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Class B.

(FURTHER SERIES.)

CORRESPONDENCE

WITH

FOREIGN POWERS,

RELATING TO

THE SLAVE TRADE.

1837.

CLASS B.

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(FURTHER SERIES.)

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WITH

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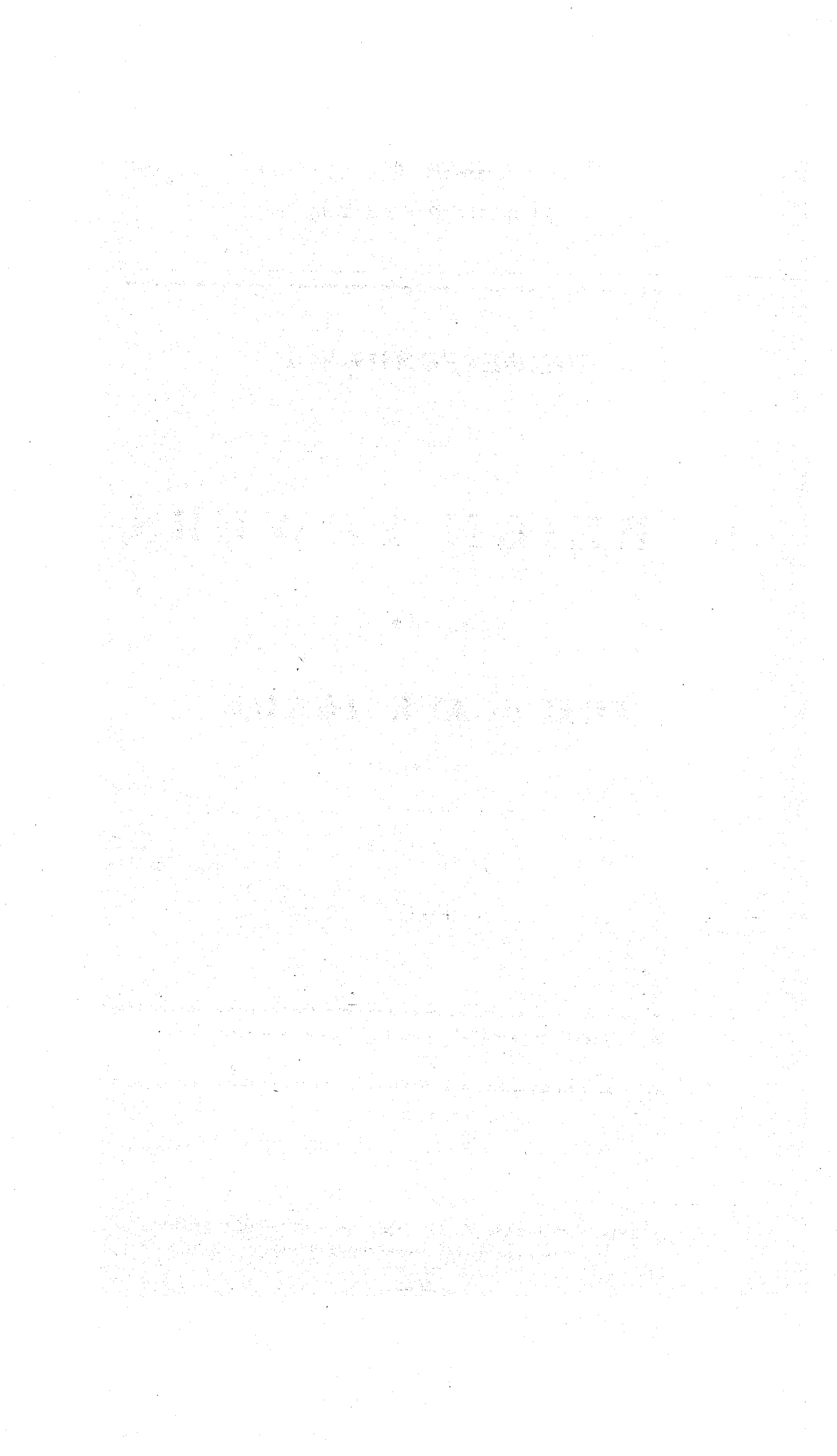
1837.

Presented to both Houses of Parliament by Command of Her Majesty,
1838.

LONDON:

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1838.



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Class B.—1837—8.

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CORRESPONDENCE

WITH

FOREIGN POWERS.

SPAIN.

No. 1.

Viscount Palmerston to Sir George Villiers.

SIR,

Foreign Office, 6th January 1838.

I HEREWITH transmit for your information, the Copy of a Despatch and of its Enclosures, from Her Majesty's Commissioners at the Havana, containing their Correspondence with Lieutenant Jenkin, in command of Her Majesty's hulk "Romney," upon the subject of a negro, who had secreted himself on board that vessel, and whom Lieutenant Jenkin had given up to the proper Authorities at the Havana.

I also enclose a Copy of the Despatch, which I have addressed to Her Majesty's Commissioners upon the subject, by which you will learn, that I approve of the course pursued by Lieutenant Jenkin in this Case; and I have to instruct you to communicate these Papers to the Spanish Government.

I have, &c.

(Signed)

PALMERSTON.

Sir George Villiers, G.C.B.
&c. &c. &c.

Enclosure in No. 1.

Havana Commissioners to Viscount Palmerston,
October 10, 1837.

(See Class A. of former Series, No. 102, p. 140.)

Viscount Palmerston to Havana Commissioners,
January 5, 1838.

(See Class A. of this Series, No. 28.)

No. 2.

Sir George Villiers to Viscount Palmerston.—(Received January 18.)

MY LORD,

Madrid, 7th January, 1838.

I HAVE the honour to enclose the Copy and Translation of a Note which I have received from Count Ofalia, respecting the soldiers of Colour employed on board Her Majesty's ship "Romney," at the Havana.

I enclose likewise the Copy of a Note, which I have addressed to Count Ofalia, in reply.

I have, &c.

(Signed)

GEORGE VILLIERS.

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

CLASS B.—FURTHER SERIES.

First Enclosure in No. 2.

(Translation.)

Count Ofalia to Sir George Villiers.

SIR,

Madrid, December 29th, 1837.

THE Captain-General of the Island of Cuba informs me of the arrival at the Havana on the 25th of August last, of Her Britannic Majesty's ship "Romney," destined to serve as a hulk or deposit for captured negroes from Africa, until sentence is passed upon them by the mixed tribunal, and they are sent to their destination in conformity with Annex C. of the Treaty of 28th June, 1835, having on board 15 black marines brought from Nassau, and expecting as many more with the intention to raise recruits, as appears from the Document of which I enclose a copy.

The Captain-General, on receiving this intelligence, pointed out to the above-mentioned tribunal and arbitration the serious inconvenience which the introduction and residence in that port of these blacks would cause, in order that they might be sent back to the place from whence they came, or to any other in the dominions of Her Britannic Majesty, as it was impossible for him to permit such an event, which was in opposition to the laws of the country, to existing treaties, and to the private regulations of the police and safety of the island.

This determination, rendered so necessary by circumstances, as in conformity with the principles observed there, has been combated by the said Commissioners, and particularly so by the superintendent of the emancipated negroes, Dr. Robert Richard Madden, without satisfying the doubts of the Captain-General, in such terms that his prudence advised him to leave matters as they were, without entering into fresh explanations, but refusing to permit the said blacks to land until Her Majesty's pleasure should be known.

Various measures since February, 1796, have been adopted by Her Majesty's Government and the authorities of the Havana, for preventing the introduction into that island of wandering negroes and mulattoes coming from "Costa firme" and foreign colonies, who, contaminated by the bad example of insurrections, and the fallacious doctrines invented by the revolutionists of both the Old and the New World, were likely to cause riots and other most fatal evils in that pacific and faithful country.

Her Majesty's Government, to entertain the same beneficial views for the safety, order, and tranquillity of that island, addresses itself through you to that of Her Britannic Majesty, in the sincere hope, that in consideration of the reasons above alleged, it will think fit to determine, that the above-mentioned troop of black Africans serving on board the "Romney," as well as those who are expected to arrive, may be sent back to the place from whence they came, or where else away from the port and island of the Havana, by which means the dangers which are apprehended will be avoided, and the laws which exist there will remain in due observance.

I avail, &c.,

(Signed)

THE COUNT OF OFALIA.

Sir George Villiers, G.C.B.
 &c. &c. &c.

Sub-Enclosure in No. 2.

(Translation.)

*Señor Lobadía to Don M. Tacon.**Havana, August 25, 1837.*

THE Adjutant charged with the recognition of vessels informs His Excellency the Governor and Captain-General, of the arrival in this port to-day, coming from England and Nassau, of Her Britannic Majesty's hulk "Romney," Captain, Lieutenant Charles Jenkin, on board of which vessel, amongst the individuals of its crew and marines are 15 black marines, which, as the Commander informed the Government Interpreter who accompanied me on making this customary visit, he had taken in at Nassau, and that he expected 15 more, who were to remain on board the said hulk for the purpose of raising recruits. All which I have the honour to communicate to your Excellency for your information.

(Signed)

FRANCISCO LOBADIA.

Second Enclosure in No. 2.

Sir George Villiers to Count Ofalia.

SIR,

Madrid, January 3rd, 1838.

I HAVE had the honour to receive your Excellency's note of the 29th last month, respecting some black soldiers in the service of Her Britannic Majesty, who do the duty of marines on board the hulk "Romney," stationed at the Havana, for the purpose of receiving the liberated negroes found on board captured slave ships.

It was with no small surprise and some pain, that I found in your Excellency's note not the least mention or allusion to mine on the same subject, which on the 2nd of last month I addressed to your Excellency's predecessor. In that note I had the honour to state the facts of the case, and of anticipating in a great measure the arguments, with which your Excellency supports the line of conduct adopted by General Tacon.

The instructions I received from my Government on the subject were, to suggest to Her Catholic Majesty's Minister of State for Foreign Affairs, that though General Tacon defended the step he threatened to take of arresting the soldiers of Her Britannic Majesty's marines, doing duty on board the "Romney" should they go on shore, by reference to a Royal Order of the 12th March, 1837, in which he is charged not to permit the introduction of free negroes, under any pretext whatever, into Cuba, that this Royal Order could not possibly apply to persons in the service of Her Britannic Majesty, and to request that such orders might be sent to him as would remove the scruples, which a too literal interpretation of the directions of his Government had raised in his mind.

In carrying the instructions into effect, I further pointed out the aptness of these individuals for performing the duties required of them, which are such as in the case of white men would produce a degree of mortality that must render the service impracticable. And I at the same time added, that freemen of colour are seen in all parts of Cuba, not only on board of Her Britannic Majesty's ships, but in the American steam-boats occupied in plying between the Havana and Regla, they are and have been constantly employed; so that the argument of novelty, even as used by General Tacon, and

as repeated by your Excellency, cannot be alleged in favour of the course that authority has thought proper to pursue.

I cannot conclude without adding, that General Tacon has been grossly misinformed as to the object of the black marines on board the "Romney," no part of which is to raise recruits, but, on the contrary, to discipline and keep in order the raw negroes placed temporarily on board that ship, and who, if not carefully guarded and properly treated by men who understand their habits and their language, might be productive of real inconvenience to the Government of General Tacon.

