency, marked Slave Trade, of the 2d ultimo, I have to inform you, that the Act of Parliament for carrying into execution the Conventions entered into with France in November 1831, and in March last, for the suppression of the Slave Trade, received, on the 28th ultimo, the assent of His Majesty, and I therefore lose no time in transmitting to your Excellency warrants, by which the commanders of French ships of war, named in the list which accompanied the Duc de Broglie's note to your Excellency of the 20th of June last, are authorized to search British merchant vessels, conformably to the stipulations contained in the above-mentioned Conventions.

In transmitting these documents to the Government of the King of the French, your Excellency will state, that in compliance with the suggestion of the Duc de Broglie, whenever a British cruizer, which has been furnished with a French warrant, shall arrive in a British port, His Majesty's Government will take care to require the commanding officer to deliver up the French warrant, and that document shall be returned to the Government of France, and His Majesty's Government trust that a similar course will be observed with regard to warrants issued by the British Admiralty to the cruizers of France.

The Right Hon. Earl Granville, K.B.
&c. &c. &c.

I am, &c.
(signed) *Palmerston*.

No. 63.

No. 63.

The Prince de *Talleyrand* to Viscount *Palmerston*.

Milord,

Hanover Square, 23 Septembre 1833.

J'AI l'honneur de vous adresser les Mandats délivrés par l'Amirauté Anglaise à 6 bâtimens Français, chargés en exécution des Conventions du 30 Novembre 1831, and 22 Mars 1833, de la répression de la traite des noirs. Ces 6 bâtimens devant être remplacés par d'autres navires de guerre, que Sa Majesté le Roi des Français envoie aux stations des Antilles et du Brésil, et qui doivent appareiller très incessamment. Je vous prie, Milord, de vouloir bien faire en sorte que l'Amirauté Anglaise donne des Mandats semblables à ceux qui sont ci-joints aux bâtimens dont les noms suivent.

L'Atalante -	-	} Montée par le Contre-Amiral	} Station des
La Nayade -	-		
Le Nitus -	-	} Montée par le Contre-Amiral	} Station du
L'Hermione -	-		

Aagreez, &c.

(signe)

Le Prince de Talleyrand.

Son Excellence le Vicomte Palmerston, G.C.B.
&c. &c. &c.

(Translation.)

Hanover Square, 23 September 1833.

I HAVE the honour of transmitting to you the warrants issued by the English Admiralty to six French vessels, charged with the execution of the Conventions of 30 November 1831, and 22 March 1833, for repressing the Slave Trade. As these six vessels must be replaced by other ships of war, which His Majesty the King of the French is sending to the stations of the Antilles and of Brazil, and which are about to sail immediately, I beg, my Lord, that you will be pleased to cause the English Admiralty to issue warrants, similar to those herewith enclosed, to the under-named vessels.

Accept, &c.

(signed)

The Prince de Talleyrand.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 64.

FRANCE.

Viscount *Palmerston* to *M. de Bacourt*.

No. 64.

Foreign Office, 4 October 1833.

THE undersigned, &c. has the honour to acknowledge to *M. de Bacourt*, &c. the receipt of the letter which was addressed to the undersigned, September 23, 1833, by his Excellency the Prince de Talleyrand, &c., returning the warrants which had been issued, under the Slave Trade Conventions with France, to the commanders of the French ships the "Marne," "Thisbé," "Orythie," "Alcibiade," "Griffon" and "Léard."

The undersigned, in compliance with the desire expressed by his Excellency in the above-mentioned letter, transmits herewith to *M. Bacourt*, to be forwarded to his Government, warrants, issued under the Conventions by the Lords Commissioners of the Admiralty to the commanders of the French vessels, the "Atalante," the "Nayade," the "Nitus," and the "Hermione."

The undersigned, &c.

(signed)

Palmerston.

M. de Bacourt,
&c. &c. &c.

SOUTH AMERICAN STATES.

No. 65.

SOUTH
AMERICAN
STATES.*Mr. Hood* to Viscount *Palmerston*.—(Received May 22.)

No. 65.

My Lord,

Monte Video, 10 February 1833.

ON the 30th March last year I had the honour to address to your Lordship a very satisfactory decree of this Government, bringing more effectually into operation the suppression of slavery, provided for by the 131st Article of the Constitution.

Since this period referred to, I regret that it should be my duty to record the adoption of measures by the same authorities which strongly indicate an underhand desire on their parts to evade the law, by allowing slavery to be carried on under a simulated character.

In the month of November last the schooner "Destimida," bearing the flag of Donna Maria II., arrived at this port, said to have put in to repair damages sustained at sea; for a length of time no suspicion fell upon this vessel, nor indeed did I know anything of her until after she had sailed, when I learnt that she was a slaver that had come from Rio de Janeiro to fit in this port. I mention this circumstance only to show that this vessel, who was to land her cargo in Rio Grande, or, in case of difficulty, in the Oriental Republic, and upon which, it seems, great expectations were founded, had awakened the dormant spirit of slave-trading in certain subjects of this republic; for within the last month it came to my knowledge that the "Aguila Primera," a schooner belonging to this place, and under this flag, was fitting and in a forward state to proceed to the coast of Congo for a cargo of slaves; and that other fast-sailing vessels were in request for the same service.

Having assured myself of the truth of this vessel's being actually destined on a slaving voyage, I waited upon the Minister for Foreign Affairs to remonstrate against this proceeding, when I took advantage to express the regret that His Britannic Majesty's Government would no doubt feel, not only at the adoption of a traffic which is repugnant to every free country and inconsistent with free institutions, and which they had, from motives of pure humanity, for years past, most strenuously endeavoured to suppress, but also at the direct and open infraction of the constitution, by which alone the Oriental Republic of the Uruguay was or could be recognizable by foreign powers as an independent state. The minister denied that the government were any party to the transaction, but did not deny that they were cognizant of the proceedings; and when I suggested that their fitting should be prevented in all the ports of the Republic, he unhesitatingly stated that the executive had not the power of doing so. After expressing my regret at the line of proceeding of the authorities here, and intimating the danger those vessels would

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run of capture by British cruisers on the coast or elsewhere, he then let out that the Government had given their concurrence to import 2,000 negro *colonists* from the coast of Africa, which he considered a fair and legitimate trade, and at the same time questioning the right Great Britain had to interfere with nations who had no diplomatic relations with her, and hoping that their vessels, so employed, would meet all respect from British men-of-war. Under these circumstances, I considered it imperative for me to express, in strong but respectful language, my firm belief, that the vessels in question, having on board slaves, under whatever simulation of character, would be not only liable to detention, but, according to their own laws, to condemnation. Fourteen days having transpired since this interview took place, has given me an opportunity of adding, what I have ascertained from good authority, that the minister had received a bribe of 30,000 dollars, to permit a company of merchants to import 2,000 slaves under the denomination of colonists; but the remonstrance made by me, although private, has so drawn the public attention to the total disregard of the constitution by the Executive, that I firmly believe this nefarious transaction will not be persevered in; and I am the more borne out in this belief from knowing, that the fitting of the "Aguila Primera" has been abandoned for the present.

I have, &c.

(signed) *Thomas Samuel Hood.*

The Right Hon. Viscount Palmerston, G. C. B.
&c. &c. &c.

CORRESPONDENCE

RELATING TO

THE SLAVE TRADE.

1833.

CLASS (A.)

CORRESPONDENCE WITH BRITISH COMMISSIONERS:

CLASS (B.)

CORRESPONDENCE WITH FOREIGN POWERS.

*Ordered, by The House of Commons, to be Printed,
8 July 1834.*

471.