I must also be permitted to add, that I cannot think your Excellency justified in confounding soldiers, of whatever colour, in the service of Her Britannic Majesty, placed under the strict discipline of a man-of-war, and belonging to a corps so notoriously steady and respectable as the British marines, with wandering negroes and mulattoes, "contaminated by the fallacious doctrines invented by the revolutionists of both the Old and the New World, and as such likely to cause riots and other fatal evils in the pacific and faithful island of Cuba." To such persons the Royal Order of March 12th, 1837, no doubt applied, and still further confirms the opinion formed by my Government, that General Tacon had too narrowly interpreted his instructions, which could never mean to include British soldiers, in the quiet and orderly discharge of their duties.

I shall of course lose no time in laying the communication of your Excellency before my Government, but in the mean time I cannot help earnestly repeating the hope, which in my note of the 2nd ultimo I stated was entertained by my Government, that the men employed in this arduous service may not be kept perpetually prisoners, but may be permitted occasionally, and under proper regulations, the indulgence of going ashore.

I have, &c.,

(Signed)

GEORGE VILLIERS.

His Excellency Count Ofalia,
 &c. &c. &c.

Third Enclosure in No. 2.

(Translation.)

Count Ofalia to Sir George Villiers.

SIR,

Madrid, 5th January, 1838.

By an involuntary omission in this office under my charge, no mention was made in my note of the 29th ultimo of yours of the 2nd of that month, respecting the Black Soldiers in the service of Her Britannic Majesty, destined to do duty on board the hulk "Romney," stationed at the Havana.

So far from the above-mentioned omission having been intentional, you must be convinced of the contrary on learning, as I have the honour to assure you is the case, that in consequence of communication from this office, on taking your above-cited note into consideration, the necessary orders were issued by that of Marine, on the 27th of December last, to the Captain-General of the Island of Cuba, communicating to him the desire of Her Majesty's Government, that the ties of friendship which unite it with that of Her Britannic Majesty be preserved in all their force, and instructing him in consequence to preserve all possible good understanding with the British Commissioners, by endeavouring to settle such difficulties as may have arisen, in as far as it may be compatible with the service of Her Majesty and with the tranquillity of the Island.

From the preceding explanation, which I flatter myself to give to your communication of the day before yesterday, you must perceive the attention which has been paid to your note of December 2nd, and how great is the desire of Her Majesty's Government to give satisfaction to that of Her Britannic Majesty; but although most grateful, and always anxious of treating Great Britain with all possible consideration, it nevertheless cannot cease to pay due attention to the risks, which the Captain-General of Cuba foresees if the Black Soldiers remain at the Havana, upon which account, under date of this day, it requests new data and information from the Captain, which will tend to illustrate the matter completely.

In the meanwhile you must be fully aware of the difference of the danger which may arise from negroes who arrive at that port in vessels of passage, or that which is to be apprehended from soldiers, stationed there in company and constant relation with those of their own colour composing the depôt; for which reason the observations of the Captain-General, together with those which you have been pleased to make in your above cited notes, having been maturely considered by Her Majesty's Government, which although it appreciates in its just value the accredited discipline of the Royal British Marines, and the straightforward intentions of the British Government, on account of the continual proofs which it has received of its generosity, still hopes that, as "a fresh demonstration, it will think fit to remove from the port of the Havana the Black Soldiers on board the hulk 'Romney.'"

I avail myself, &c.

(Signed)

THE COUNT OF OFALIA.

Sir George Villiers, G.C.B.,
 &c. &c. &c.

No. 3.

Viscount Palmerston to Sir George Villiers.

SIR,

Foreign Office, 17th January, 1838.

I HEREWITH transmit to you, for your information, and for communication to the Spanish Government, the accompanying Extract of a Letter upon the subject of the Slave Trade, carried on at Cadiz and in the West Indies, in vessels which sail under the Portuguese Flag, although they are Spanish property and

are reported to belong to a notorious slave-merchant at Cadiz, named Pedro Martinez.

I have, &c.

(Signed)

PALMERSTON.

Sir George Villiers, G.C.B.
&c. &c. &c.

Enclosure in No. 3.

Extract of a Letter, dated Vera Cruz, 26th August, 1837.

ON the 5th August instant, after beating off St. Jago for some days on account of the weather, we fell in with a suspicious-looking brigantine, rigged like a ship of war, which, after manœuvring about us in a strange manner all the day (although he might at any hour have come up with us, deeply loaded as we were), in the evening, when we stood out to sea, fired three times, as if ordering us to haul to. I did not hear the shots, nor could I judge of the character of the vessel, but the Master of the vessel, on board of which I was, believing it to be a pirate, and the Havana Government having given public notice of one cruising off St. Domingo, determined, on his own judgment, to change his course during the night-time, and so proceeded on his way to Vera Cruz.

At Lisbon I heard, from respectable authority, that there were 2 vessels well known fitting out, and 3 others suspected of being intended for the Slave-trade. At Cadiz I found this trade carried on to an increasing extent, as I was informed, though under foreign colours; and during the 6 weeks I was unfortunately detained there, few days passed without a vessel sailing for the coast of Africa. Two in particular, the "*Volador*" and the "*Urraca*," which I find several times denounced in the Despatches of the Commissioners at the Havana, sailed under the Portuguese flag, though Spanish property, under the expectation of so escaping the consequences of a search under the Treaty with Spain of the 28th June, 1835. These vessels were said to be the property of a notorious slave-merchant at Cadiz, named Pedro Martinez, who, from very humble origin, has become, by means of the Slave-trade, by repute the wealthiest man in that city, and is said to be the owner of no fewer than 30 vessels engaged in that traffic. Shortly before my arrival he had a very fine vessel brought from England named the "*Creole*," under the command of an Englishman named Jennings. This Jennings took the "*Creole*" to the coast of Africa, with provisions for the slave-ships belonging to Martinez, and came back with the same Bill of Health with which he sailed from Cadiz, for which the authorities there fined him 100 dollars. The "*Creole*" was then prepared for the traffic in slaves, and Jennings was sent back to London in the beginning of June to purchase another vessel for the same purpose. Jennings informed two different persons, who reported it to me, that his employer had given him 50*l.* over his pay for his services, and boasted that not one ship in 20 was taken, whereas if but two out of three escaped they would render ample profit to the owners.

During the time we were off the West India Islands we did not fall in with any of Her Majesty's cruisers, but saw two vessels, one off St. Domingo, and the other off Cuba, which we had good reason to believe were slavers, besides the one which frightened the Master of the "*Munford*" as a pirate, but which I believed to have been hovering about the coast to land a cargo of slaves, for assistance in which, the three shots previously mentioned might have been the signals.

No. 4.

Sir George Villiers to Viscount Palmerston—(Received January 18.)

MY LORD,

Madrid, 7th January, 1838.

I HAVE the honour to enclose the Copy and Translation of a note which I have received from Count Ofalia, in acknowledgment of mine of the 25th August last, announcing that Her Majesty's Government was willing to convey to the British colonies all negroes, without distinction of age or sex, who have been emancipated at the Havana under the provisions of the Slave Treaty.

I have, &c.

(Signed)

GEORGE VILLIERS.

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

Enclosure in No. 4.

(Translation.)

The Count Ofalia to Sir George Villiers.

SIR,

Madrid, 31st December, 1837.

YOUR note of the 25th of August last has been received in this Office under my charge, in which, in consequence of the information which the British Government has received of the manner in which the liberated negroes are treated in the Island of Cuba, you communicate that Great Britain is willing to remove these negroes, without distinction of age or sex, to the British Colonies, where, under the protection of British Law, they will run no risk of being treated as slaves.

Her Majesty's Government, ever desirous of pleasing that of Great Britain, nevertheless cannot venture to take a definite determination upon the said proposal, without exposing itself to commit an error, until it has first received the information, which, under date of this day, it has required from the Authorities of Cuba.

As soon as the necessary information is received from these Authorities, I shall have the honour of communicating to you the result with the least possible delay.

Sir George Villiers, G.C.B.
&c. &c. &c.

I avail, &c.
(Signed) THE COUNT OF OFALIA.

No. 5.

Viscount Palmerston to Sir George Villiers.

SIR,

Foreign Office, 27th January, 1838.

I HAVE received and laid before the Queen your Despatch marked Slave Trade of the 7th instant, containing Copies of your correspondence with the Spanish Minister for Foreign Affairs, respecting the black soldiers employed on board Her Majesty's ship "Romney," stationed as a hulk at the Havana.

I approve of the note which you addressed to Count Ofalia on the 3rd of January, but I regret to find that it has produced nothing more than a general profession on the part of that Minister of the desire of the Spanish Government to give satisfaction to Great Britain, and a promise that further information shall be required from the Captain-General of Cuba, in order that the matter may be set in its true light.

I have now, therefore, to instruct you once more to point out to Count Ofalia, that the various measures which have been adopted at the Havana, for preventing the introduction of negroes and mulattoes, whether slaves or freed-men, into Cuba, cannot by any possible construction be made to apply to a detachment of Her Britannic Majesty's regular army; and that if the regulations in question are in practice so disregarded, that the Captain-General permits free blacks and slaves who come to Cuba, in American and other merchant ships, not only to land but to reside on shore, and mix as they like with the black population of the Island, it is impossible for the Captain-General to pretend that any danger can arise to the tranquillity of Cuba from permitting the black soldiers on board the "Romney" to have occasional intercourse with the inhabitants on shore.

You will also take this occasion to observe, that Her Majesty's Government is sorry to be obliged to declare, that in the objections made by General Tacon to the employment of black troops in a service for which such troops are peculiarly fit, and in his attempt to deprive these troops, because of their colour, of that necessary indulgence of occasionally going on shore, which would be freely granted to any of the other troops in Her Majesty's service, Her Majesty's Government can only see indications of a desire to frustrate, by indirect means, the fair and full execution of the Treaty of 28th June, 1835. General Tacon is, no doubt, a good officer, and loyal subject of the Queen; but Her Majesty's Government regret, that they cannot say that he has shown any disposition to give, by the exercise of his local authority, effectual aid towards the fulfilment of the engagements of the Spanish Crown with respect to the suppression of the slave trade.

I have, &c.

(Signed)

PALMERSTON.

Sir George Villiers, G.C.B.
&c. &c. &c.

No. 6.

Sir George Villiers to Viscount Palmerston.—(Received February 6.)

MY LORD,

Madrid, 27th January, 1838.

I HAVE had the honour to receive your Lordship's Despatches, marked Slave Trade, of the 27th December last, and of the 6th of January of the present year.

I enclose a Copy of the note, which, in obedience to the instructions contained in your Lordship's Despatch last mentioned, I have addressed to Count Ofalia, respecting the negro Slave who had secreted himself on board Her Majesty's ship "Romney," at the Havana.

I have, &c.

(Signed)

GEORGE VILLIERS.

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

Enclosure in No. 6.

Sir G. Villiers to Count Ofalia.

SIR,

Madrid, January 25th, 1838.

I HAVE the honour to inform your Excellency, that I have received the instructions of my Government to communicate to the Government of Her Catholic Majesty the enclosed Papers, forming the correspondence which has taken place respecting a slave who took refuge on board the "Romney," Her Britannic Majesty's receiving ship lying at the Havana.

Your Excellency will find that Lieutenant Jenkin commanding the "Romney," immediately on learning the fact, sent the slave on shore in charge of an Officer, with instructions to deliver him up to the Authorities, and that he is in possession of a written document from them, proving that his orders were obeyed.

Your Excellency will also perceive, that the conduct of Lieutenant Jenkin has been formally approved by Her Britannic Majesty's Minister for Foreign Affairs, Viscount Palmerston, who characterizes it as right and proper.

To His Excellency Count Ofalia,
&c. &c. &c.

I have, &c.

(Signed)

G. VILLIERS.

No. 7.

Sir G. Villiers to Viscount Palmerston.—(Received February 6.)

MY LORD,

Madrid, 27th January, 1838.

WITH reference to your Lordship's Despatch of the 27th ultimo, I have the honour to enclose the Copy of a Note which I have addressed to Count Ofalia, requesting that enquiries might be made, with respect to the conduct of the Sanitary Authorities of Cadiz, in having allowed the *Vencedora* to remain for some time at that port, with twenty-six negroes concealed on board.

I have, &c.

(Signed)

GEORGE VILLIERS.

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

&c.

&c.

&c.

Enclosure in No. 7.

Sir G. Villiers to Count Ofalia.

SIR,

Madrid, January 25th, 1838.

I HAVE the honour to inform your excellency, that information has been received by my Government that the Spanish vessel "*Vencedora*," lately captured for having slaves concealed on board, and carried into the Havana, brought these very slaves into the Port of Cadiz, where she remained several days, having twenty-six of these wretched creatures hidden in her hold.

This vessel sailed from Cadiz in the beginning of last September, and her passengers from the horrid stench that came up from below, and from the extraordinary quantity of rice cooked, were well aware of the atrocious act of inhumanity which was taking place, but during the whole voyage not one of these unhappy creatures was permitted to see the light or breathe the fresh air.

The "*Vencedora*" had procured these slaves in the River Congo, brought them round by Cadiz, kept them in the closest confinement during the time that the vessel remained at that port, and subsequently conveyed them to the Havana in the horrible manner I have had the honour to lay before your Excellency.

I need not point out to your Excellency, that crimes of this kind are flagrant violations of the Treaties concluded between Great Britain and Spain for the suppression of the Slave Trade, for they are violations of the first principles of humanity, and I should feel that I was but offending your Excellency if I were to quote a Treaty in order to induce your Excellency to inquire into the circumstances attendant upon the stay of the "*Vencedora*" in Cadiz, and to ascertain whether the Sanitary Authorities were aware of the crime that was being committed within their jurisdiction, and if not, how they came so far to neglect the duty which they owe to the public health, as to permit a vessel to remain unsearched, which from the quarter whence it had come, and the state in which it must have been in, was calculated to spread pestilence through the land.

Your Excellency will also be pleased to permit me to take this opportunity of asking, whether the Government of Her Catholic Majesty is as yet prepared to submit to the Cortes a Law for the severe punishment of persons convicted of being concerned in the Spanish Slave Trade, according to the stipulations of the Treaty (Art. 2nd) of June, 1835, for the abolition of the Slave Trade celebrated between His late Britannic Majesty and Her Majesty the Queen of Spain.

I have, &c.

(Signed)

GEORGE VILLIERS.

To His Excellency Count Ofalia,
&c. &c. &c.

No. 8.

Sir George Villiers to Viscount Palmerston.—(Received February 6.)

MY LORD,

Madrid, 27th January, 1838.

I HAVE the honour to enclose the Copy and Translation of a note, which I have received from Count Ofalia, in answer to mine of the 27th October last to Mr. Bardaxi, requesting that the descriptive lists of negroes, found on board slave ships condemned by the Mixed Court of Justice at the Havana, may be made after their removal from the vessels in which they were captured.

I have, &c.

(Signed) GEORGE VILLIERS.

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

&c. &c. &c.

Enclosure in No. 8.

(Translation.)

Count Ofalia to Sir George Villiers.

SIR,

Madrid, 24th January, 1838.

HAVING taken into consideration the note which you addressed to my predecessor on the 27th of October last, in which you request that the necessary orders may be issued, in order that the Spanish Members of the Mixed Court of Justice in the Havana should act according to the stipulation of Article 2 of Annex C, in the Treaty of 1835, between Spain and Great Britain for the Abolition of the Slave Trade, in order to form the descriptive list of those individuals who may be on board any vessel condemned by the said Court; I have the honour to acquaint you in reply, that Her Majesty's Government, desirous of taking a determination upon the subject in question, has resolved that the Captain-General of Cuba be instructed to report upon it immediately, taking the opinion of the Spanish Commissioners of the said Mixed Court.

I avail myself, &c.

(Signed) THE COUNT OF OFALIA.

The British Minister.

No. 9.

Sir George Villiers to Viscount Palmerston.—(Received February 12.)

MY LORD,

Madrid, 3rd February, 1838.

I HAVE the honour to enclose the Copy and Translation of a note, which I have received from Count Ofalia, in answer to mine dated the 28th ultimo, respecting a negro slave, who had secreted himself on board Her Majesty's ship "Romney," at the Havana.

I have, &c.

(Signed) GEORGE VILLIERS.

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

&c. &c. &c.

Enclosure in No. 9.

Count Ofalia to Sir George Villiers.

SIR,

Madrid, January 29th, 1838.

I HAVE the honour to inform you, in reply to the note which you have been pleased to address to me under date of the 25th instant, inclosing Copies of the correspondence which has taken place in consequence of a slave having taken refuge on board the hulk "Romney," lying at the Havana, and from which it appears that her Commander, Lieutenant Jenkin, sent the said slave on shore in charge of an Officer, with orders to deliver him up to the local authorities; that Her Majesty the Queen Regent, before whom I have laid your note and its inclosures, is satisfied with all that has been done, and with the proof of respect to the laws of the country, given by Lieutenant Jenkin, and being much pleased that Her Britannic Majesty's Minister, Viscount Palmerston, has approved the conduct of that Officer.

I avail myself, &c.

(Signed) THE COUNT OF OFALIA.

Sir George Villiers, G. C. B.

&c. &c. &c.

No. 10.

Sir George Villiers to Viscount Palmerston.—(Received February 12.)

MY LORD,

Madrid, 3rd February, 1838.

I HAVE the honour to enclose the Copy and Translation of a note, which I have received from Count Ofalia in acknowledgment of mine dated the 25th ultimo, respecting 26 negroes concealed on board the *Vencedora*.

I have, &c.

(Signed)

GEORGE VILLIERS.

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

&c.

&c.

&c.

Enclosure in No. 10.

(Translation.)

Count of Ofalia to Sir George Villiers.

SIR,

Madrid, 29th January, 1838.

HAVING taken into consideration the contents of the note which you have been pleased to address to me on the 25th instant, complaining that the Spanish vessel "*Vencedora*," lately captured for having slaves on board, previous to her departure for the Havana, remained several days in the Port of Cadiz, having 26 of these wretched creatures hidden in her hold; I hasten to assure you that I shall have the honour of communicating to you the result of the inquiries, which have been ordered to be made at Cadiz, for ascertaining the truth of this matter.

I avail myself, &c.

(Signed)

THE COUNT OF OFALIA.

The British Minister,
&c. &c. &c.

No. 11.

Sir George Villiers to Viscount Palmerston.—(Received February 19.)

MY LORD,

Madrid, 10th February, 1838.

I HAVE had the honour to receive your Lordship's Despatches, marked "Slave Trade," of the 17th and 27th ultimo.

In conformity with the instructions contained in the former of these Despatches, I have forwarded to Count Ofalia, in a note, of which I enclose the copy, the extract of a letter, respecting the Slave Trade carried on from Cadiz under Portuguese colours.

I have, &c.

(Signed)

GEORGE VILLIERS.

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

&c.

&c.

&c.

First Enclosure in No. 11.

Sir G. Villiers to Count Ofalia.

SIR,

Madrid, February 7th, 1838.

I HAVE the honour to enclose to your Excellency, according to the instructions I have received from my Government, the translation of an extract of a letter, from which your Excellency will, I am sure, learn with regret that the Spanish slave trade is still being carried on to a great extent under Portuguese colours, and that a Spaniard, resident in one of the principal mercantile towns of the Peninsula, is notoriously engaged in this odious traffic.

I have, &c.

(Signed)

GEORGE VILLIERS.

His Excellency Count Ofalia,
&c. &c. &c.

Second Enclosure in No. 11.

Count Ofalia to Sir G. Villiers.

(Translation.)

SIR,

Madrid, February 9th, 1838.

UNDER date of this day, and by Her Majesty's command, enquiries are made at the Havana, respecting the facts and circumstances mentioned in the Translation of the Extract from a letter, enclosed in the note which you were pleased to address to me on the 7th instant; at the same time giving orders that the precautions for the prevention of frauds and abuses in this matter be redoubled. I hasten to inform you of this, in reply to your note above cited.

I avail myself, &c.

(Signed)

THE COUNT OF OFALIA.

The British Minister,
&c. &c. &c.

No. 12.

Sir George Villiers to Viscount Palmerston.—(Received Feb. 26.)

MY LORD,

Madrid, 17th February, 1838.

I HAVE the honour to enclose the Copy and Translation of a Note, which I have received from Count Ofalia, in answer to one I addressed to Mr. Isturiz, on the 29th July, 1836, claiming the fulfilment of the Treaty for the Abolition of the Slave Trade, with reference to a complaint from the Mixed Commission at the Havana, that four Spanish vessels had landed their cargoes of slaves on the coast of Cuba.

I have, &c.

(Signed)

GEORGE VILLIERS.

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

&c.

&c.

&c.

Enclosure in No. 12.

(Translation.)

Count Ofalia to Sir George Villiers.

SIR,

Madrid, February 15th, 1838.

THE Note which you were pleased to address to this Office on the 29th of July, 1836, claiming the fulfilment of the Treaties existing between the two nations, on account of intelligence which had been received of the arrival at the Havana of four Spanish vessels from the Coast of Africa, all of which had previously succeeded in landing their cargoes upon the coast of Cuba, was transmitted to the Captain-General of that Island on the 7th August of that same year, with instructions to adopt energetic and repressive measures for causing the Treaties to be fulfilled, and for preventing their being eluded in the manner you stated.

I have now the honour to inform you, that the said Captain-General has answered, that the instructions contained in the Royal Order of the 7th August will be duly carried into effect by him; but that he could not abstain from offering some observations upon the said Note.

The intelligence, he says, of the arrival at the Island of vessels with slaves from the Coast of Africa and of disembarkation, which is not given by the British cruisers or Commissioners cannot serve as a charge against him, who has always been ready to cooperate with active measures towards the abolition of such traffic, which it is almost impossible to suppress entirely in an extent of nearly 600 leagues of coast.

The Mixed Commission can bear witness to the activity with which he has proceeded in the cases denounced by the British Commissioners.

The complaint, he adds, of the public journals having ceased to publish the departure of vessels for Africa, is unfounded, because no reason exists for concealing such departure, as commerce in general with that country is not prohibited, and as the British ships of war are at liberty to examine them.

He says, finally, that the Government never interferes in the announcements which the owners or masters of vessels may make.

Although this answer is somewhat retarded, I consider it a duty to forward it to you, in reply to the complaint made in the Note above-mentioned.

Availing myself, &c.

(Signed)

THE COUNT OF OFALIA.

The British Minister,

&c. &c.

No. 13.

Sir George Villiers to Viscount Palmerston.—(Received Feb. 26.)

MY LORD,

Madrid, 17th February, 1838.

I HAVE the honour to enclose the Copy of a Note, which in obedience to the Instructions contained in your Lordship's Despatch, marked "Slave Trade," of the 27th of January, 1838, I have addressed to Count Ofalia, respecting the black soldiers employed on board Her Majesty's ship "Romney," at the Havana.

I have, &c.

(Signed)

GEORGE VILLIERS.

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

&c.

&c.

&c.

Enclosure in No. 13.

(Copy.)

SIR,

Sir G. Villiers to Count Ofalia.

Madrid, February 14th, 1838.

HAVING laid before my Government the correspondence which passed between your Excellency and myself, with respect to the Order issued by General Jacón prohibiting the men of colour belonging to Her Britannic Majesty's Marines on board the "Romney" lying in the port of Havana from going

CLASS B.—FURTHER SERIES.

ashore, I have the honour to inform your Excellency, that my Government regrets that the Note which I had the honour to address to your Excellency, on the 3rd of last month, should have produced nothing more than a general profession of the desire of the Government of Her Catholic Majesty to give satisfaction to that of Great Britain, and a promise that further information should be required from the Captain-General of Cuba, in order that the matter may be set in its true light.

I have accordingly received the further instructions of my Government to point out once more to your Excellency, that the various measures which have been adopted at the Havana for preventing the introduction of negroes and mulattoes, whether slaves or freedmen into Cuba, cannot by any possible construction be made to apply to a detachment of Her Britannic Majesty's regular army, and that if the regulations in practice are so disregarded, that the Captain-General permits free blacks and slaves who come to Cuba in American and other merchant ships, not only to land, but to reside on shore and mix as they like with the black population of the Island, it is impossible for the Captain-General to pretend that any danger can arise to the tranquillity of Cuba, from permitting the black soldiers on board the "Romney" to have occasional intercourse with the inhabitants on shore.

I am also directed to observe to your Excellency, that Her Britannic Majesty's Government is sorry to be obliged to declare, that in the objections made by General Tacon to the employment of black troops on a service for which such troops are peculiarly fit, and in his attempt to deprive these troops because of their colour, of that necessary indulgence of occasionally going on shore, which would be freely granted to any of the other troops in Her Britannic Majesty's service, Her Britannic Majesty's Government can only see indications of a desire to frustrate by indirect means the fair and full execution of the Treaty of June 28th, 1835.

Her Britannic Majesty's Government, in acknowledging that General Tacon is a good officer and a loyal subject of the Queen, regret to observe, that he has not shown any disposition to give by the exercise of his local authority, effectual aid towards the fulfilment of the engagements of the Spanish Crown with respect to the suppression of the slave trade.

His Excellency Count Ofalia.

I have, &c.
(Signed) GEORGE VILLIERS.

No. 14.

Viscount Palmerston to Sir George Villiers.

SIR,

Foreign Office, March 6, 1838.

I HAVE received your Despatch, marked "Slave Trade," of the 10th February, 1838, on the subject of the black soldiers employed on board the "Romney" hulk at the Havana.

I transmit to you, for your guidance in communications on the subject with the Spanish Government, the accompanying Copy of a Letter from the Under-Secretary of State for the Colonial Department, containing some observations made by Lord Glenelg, with reference to your letter of the 3rd of January last upon this point.

Sir G. Villiers, G.C.B.
&c. &c. &c.

I am, &c.
(Signed) PALMERSTON.

Enclosure in No. 14.

Mr. Stephen to the Hon. Mr. Fox Strangways.

SIR,

Downing-street, 13th February, 1838.

I HAVE laid before Lord Glenelg your Letter and Enclosures dated the 27th ultimo, on the subject of the demand preferred by the Captain-General of Cuba for the removal of the black soldiers from on board the "Romney" at Havana. His Lordship desires me to request that you would observe to Viscount Palmerston, with reference to Sir George Villiers' Letter of the 3rd January, that although Sir George is quite right in denying that the troops on board the "Romney" are destined for any general purpose of recruiting, yet that it may be proper to observe, that they will be made instrumental to the enlistment of any captured Africans received under the Treaty, who may be found willing to enter Her Britannic Majesty's military service; and who, when enlisted, will proceed by the earliest opportunity to join the corps to which they are to belong.

Lord Glenelg would further add, that there is nothing in this employment of the guard on board the "Romney" which can occasion any inconvenience to the Spanish authorities of Cuba; and that, on the contrary, it is a proceeding consequent on a Treaty, the effect of which is to relieve those authorities from the inconveniences they had cause to apprehend if the liberated Africans had remained in the Island of Cuba.

I have, &c.
(Signed) JAMES STEPHEN.

No. 15.

Sir George Villiers to Viscount Palmerston.—(Received March 6.)

MY LORD,

Madrid, 14th Feb. 1838.

I HAVE the honour to enclose the Copy and Translation of a Note, which I have received from Count Ofalia, in answer to the one which I addressed to Mr. Bardaxi, on the 7th September last, respecting the conduct of Lieutenant

Cruz, of the Spanish brig of war *Teresita*, in not having carried for adjudication before the Mixed Commission at the Havana a vessel which he had captured under suspicion of being engaged in the Slave Trade.

I have, &c.

(Signed)

GEORGE VILLIERS.

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

&c.

&c.

&c.

Enclosure in No. 15.

(Translation.)

SIR,

Count Ofalia to Sir G. Villiers.

Madrid, February 15th, 1838.

IN your Note of the 7th of September last, you made a complaint against Lieutenant Cruz, the commander of the Spanish ship of war "*Teresita*," for having seized a schooner in the entrance of the harbour of Guautanamo, Island of Cuba, as having every appearance of being occupied in the slave trade, and not having brought in his prize for adjudication before the Court of the Mixed Commission at the Havana.

Communication was made of the above-mentioned Note, by my predecessor, to the Minister of Marine and Colonies, in order that, the certainty of the statement contained in it being ascertained, the guilty party should be proceeded against with all the rigour of the law.

The Minister of Finance states in reply, that, according to what he has learned from the Commandant-General of the Havana station, the lawsuit formed in consequence of the capture of the schooner "*Matilda*" by the pilot-boat of war "*Teresita*," had been brought before the Mixed Commission of that capital, which is doubtless the case to which you refer, but that he should lay before her Majesty the complaint of the Commandant-General, against the manner in which the said Board has neglected to address itself to him directly as chief of a tribunal, and of a branch independent of the Captain-Generalcy of that Island.

I have the honour to communicate to you the above circumstances, in reply to your Note on this subject, and avail myself, &c.

(Signed)

THE COUNT OF OFALIA.

Sir G. Villiers,

&c. &c. &c.

No. 16.

Sir George Villiers to Viscount Palmerston.—(Received March 13.)

MY LORD,

Madrid, March 3d, 1838.

I HAVE the honour to enclose the copy and translation of a note, which I have received from Count Ofalia in answer to mine of the 19th of January, 1837, complaining of the conduct of the Custom-House authorities of St. Jago de Cuba, in having permitted 120 pairs of leg-irons to be shipped on board the "*Eliza*."

I have, &c.

(Signed)

GEO. VILLIERS.

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

&c.

&c.

&c.

Enclosure in No. 16.

(Translation.)

SIR,

Count Ofalia to Sir G. Villiers.

Madrid, February 22nd, 1838.

I HAVE the honour to inform you, that in consequence of the communication made by this Office on the 21st January, 1836, to that of Finance, which was made known to you under that date, in answer to your Note of the 19th of that month, peremptory orders were given to the Military Intendente at the Havana, that the fact being ascertained of the Officers of the Custom House of St. Jago de Cuba having given formal permission to the vessel "*Eliza*," to carry on board 120 pair of leg shackles, the guilty party should be duly punished for the violation of an existing Treaty between the two countries.

The Minister of Finance has transmitted to this Office the Despatch received from the said Intendente in reply, enclosing a Copy of the proceedings taken at St. Jago de Cuba, for the verification of the above stated circumstance, and notwithstanding that the Tribunal of the Intendency has not found the crime sufficiently proved for proceeding to impose the corresponding punishment, the said Military Intendant has taken the proper measures and given positive orders for preventing the infringement in any case of the 10th Article of the Treaty concluded on the 28th June, 1835, for the abolition of the Slave Trade.

I avail myself, &c.

(Signed)

THE COUNT OF OFALIA.

To the British Minister,

&c. &c. &c.

No. 17.

Sir George Villiers to Viscount Palmerston.—(Received March 13.)

MY LORD,

Madrid, March 3, 1838.

I HAVE the honour to enclose the copy and translation of a note, which I have received from Count Ofalia in reply to mine of the 14th ultimo, respecting the black soldiers employed on board Her Majesty's ship, "Romney," at the Havana

I have, &c.

(Signed)

GEO. VILLIERS

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

&c.

&c.

&c.

Enclosure in No. 17.

(Translation.)

Madrid, February 25th, 1838.

SIR,

I HAVE the honour to acknowledge the receipt of your Note of the 14th instant, in which you are pleased to communicate to me that your Government, before whom has been laid the correspondence which has taken place between yourself and this Office, relative to the black soldiers now on board the hulk "Romney" lying in the Port of the Havana, being permitted to go ashore, regrets that your Note of the 3rd of last month had produced nothing more than a general profession of the desire of Her Majesty's Government to give satisfaction to that of Great Britain, and a promise that in order that the matter may be set in its true light, further information should be required from the Captain-General of Cuba.

You will permit me to remind you that in my last communication of the 5th January upon this subject, there is something more than that which you are pleased to state; for in it you were informed that through the Ministry of Marine, orders had been given to the said Captain-General to endeavour to arrange the difficulties which had arisen in this affair in as far as was compatible with Her Majesty's Service, and with the tranquillity of the Island.

This authorization will serve to enable him to permit the black soldiers in question to go ashore occasionally, under certain regulations and restrictions, which you yourself acknowledge to be necessary, and if he does not permit this, it will be on account of obstacles, which, in his opinion, deserve being laid before the Government.

The doubt may consist in this, that it is not the question of some wandering emancipated negroes, but of individuals who reside there for a long period of time, and who, from their being frequently on shore, may form relations with the slaves residing in the Island, and spread revolutionary ideas amongst them.

You are aware how skilful are those persons who under the name of *Abolitionists*, coming chiefly from the United States, avail themselves of all opportunities for creating insubordination among the black slaves, and who well know that emancipated blacks, arriving from foreign colonies, might be a channel for spreading their maxims amongst the slaves of the Island of Cuba; and it would not be difficult, frustrating the vigilance of the Officers of the British soldiers, and these soldiers going frequently on shore, that they would wish to make them the instrument of their machinations and pernicious intrigues.

These, or other similar reasons, it will be which the Captain-General of Cuba will have had for opposing himself to the going ashore of the said black soldiers; but if any means should be found there of arranging everything, it is to be hoped that the new Captain-General will adopt it, or will consult Her Majesty respecting it, in consideration of the Royal Order communicated to him through the Ministry of Marine.

I avail myself, &c.

(Signed)

THE COUNT OF OFALIA.

No. 18.

Sir George Villiers to Viscount Palmerston.—(Received March 13.)

MY LORD,

Madrid, March 3, 1838.

I HAVE the honour to enclose the copy of a note, which I have addressed to Count Ofalia, calling the attention of His Excellency to my correspondence with his predecessors, respecting the form of bond to be given by the owners of vessels trading to the coast of Africa, upon the exportation of casks intended to contain palm oil.

I have, &c.

(Signed)

GEORGE VILLIERS.

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

&c.

&c.

&c.

Enclosure in No. 18.

(Copy.)

*Sir George Villiers to Count Ofalia.**Madrid, March 1st, 1838.*

SIR,

IN the month of June, 1836, I had the honour to propose to the Government of Her Catholic Majesty the adoption of some fixed forms of security, to be exacted from the owners of vessels trading to the coast of Africa, and entering outwards in a Spanish Port, an extraordinary number of casks to contain palm oil, according to the 10th Article of the Treaty for the Suppression of the Spanish Slave Trade concluded in June, 1835.

At the same time I enclosed for the information of the Spanish Government the forms which the Government of Her Britannic Majesty had approved, stating that it would be convenient to observe as much uniformity as possible.

In July last I received from Mr. Calatrava an Answer to the Note of the previous year, in which His Excellency observed that no objection existed to the adoption of the forms I had enclosed to him, except to one clause.

In my reply, which was made immediately on the receipt of His Excellency's Note, I explained that the clause in question had been misunderstood, and that there was no difference between the security which the Spanish Government proposed to exact, and that required by the English Government.

I further observed that any form which was binding upon a Spanish subject, and thus afforded the security contemplated by the Treaty would be satisfactory to my Government; and I concluded by urging that *that* form, whatever it might be, should be adopted with as little delay as possible, in order that it should be forwarded to the Mixed Commissions, to aid them in coming to just decisions in the cases brought before them.

Thus as the Government of Her Catholic Majesty had hesitated in proceeding to the conclusion of this most simple affair only from a difficulty as to a part of the form, and as I declared, first, that the model I had enclosed had been misunderstood, and that my Government meant by that Document no more than the Spanish Government was willing to adopt, and that, secondly, there was no necessity to adopt the English form, but that any binding Document would be satisfactory, nothing remains to be done but the drawing out a simple certificate or guarantee.

Seven months having, however, now elapsed without my having received any communication in answer to my Note, I beg to recal the subject to your Excellency's notice, and to request that your Excellency will be pleased to give such directions respecting it as will enable me shortly to communicate to my Government a Copy of the form of bond and certificate that the Government of Her Catholic Majesty has thought fit to direct should be made use of.

I have, &c.

(Signed)

GEORGE VILLIERS.

To His Excellency Count Ofalia,
&c. &c. &c.

No. 19.

Sir George Villiers to Viscount Palmerston.—(Received March 18.)

MY LORD,

Madrid, March 10, 1838.

I HAVE the honour to inform your Lordship, that I have taken occasion to draw the attention of Count Ofalia to the recent debate in the House of Lords upon the subject of the Slave Trade, and to point out to His Excellency how much the honour and good faith of the Spanish Government were concerned, in not allowing any further delay in the enactment of a penal law against all Spanish subjects concerned in that barbarous traffic.

Count Ofalia said, that the affairs of pressing importance in which he had been engaged since he came into office, had hitherto prevented his attending to the stipulations of the Treaty of 1835, but he promised to make inquiries with respect to the steps taken by his predecessors upon the matter, and to lose no time in fulfilling the engagements by which this country is bound to Great Britain.

I have, &c.

(Signed)

GEORGE VILLIERS.

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

No. 20.

Viscount Palmerston to Sir George Villiers.

SIR,

Foreign Office, March 22, 1838.

IN my despatch to you of the 23d of August last, I directed you to complain to the Spanish Government against the conduct of Lieutenant Cruz of the Spanish vessel "*Teresita*," for neglecting to take before the Mixed Court at the Havana the Spanish vessel '*Matilde*,' upon a charge of her being met with, equipped for Slave Trade.

I have since received further communications upon this subject from Her Majesty's Commissioners at the Havana; and I now transmit copies of them to you.

I have also received your despatch, of the 24th of February, containing Count Ofalia's answer to your complaint.

I perceive, in both these last mentioned communications, that the Spanish Government have evaded the real question at issue, by insisting upon a point of form, as to the mode, in which the Mixed Commission at the Havana addressed the Captain-General, when communicating to him the information which they had received upon the case.

The real question at issue is, whether Lieutenant Cruz of the Spanish pilot-boat, the "*Teresita*," shall or shall not be punished for an infraction of the Treaty of the 28th of June, 1835, between Great Britain and Spain.

The facts are as follows:—

Her Majesty's ship "*Vestal*" in her passage from Port au Prince to St. Jago de Cuba, perceived and chased on the 4th of May, 1837, a vessel suspected of Slave Trade. But that vessel was boarded by the Spanish vessel "*Teresita*" before the "*Vestal*" could reach her.

The officer of the "*Vestal*," on boarding likewise the suspected vessel, found that her name was the "*Matilde*," and that she was equipped for the Slave Trade. The people on board of her declared that she was a prize to the "*Teresita*;" and the Commander of the "*Teresita*" himself confirmed that statement, by declaring that he had that day at 11 A. M., "seized the schooner, under the provisions of the late Treaty with Great Britain, for being fitted out for the Slave Trade."

The Captain and Officers of Her Majesty's ship "*Vestal*," having respect to the flag of Her Catholic Majesty, and believing the statement of an Officer in Her Catholic Majesty's Service, declined to interfere further with the case; supposing the vessel to be then in progress to be carried to the Havana, where she would have been brought before the Mixed Commission established at that place for adjudging cases under the Treaty.

Instead, however, of carrying the "*Matilde*" to that place, the Commander of the "*Teresita*" sent her to St. Jago de Cuba; and, when the Commissioners at the Havana were expecting her arrival, they were informed officially by the Spanish authorities, that Lieutenant Cruz detained her, not as he had stated to the Officer of the "*Vestal*," on account of her being equipped for Slave Trade, but on account of her appearing to be a smuggler; and that having been acquitted of that charge by the authorities at St. Jago de Cuba, the vessel had been liberated.

The British Commissioners were afterwards furnished with a deposition by Lieutenant Cruz, which stated that he had sent the "*Matilde*" to St. Jago de Cuba, instead of to the Havana, because she was leaky, and in order that she might be repaired.

But no reason is given in that deposition to show why, after being repaired, she might not have been sent to the Havana; and no explanation is offered as to the difference between the several statements, made by Lieutenant Cruz, with respect to the cause why the "*Matilde*" had been detained by him.

The repairs could not have required any great time to be completed, nor could she have been in a very bad condition; for it appears that upon liberation, she proceeded direct, and without delay, to the coast of Africa; that so soon as on the 15th of October in the same year, she took in on that coast, a cargo of slaves, and that she was returning to St. Jago de Cuba, with 250 negroes on board, when she was met with by Her Majesty's ship "*Snake*," was carried into the Havana, was adjudicated and condemned; and it appears that she was at the end of that voyage, perfectly sea-worthy.

I have to instruct you, under these circumstances, to press again upon the Spanish Government the just complaint of Her Majesty's Government against Lieutenant Cruz, the original grounds of which complaint are, as you will perceive, entirely confirmed by the accompanying papers.

You will now demand the dismissal of that officer from the Spanish service, for having made a false statement to the English Naval Officer, in order to defeat the object of the Treaty, and to protect from capture and condemnation a vessel which has been proved to have been at that very time, prepared and fitted out for a slave trade expedition.

Sir G. Villiers, G. C. B.
&c. &c. &c.

I am, &c.
(Signed) PALMERSTON.

No. 21.

Viscount Palmerston to Sir George Villiers.

SIR,

Foreign Office, 23rd March, 1838.

I HAVE received your Despatch, Slave Trade, of the 10th instant. I approve of your having drawn the attention of Count Ofofia to the recent debate in the House of Lords, upon the subject of the Slave Trade.

You will further state to Count Ofofia, that you only anticipated, in this respect, the Instructions of Her Majesty's Government, and that the British Cabinet can entertain no doubt that the Cabinet of Madrid will no longer delay to fulfil the engagements, contracted by Spain in the 2nd article of her Treaty with Great Britain of the 28th of June, 1835, to promulgate a Penal Law, inflicting a severe punishment on any subject of Her Catholic Majesty, who shall, under any pretext, take any part whatever in the traffic in slaves.

I am, &c.

(Signed) PALMERSTON.

Sir George Villiers, G.C.B.

&c. &c. &c.

No. 22.

Viscount Palmerston to Sir George Villiers.

SIR,

Foreign Office, 23rd March, 1838.

I TRANSMIT to you herewith, for your information, the accompanying Copy of a Despatch, and of its Enclosures, from Her Majesty's Commissioners at the Havana, containing a General Report of the Slave Trade at the Havana during the year 1837.

I am, &c.

(Signed) PALMERSTON.

Sir George Villiers, G.C.B.

&c. &c. &c.

Enclosure in No. 22.

Havana Commissioners to Viscount Palmerston.

January 1st, 1838.

(See Class A. of this Series, No. 43.)

No. 23.

Viscount Palmerston, to Sir George Villiers.

SIR,

Foreign Office, 27th March, 1838.

I HEREWITH transmit to you Extracts from Despatches received from Her Majesty's Commissioners at Sierra Leone, stating the cases of slave-vessels recently adjudicated at that place.

All these vessels, it appears, were proceeding on a Slave expedition to the Havana; and one of them, the "*Ligeira*," had received Certificates from the Custom House of that place, setting forth that the extra quantity of casks which she had on board were destined for the reception of Palm oil.

You will communicate to the Spanish Government the facts contained in these Papers, and urge the Spanish Minister to give directions, that greater caution shall in future be used in granting similar Certificates, and that they shall not be given without a bond to a large amount, which shall be forfeited to the Government, upon proof of the illegal purpose to which the prohibited Articles shall appear afterwards to have been applied.

I have, &c.

(Signed) PALMERSTON.

Sir George Villiers, G.C.B.

&c. &c. &c.

Enclosures in No. 23.

Extracts from Sierra Leone Commissioners.

Despatches of 16th, 28th and 29th December, 1837.

Reporting the Cases of the "*Felicidade*," "*Traga Milhas*," and "*Legeira*."

(See Class A. of this Series, Nos. 15, 16 & 17.)

No. 24.

Viscount Palmerston to Sir George Villiers.

SIR,

Foreign Office, 6th April, 1838.

I HEREWITH transmit to you Copies of Papers relative to the case of the Spanish brig "*General Laborde*," adjudicated in the Mixed Court of Justice established at the Havana, under the Treaty concluded with Spain in June, 1835, for the complete suppression of the Slave Trade.

From the Papers relating to this case, it appears that the vessel in question, when captured, had on board almost every one of those things which are declared, in the 10th Article of the Treaty of 1835, to furnish *prima facie* evidence, that a vessel is actually employed in Slave Trade. She had also on board a quantity of Tobacco, and she was said to be bound on a voyage to Cadiz: the evidence went to show, that many of the prohibited articles had, for a previous voyage, been furnished by the Intendency of Cuba, and some few of them had, in that previous voyage, been wanted for a legal purpose. The voyage on which it was said that those articles had been wanted for a legal purpose had been completed; the vessel had returned to Cuba from that voyage; and she was detained while proceeding on a new voyage, having with her all the prohibited articles which she had on board in the former voyage; some of them, it must be borne in mind, furnished originally at Cuba, from which island she was then proceeding; and no evidence whatever was brought forward to show, nor indeed was it even asserted, that all the prohibited articles, or any of them, were wanted, or could be wanted, for any legal purpose on the voyage, on which her owners stated that she was proceeding when she was detained.

The case was brought before the Mixed Court; the British Commissioner was of opinion, that the vessel ought to be condemned; the Spanish Commissioner declared himself of opinion that she ought to be liberated:—The case was, therefore, left to Arbitration; an Arbitrator was chosen by lot; that Arbitrator was Spanish, and he decided for the liberation of the vessel.

It will be seen, from the judgment given on this vessel in the Mixed Tribunal, that the sentence was passed without due attention to the circumstance which constitutes the ground on which the vessel was detained, although, on the proof or disproof of that circumstance, the Condemnation or Liberation of the vessel ought to have depended.

That circumstance was, that the vessel had the forbidden articles on board *on the very voyage on which she was captured*: and that fact having been ascertained, the point remaining to be determined, according to the evident intention of the 10th Article, was, whether the prohibited articles had been put on board, and had been needed for legal purposes, on the particular voyage on which the vessel was proceeding when detained; and if such necessity could not be proved, the vessel became justly subject to condemnation.

It is not to be denied, that there is an expression in the latter part of the 10th Article of the Treaty, which gives an opening for a construction different from the evident intention and spirit of the Treaty, because that expression, in its most limited sense, says only, that the evidence to be brought by the Master or the Owner, shall establish that the vessel was, at the time of her detention or capture, employed on some legal pursuit.

The Equipment Article was, however, drawn up with a wider view; and the narrow interpretation which I have mentioned will, if persisted in, do away the whole effect of the Equipment Article; for vessels, having any or all of the prohibited things on board, may escape punishment, although no evidence is brought forward to prove that such things were put on board for any legal purpose, if only evidence be produced that at a previous period some of those things had once been wanted for a legal purpose: and, indeed, even such last-mentioned evidence would become unnecessary, if Papers were produced, tending to show, that the vessel was,

at the time of capture, proceeding to a place where she could not carry on Slave Trade.

But such Papers and Evidence, it is well known, may be easily, and at any time, fabricated and produced; and if such assertions are to stand good as a defence against the actual presence of prohibited things on board, and not accounted for by any evident legal purpose, that provision, which was intended to form one of the chief barriers against the artful and clandestine undertakings of Slave-Traders, will become of little avail.

Far different was certainly the intention of Great Britain: far different was also the intention of Spain, as expressed in the Preamble to the Treaty; which Preamble declared it to be the "desire" and purpose of both the Contracting Parties thereto, "to render thereby the means taken for abolishing the inhuman Traffic in Slaves more effective."

The whole tenour of the Treaty is in conformity with this view.

The 1st Article declares the Spanish Slave Trade to be thenceforward "totally and finally abolished in all parts of the world."

By the 2nd Article, the Queen of Spain engages, that "immediately after the Treaty, and *from time to time afterwards, as it may become needful*, Her Majesty will take the most effective measures for preventing her subjects from being concerned in, or carrying on, *in any way*, the Trade in Slaves."

The 4th Article declares, that the measures to be taken by the Treaty, were taken "*in order completely to prevent the infringement of the SPIRIT*" thereof: and Article 10, framed with the same intent, declares that every vessel, equipped as the "*General Laborde*" was equipped, is to be detained; and that such things as the "*General Laborde*" had on board are to be considered as *primâ facie* evidence, that the vessel which has them on board is "actually employed in Slave Trade;" and, according to the spirit of the article, she is to be condemned, unless such evidence be rebutted: but such evidence cannot properly be rebutted, except by evidence showing some legal purpose for which the forbidden things were immediately required.

Her Majesty's Government do not wish, however, to disturb the sentence of the Court in the particular case of the "*General Laborde*"; because, whatever may have been the ground on which it was given, Her Majesty's Government consider that by the Treaty the sentence must be final. But I have to desire, with a view of preventing the evil effects, which must ensue from a repetition of a similar sentence on similar grounds, that you will protest in a formal manner against the construction put upon the Treaty in the case of this vessel; and that you will urge the Spanish Government to issue to Her Catholic Majesty's Commissioners at the Havana instructions, to construe Article 10 of the Treaty according to the sense in which I have represented its intention and spirit, and to give, in future, their sentence accordingly.

If, however, the Government of Spain defends the sentence of the Spanish Commissioners, on the ground that Article 10 cannot, without a formal Declaration, be interpreted otherwise, than in the sense in which they have interpreted it, you will then, in virtue of the 2nd Article, above quoted, call upon the Government of Her Catholic Majesty to issue a Declaration, and to give corresponding instructions to the Commissioners of Spain at the Havana, to the effect, that the construction which is to be placed upon the words contained in the last paragraph of the 10th Article of the Treaty of 1835, is, that a vessel having on board, during the voyage on which she is taken, all or any of the things prohibited under the 10th Article of the Treaty, is, when brought before the Mixed Tribunal on that account, to be considered as being employed in the Slave Trade, and is to be condemned accordingly, unless, with respect to every prohibited thing on board, there is clear and incontestible evidence, that it was needed for legal purposes, on the particular voyage on which the vessel, when captured, was proceeding.

The circumstances which took place subsequently to the liberation of this vessel, show still more strongly, the justness of the argument which I have employed on this case.

The British Commissioners, with the view of preventing the "*General Laborde*" from evading in future the intentions of the Treaty, when, after the trial, the vessel was about again to quit the port, thus illegally equipped, represented to the Captain-General the fact of the illegality of the equipment of the vessel; but the Captain-General, in answer, declined to interfere, alleging as a reason, that the things which

were on board *not having sufficed to condemn her*, it would be an act of injustice to cause to be destroyed that, which had been qualified as good, *and which had been permitted by the sentence of the Mixed Court.*

It thus appears, that the things which are prohibited by the Equipment Article have, in the opinion of the Captain-General, become legalized by the sentence of the Court, which declared that they were not sufficient to condemn the vessel.

The conclusion to which the Spanish Functionary arrived, in his reasoning upon the subject is, in fact, the same which I have desired you, in the former part of this Despatch, to place before the Spanish Government, as that which must be come to, and which will necessarily be acted upon, if a construction be not put upon the Treaty different from that which was placed upon it by the Spanish Commissioners; and the result, which in the early part of this Despatch I have contemplated as likely often to occur, if your representation is not attended to, has already happened in the case of the "*General Laborde.*"

You will, therefore, at the time when you urge the Spanish Government to issue the Declaration above-mentioned, on the construction to be given to the words at the end of the 10th Article of the Treaty of 1835, state that Her Majesty's Government consider that the departure from a Spanish port of any vessel, having on board any of the things mentioned in Article 12 is, *primá facie*, a virtual infraction of the Treaty; and you will call upon the Spanish Government to issue strict orders to the Captain-General, that he will not, under any circumstances, permit any vessel to sail from any port under his control, when such vessel may have on board any of the things above referred to; with the exception of such of them as by incontestible evidence may be proved to be wanted for legal purposes, on the particular voyage on which the vessel is then proceeding.

I am, &c.

(Signed)

PALMERSTON.

Sir George Villiers, G.C.B.
&c. &c. &c.

First Enclosure in No. 24.

Havana Commissioners to Viscount Palmerston.

January 26, 1837.

(See Class A. of First Series, No. 61, p. 91.)

Second Enclosure in No. 24.

Mr. Barrow to J. Backhouse, Esq.

(Received 25th April, 1837),

SIR,

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of Viscount Palmerston, Copies of two Letters from Admiral Sir Peter Halkett, the former respecting the detention of the Spanish brigantine "*General Laborde*" by His Majesty's schooner "*Pincher*," pursuant to the Treaty with Spain, signed the 28th June, 1835, and the latter containing an Extract of a Letter from Commander Willis of His Majesty's sloop "*Cruizer*," pointing out a mode by which Spanish vessels render the Treaty null and void.

I have, &c.

J. Backhouse, Esq.
&c. &c. &c.

(Signed)

JOHN BARROW.

Sub-Enclosure A, in No. 13.

(Copy.)

Sir P. Halkett to Charles Wood, Esq.

SIR,

"Melville," Port Royal, Jamaica, 3rd March, 1837.

I HAVE the honour to forward to you a statement from Lieutenant Byng, commanding His Majesty's schooner "*Pincher*," wherein he reports his having detained a Spanish vessel, pursuant to the Treaty with Spain, signed the 28th June, 1835, the said vessel having on board, with the exception of the flour of Brazil, or manioc, &c., all the necessary equipment and provisioning of a vessel intended for the slave traffic, as pointed out in Art. 10 of the said Treaty, and was therefore clearly liable "to be condemned and declared a lawful prize," were it not that the latter part of Sec. 9 to the Article in question, page 8 of the Treaty, obviated this, providing "such vessel was, at the time of her detention, employed in some legal pursuit," so that if a vessel fitted as above, distinctly for the traffic in slaves, chance to have on board a bale of tobacco or the smallest portion of merchandize, on pretence of being employed in a legal pursuit, she is restored, and may proceed in her intended traffic in slaves; and thus that part of the Treaty above alluded to renders the whole of it null and ineffective. Again,

Art. 3 does not set forth, as I submit it should, what precise punishment should be inflicted, as at present none has ever been thought of by the Spaniards.

Be pleased to represent to my Lords Commissioners of the Admiralty, and of which I have great reason to complain, that Lieutenant Byng, in His Majesty's schooner "Pincher," was detained at the Havana, to attend the adjudication of the above-mentioned vessel, upwards of 5 weeks, at a period when her services were much wanted. She will now be despatched in execution of their Lordships' orders, to go to Sierra Leone, with the culprit Jousiffe.

I have, &c.
(Signed) P. HALKETT,
Admiral and Commander-in-Chief.

To Charles Wood, Esq.,
&c. &c.

Sub-Enclosure B, in No. 24.

Sir P. Halkett to Mr. Wood.

SIR,

"Melville," off Port Royal, Jamaica, 16th March, 1837.

I HAVE the honour to lay before my Lords Commissioners of the Admiralty an extract of a letter I have received from Commander Willis, of His Majesty's sloop "Cruizer."

"Conceiving it may be beneficial to His Majesty's ships employed in capturing vessels fitted out for the illegal commerce in slaves, I beg leave to mention, that I have received information of a trick practised by many after landing their cargo, to prevent seizure, on their short run to Havana, 'to take in a cargo of corn in bulk, with a regular clearance from some out port;' they thus pass for an island vessel engaged in a common and legal traffic."

And thus their Lordships will perceive that the Treaty with Spain for the abolition of the Slave-trade is rendered null and void, as the last part of Section 9, Article 10, to that Treaty, constitutes this measure a legal pursuit, and of which I have already informed my Lords, by my letter of the 3rd instant, No. 46, in the case of a vessel carried into the Havana by His Majesty's schooner, "Pincher."

I have, &c.
(Signed) P. HALKETT,
Admiral and Commander-in-Chief.

To Charles Wood, Esq.,
&c. &c.

Third Enclosure in No. 24.

Viscount Palmerston to the Havana Commissioners.

14th August, 1837.

(See Class A. of the First Series, No. 85, p. 120.)

Fourth Enclosure in No. 24.

Havana Commissioners to Viscount Palmerston.

1st October, 1837.

(See Class A. of the First Series, No. 101, p. 140.)

No. 25.

Viscount Palmerston to Sir G. Villiers.

(Extract.)

Foreign Office, April 10th, 1838.

WITH reference to the instruction conveyed to you in my Despatch of the 6th instant, I herewith transmit to you the draft of an article containing, in express words, the construction to be placed on that stipulation contained in the latter part of the 10th article of the Treaty of June 28th, 1835, which states the exception under which a vessel, though apparently equipped for Slave Trade, is not to be condemned.

This article, as now drawn up, contains also an enumeration of two things which are to be added to the list of things which a merchant vessel is prohibited from having on board. The first of these things is, an extraordinary quantity of mats or matting. The reason for adding mats or matting to the list is, that a custom has recently prevailed of placing the slaves on matting stretched over barrels and casks, instead of placing them on what are called slave decks. The second thing added to the list is "an extraordinary quantity of any article of food whatever."

The reason for adding these words is, that a practice has been adopted by slave traders of taking on board, for the use of the slaves, articles of food which are not specified in the Treaty. You will urge the Spanish Government to conclude this explanatory article, additional to the Treaty of 1835.

Enclosure in No. 25.

Explanatory Article, Additional to the Treaty concluded on the 28th of June, 1835, between Great Britain and Spain, for the Abolition of the Slave Trade.

THE High Contracting Parties to the above-mentioned Treaty, in order to remove doubts upon the construction to be given to the stipulation contained in the latter part of the 10th Article of that Treaty, and in order to render the stipulations of the said Article more effectual, have named as their Plenipotentiaries, *ad hoc*, who, having exchanged their full powers, found to be in good and due form, have agreed on the present Additional Article:—

ARTICLE.

The following words shall be substituted in place of the 10th Article of the Treaty, concluded at Madrid on the 28th June, 1835, between His Britannic Majesty and the Queen Regent of Spain, for the more effectual Suppression of the Slave Trade:—

“It is hereby further mutually agreed, that every merchant-vessel, British or Spanish, which shall be visited by virtue of the present Treaty, may lawfully be detained, and be sent or brought before the Mixed Court of Justice, established in pursuance of the provisions thereof, if, in her equipment there shall be found any of the things hereinafter mentioned, namely—

“1st. Hatches with open gratings, instead of the close hatches, which are usual in merchant-vessels.

“2. Divisions or bulk-heads in the hold or on deck, in a greater number than are necessary for vessels engaged in lawful trade.

“3. Spare plank fitted for being laid down as a second or slave-deck.

“4. Shackles, bolts, or hand-cuffs.

“5. A larger quantity of water, in casks or in tanks, than is requisite for the consumption of the crew of the vessel as a merchant-vessel.

“6. An extraordinary number of water-casks, or of other vessels for holding liquid, unless the Master shall produce a certificate from the Custom-house at the place from which he cleared outwards, stating, that a sufficient security had been given by the owners of such vessel that such extra quantity of casks or of other vessels should only be used for the reception of palm oil, or for other purposes of lawful commerce.

“7. A greater quantity of mess-tubs, or kids, than are requisite for the use of the crew of the vessel as a merchant-vessel.

“8. A boiler of an unusual size, and larger than requisite for the use of the crew of the vessel as a merchant-vessel, or more than one boiler of the ordinary size,

“9. An extraordinary quantity either of rice, of the flour of Brazil, manioc, or cassada, commonly called farinha, of maize, of Indian corn, or of any other article of food whatever, beyond what might probably be requisite for the use of the crew, such rice, flour, maize, Indian corn, or any other article of food, not being entered on the manifest as part of the cargo for trade.

“10. A quantity of mats or mattings greater than is necessary for the use of the crew of the vessel as a merchant-vessel.”

Any one or more of these several circumstances, if proved, shall be considered as *prima facie* evidence of the actual employment of the vessel in the Slave-trade, and the vessel shall thereupon be condemned and be declared lawful prize, unless it be established by satisfactory evidence on the part of the Master or Owners, that such vessel was, at the time of her detention or capture, employed in some legal pursuit; and that such of the several things above enumerated, as were found on board of her at the time of her detention, or had been put on board of her on the voyage on which the vessel when captured, was proceeding, “were needed for legal purposes on that particular voyage.”

The present explanatory Article shall have the same force and effect as if it had been inserted, word for word, in the before mentioned Treaty of the 28th June, 1835, and shall be considered an integral part thereof.

The ratifications shall be exchanged at _____, within the space of _____ or sooner if possible.

In witness thereof, &c.

No. 26.

Viscount Palmerston to Sir George Villiers.

SIR,

Foreign Office, 24th April, 1838.

I HEREWITH transmit to you copies of two Despatches from Her Majesty's Commissioners at the Havana, on the subject of the Spanish schooner “*Vencedora*.”

It appears from these papers, that the “*Vencedora*,” when detained, was on her passage from Africa to Cuba with a cargo of slaves; that, in the course of her voyage she had touched at Cadiz and Porto Rico; and that, while she was at Cadiz, and during her passage thence to Porto Rico, her slaves were stowed

between decks, so as to be concealed from the passengers taken on board at Cadiz, and were thus confined in a manner necessarily occasioning to them the most severe suffering; that the vessel had landed a number of her slaves at Porto Rico, where she staid 8 days; that she there procured fresh papers, and was proceeding with the remainder of the slaves, 26 in number, to Cuba, when she was met with and detained by Her Majesty's ship "Ringdove," Commander Nixon, and brought before the Mixed Court of Justice, established at the Havana under the Treaty of June, 1835, for the prevention of Slave Trade.

The whole of these circumstances did not, at first, come out in evidence; but the main fact, of Bozal negroes being on board, apparently for the purpose of traffic, appeared at once in evidence; and the other circumstances were communicated to the Judges, before the final sentence was given by the Arbitrator.

The British Judge declared, that the vessel ought to be condemned; the Spanish Judge declared, that she ought to be liberated; and the Spanish Arbitrator, upon whom, in this case, the lot fell to determine the difference, declared, on the grounds stated by the Spanish Judge, that the vessel ought to be liberated; and she was liberated accordingly.

The reasons which were assigned by the Spanish Judge for the liberation of this vessel, and which were confirmed by the Spanish Arbitrator, were, that the slaves were described in the papers from Porto Rico as passengers, and as having been actually sold to a person in Cuba; and that, therefore, they were not brought to Cuba for the purpose of traffic.

But these alleged reasons were not borne out by the facts of the case; for, in the only documents found among the ship's papers which referred to the negroes, and which were in the form of licences, the negroes were not designated as passengers, but were described rather as parcels of goods or property, which certain persons were authorized by those licenses to transport from one place to another.

It was not attempted to be maintained, that the negroes were passengers, voyaging by their own free will; and the fact of their having been previously sold to a person in Cuba, even if true, was no proof that they were not brought to Cuba, in a manner, and for a purpose, contrary to the meaning of the Treaty. For, if it were to be admitted, that the transport of slaves from Africa were lawful, provided only that the slaves were considered as having been sold to an European purchaser, previously to their removal from the African coast, then it is obvious, that all the Treaties which have been concluded for the suppression of Slave Trade would, by such an evasive interpretation, be reduced to mere waste paper. But the Treaty expressly declares, that all Slave Trade, on the part of Spain, is abolished in all parts of the world, and that the subjects of Her Catholic Majesty shall not be concerned, nor shall her flag be used, in carrying on the trade in slaves in any way; and these slaves were newly imported negroes, and therefore ought to have been set free.

There is no stipulation in the Treaty, under which the mere fact, that the name of passengers is given to slaves, can save from condemnation a vessel containing such slaves; nor by which, if the purchase of slaves is effected in one place, those slaves may be lawfully transported to another place, for the purpose of being delivered over to the purchaser.

Such an interpretation would defeat the whole purpose of the Treaty, and never can be allowed.

If the reasoning of the Spanish Judge be admitted, a vessel might go to Africa, and there take in a cargo of slaves; the slaves might, from the commencement of the voyage, be called passengers, and the vessel and her cargo would, under that interpretation, be safe; or else sales of the slaves might be made in Africa, or at any spot at which the vessel might touch in her return voyage from thence; and the vessel and her cargo would thus be secured from condemnation.

I have to instruct you, therefore, to protest, in Her Majesty's name, against the sentence given by the Spanish Judge and confirmed by the Spanish Arbitrator, in the case of the "*Vencedora*," such sentence being directly contrary to the spirit and true meaning of the Treaty of 1835, and necessarily tending to defeat the express intention with which the high contracting Parties concluded that Treaty.

I have further to desire, that you will urge the Spanish Government to send out instructions for the guidance of the Commissioners at the Havana, in future cases of the like nature, directing those Commissioners to give sentence for the condemnation of all vessels found with slaves on board, unless such slaves shall be employed as part of the crew of the vessel, and shall be enrolled, as such, in the

original muster roll thereof, or unless they shall be proved by evidence to be *bonâ fide* domestics, attending, as such, upon their master, on board the vessel detained.

I am, &c.

(Signed) PALMERSTON.

Sir George Villiers, G.C.B.
&c. &c.

No. 27.

Sir George Villiers to Viscount Palmerston.—(Received April 26.)

MY LORD,

Madrid, 14th April, 1838.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches marked Slave Trade, to that of the 27th ultimo.

I enclose the Copy of a Note which, in obedience to the Instructions contained in your Lordship's Despatch of the 23rd of March, I have addressed to Count Ofalia, respecting the promulgation of a Penal Law against Slave Trading, in conformity with the 2nd Article of the Treaty of 1835.

I have, &c.

(Signed) GEORGE VILLIERS.

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

Enclosure in No. 27.

Sir G. Villiers to Count Ofalia.

SIR,

Madrid, April 10, 1838.

I HAVE the honour to inform your Excellency, that I reported to my Government the conversation I held with your Excellency respecting the promulgation of the Penal Law against Slave Trading, and the assurances which I had the satisfaction to receive from your Excellency, that this important question should forthwith receive the attention to which it is entitled on the part of Her Catholic Majesty's Government.

I am now further directed to inform your Excellency that, in the observations which I had the honour verbally to address to your Excellency, I only anticipated the renewed instructions which I was about to receive from my Government, and that the British Cabinet can entertain no doubt that the Cabinet of Madrid will no longer delay to fulfil the engagement contracted by Spain in the second Article of the Treaty with Great Britain of the 28th of June 1835, to promulgate a Penal Law, inflicting a severe punishment on any subject of Her Catholic Majesty who shall, under any pretext, take any part whatever in the traffic in slaves.

I have, &c.

(Signed) GEORGE VILLIERS.

To Count Ofalia,
&c. &c.

No. 28.

Sir George Villiers to Viscount Palmerston.—(Received April 26.)

MY LORD,

Madrid, 14th April, 1838.

I HAVE the honour to enclose the Copy of a Note which, in obedience to the Instructions contained in your Lordship's Despatch of the 23rd of March, I have addressed to Count Ofalia, demanding that Lieutenant Cruz, of the "*Teresita*," should be dismissed from the service of Her Catholic Majesty, for his conduct in not taking before the Mixed Commission at the Havana the Spanish vessel "*Matilde*," prepared and fitted out for a slave expedition.

I have, &c.

(Signed) GEORGE VILLIERS.

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

Enclosure in No. 28.

Sir George Villiers to Count Ofalia.

SIR,

Madrid, 10th April, 1838.

I HAVE the honour to inform your Excellency, that I transmitted to my Government the note dated the 15th of February, which your Excellency was pleased to address to me, in reply to mine of the 7th of September, complaining to your Excellency's predecessor, M. Bardaxi, against the conduct

of Lieutenant Cruz, of the "*Teresita*," for neglecting to take before the Mixed Court at the Havana the Spanish vessel "*Matilde*," upon a charge of her being met with equipped for the Slave Trade.

Further communications upon this subject have likewise been received by the Government of Her Britannic Majesty from Her Majesty's Commissioners at the Havana, and in them, as well as in the above-mentioned note of your Excellency, my Government perceive, that the real question at issue has been evaded, by insisting upon a point of form as to the mode in which the Mixed Commission at the Havana addressed the Captain-General, when communicating to him the information which they had received upon the case.

The real question at issue is, whether Lieutenant Cruz, of the Spanish pilot-boat the "*Teresita*," shall, or shall not be punished, for an infraction of the Treaty of the 28th of June, 1835, between Great Britain and Spain.

The facts are as follows:—

Her Majesty's ship "*Vestal*," in her passage from Port-au-Prince to St. Jago de Cuba, perceived and chased, on the 4th of May, 1837, a vessel suspected of Slave-trade, but that vessel was boarded by the Spanish vessel "*Teresita*" before the "*Vestal*" could reach her.

The Officer of the "*Vestal*," on boarding likewise the suspected vessel, found that her name was the "*Matilde*," and that she was equipped for the Slave-trade.

The people on board of her declared that she was a prize to the "*Teresita*," and the Commander of the "*Teresita*" himself confirmed that statement, by declaring that "he had that day, at 11 A.M., seized the schooner, under the provisions of the late Treaty with Great Britain, for being fitted for the Slave Trade."

The Captain and Officers of Her Majesty's ship "*Vestal*," having respect to the flag of Her Catholic Majesty, and believing the statement of an Officer in Her Catholic Majesty's service, declined to interfere further with the case, supposing the vessel to be then in progress to be carried to the Havana, where she would have been brought before the Mixed Commission, established at that place for adjudicating cases under the Treaty.

Instead, however, of carrying the "*Matilde*" to that place, the Commander of the "*Teresita*" sent her to St. Jago de Cuba, and when the Commissioners at the Havana were waiting her arrival, they were informed officially by the Spanish Authorities, that Lieutenant Cruz detained her, not, as he had stated to the Officer of the "*Vestal*," on account of her being equipped for the Slave Trade, but on account of her appearing to be a smuggler, and that, having been acquitted of that charge by the Authorities of St. Jago de Cuba, the vessel had been liberated.

The British Commissioners were afterwards furnished with a deposition by Lieutenant Cruz, which stated that he had sent the "*Matilde*" to St. Jago de Cuba, instead of the Havana, because she was leaky, and in order that she might be repaired; but no reason is given in this deposition to show why, after being repaired, she might not have been sent to the Havana, and no explanation is offered as to the difference between the several statements made by Lieutenant Cruz, with respect to the cause why the *Matilde* had been detained by him.

Her repairs could not have required any great time to be completed, nor could she have been in a very bad condition, for it appears that, upon liberation, she proceeded direct, and without delay, to the Coast of Africa; that so soon as the 15th October, in the same year, she took in on that coast a cargo of slaves; and that she was returning to St. Jago de Cuba with 250 negroes on board, when she was met with by Her Majesty's ship "*Snake*," was carried into the Havana, was adjudicated and condemned, and it appears that she was, at the end of that voyage, perfectly seaworthy.

I have, therefore, under these circumstances, been instructed to press upon the Spanish Government the just complaint of Her Britannic Majesty's Government against Lieutenant Cruz, the original grounds of which have been entirely confirmed by all the information that has subsequently been received; and I am further to demand of your Excellency the dismissal of that Officer from the service of Her Catholic Majesty, for having made a false statement to the English Naval Officer, in order to defeat the object of the Treaty, and to protect from capture and condemnation a vessel, which has been proved to have been, at that very time, prepared and fitted out for a Slave Trade expedition.

To Count Ofaia,
&c. &c. &c.

I have, &c.,
(Signed) GEORGE VILLIERS.

No. 29.

Sir George Villiers to Viscount Palmerston.—(Received April 26.)

MY LORD,

Madrid, 6th April, 1838.

I HAVE the honour to enclose the Copy and Translation of a Note, which I have received from Count Ofaia, communicating to me the steps which have been taken by the Minister of Finance, with respect to the Form of Bond to be required from Owners of vessels trading to the Coast of Africa, for the exportation of Casks destined to contain palm oil.

I have, &c.
GEORGE VILLIERS.

(Signed)

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

Enclosure in No. 29.

(Translation.)

Count Ofalia to Sir George Villiers.

Madrid, April 6th, 1838.

SIR,

THE Minister of Finance writes to me on the 21st ultimo, that he has communicated to the Director-General of Customs the following Royal Order:—

“By command of her Majesty the Queen Regent, I transmit to you in original, and to be returned, the entire statement commenced in this Ministry of Finance, and continued in that of Marine and Commerce, relative to the Certificate and Bond to be taken from the owners of Spanish vessels trading to the Coast of Africa, in imitation of those which the British Government has ordered to be taken from its subjects, in order to insure the execution of the 5th clause 10th Article of the Treaty of the 28th of June, 1835, for the suppression of the Slave Trade, so that, according to the last communication made by the said Ministry of Marine and Commerce, this direction may act in accordance with the Junta Consultiva of Customs, to whom the present determination is made known, in drawing out the forms of the above-named Documents, which are to be conformable to the laws of Spain, and to the principles laid down in the Royal Order of the 22nd of July last, issued by this Ministry.”

I have the honour to make the above communication to you, in reply to your Note of the 1st of March last, and until I am able to transmit to you the definitive Resolution.

I avail myself, &c.

(Signed) THE COUNT OF OFALIA.

No. 30.

Sir George Villiers to Viscount Palmerston.—(Received April 26.)

MY LORD,

Madrid, 14th April, 1838.

I HAVE the honour to enclose the Copy of a Note which, in obedience to the Instructions contained in your Lordship's Despatch of the 27th of March, I have addressed to Count Ofalia, with respect to a Certificate issued by the Custom-house Authorities at the Havana, to the Portuguese slave-vessel “*Ligeira*,” setting forth, that the extra quantity of Casks, which she had on board, were destined for the reception of palm oil.

I have, &c.

GEORGE VILLIERS.

(Signed)

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

&c.

&c.

&c.

Enclosure in No. 30.

Sir G. Villiers to Count Ofalia.

SIR.

Madrid, April 11, 1838.

I HAVE received the Instructions of my Government to communicate to your Excellency the following information, which has been received from the British Commissioners at Sierra Leone, with respect to the Slave Trade now carrying on with the Havana under the Portuguese flag.

The Portuguese brigantine “*Felicidad*,” Joao Joze Pereira, master, having on board a cargo of slaves, with which she was proceeding from the river Bonny to the Havana, was seized on the 4th November 1837, near to that river, by Her Britannic Majesty's brigantine “*Bonetta*,” and arrived at Sierra Leone for adjudication on the 2nd December. The vessel was condemned, and the surviving negroes of her cargo emancipated on the 9th.

The Portuguese schooner “*Traga Milhas*,” was seized with a cargo of 283 slaves by Her Britannic Majesty's sloop “*Racer*,” on the 11th of June 1837, off the Island of Jamaica, whilst engaged in a voyage from the river Sherbro to the Havana, and condemned in December last by the British and Portuguese Court of Mixed Commission established at Sierra Leone.

From the statement of the Master, there was every reason to believe, that in his previous voyage to the Havana, he had successfully landed a cargo of slaves. The “*Traga Milhas*” appears only to have come under the Portuguese flag in 1836, at the Cape de Verd Islands, and is supposed to be the vessel, bearing the same name, which made two successful voyages under the Spanish flag, previous to the close of the year 1835.

The Portuguese schooner “*Ligeira*,” was seized on the 15th November, 1837, with a cargo of 313 slaves on board, when on her way to the Havana, by Her Britannic Majesty's brigantine “*Bonetta*,” and condemned in the British and Portuguese Court of Mixed Commission at Sierra Leone. This vessel, like the “*Traga Milhas*,” was provided with a passport by the Government of the Cape de Verd Islands; but among the papers of the “*Ligeira*,” was found an official certificate, dated April 6, 1837, from the Custom-House at the Havana, of there having been embarked in her a large boiler, planks, and beams, for preparing upon the coast a slave-deck; and, in addition to the leaguers of water on board for the use of the crew, a large number of staves and hoops for forming water-casks, in short, all the chief articles of slaving equipment, which shipment was, I regret to say, specially certified to by the Custom House authorities at the Havana, under the plea, that the extra casks, which the “*Ligeira*” had on board, were destined for the reception of palm oil.

To this point I am instructed to call the attention of your Excellency, and to press upon the Government of Her Catholic Majesty, the necessity of giving directions, that greater caution shall, in future, be used in granting similar certificates, and that they shall not be given without a bond to a large amount, which shall be forfeited to the Government, upon conviction of the illegal purpose to which the prohibited articles shall appear afterwards to have been applied.

I have, &c.

(Signed) GEORGE VILLIERS.

Count Ofalia.

&c. &c.

PORTUGAL.

No. 31.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, January 8th, 1838.

I HEREWITH transmit, for your Lordship's information, an extract from a Report made by Lieutenant Bosanquet, on British Commerce, and on the Slave Trade, in Madagascar, the Comoroo Islands, and the Eastern Coast of Africa; from which it appears, that the Slave Trade is carried on to a considerable extent, under the Portuguese flag, between the Portuguese settlements on that coast, and Brazil and Cuba.

The Lord Howard de Walden,
 &c. &c. &c.

I have, &c.
 (Signed)

PALMERSTON.

Enclosure in No. 31.

Extract of a Letter from Lieutenant Bosanquet, commanding Her Majesty's brig "Leveret," dated Simon's Bay, 29th September, 1837, and addressed to Rear-Admiral Sir P. Campbell.

I CONTINUED to cruise, for the suppression of the Slave-trade and protection of British commerce, touching at all the Ports frequented by slave-vessels and English merchant-vessels in Madagascar, and on the East Coast of Africa, and also the Island of Johanna, in the beginning of July, which Island I found in a tranquil state, though still threatening an attack upon Ramenatka at Mohilla, which I have every reason to believe will not take place.

"The Slave-trade still continues to be carried on, to a very great extent, on the Coast of Africa, both to the Brazils and the Island of Cuba, but from the tenor of the Instructions issued for the guidance of the men-of-war, it is impossible to prevent it, although the existing Treaties are most openly violated in every instance; but even if fuller powers be granted by a new Treaty, I fear the "Leveret" will be still found perfectly incompetent to fulfil the duties of suppressing the Slave-trade, from her extremely bad sailing qualities.

From my observations last year, and from the information I have since been able to obtain, I conceive that upwards of 12,000 slaves must have left the East Coast of Africa in 1836, for the Brazils and Cuba; and I think, from the number of vessels already arrived, and there being many more expected, that that number will not be much decreased this year.

A Spanish brig obtained 500 slaves last December at Mombass, which place has been subsequently taken by the Imaum of Muscat, so that the foreign Slave-trade in this part of the world, is now entirely confined to the limits of the Portuguese Possessions on the East Coast of Africa, from Cape Delgado to Delagoa Bay, and the only two ports from whence vessels hitherto have ultimately sailed, are Mosambique and Quillimane; but coasting trade in slaves, to a great extent, is carried on to supply these two depôts, and, in many cases, under the flag of the Imaum of Muscat, which, although contrary to Treaty, it is impossible to prevent, without the greatest disadvantage to the service, as all such vessels have to be sent to Zanzibar.

From the actions of Government of Mosambique and Quillemane, and from the open declaration of the inhabitants, it appears that the Colonial Government are determined to continue the illicit traffic in slaves, notwithstanding any treaty that may be made for its prevention, and, from the open manner in which the existing treaty is broken, I think they must have authority so to do from the Government at Lisbon.

The English trade with the east coast of Africa and Madagascar, which is of considerable value, has much increased since last year, and I think will be still more so; and the occasional presence of a vessel of war at the different ports, more particularly those in Madagascar, I conceive, will be highly beneficial to the trade, as that island is still in a very unsettled state, and the continual predatory warfare carried on between the subjects of Queen Raniyilo and the tribe of Sacolavas, renders all property landed for trade insecure. Raminisoola, the chief of the Sacolavas, who is at present, and has been for some time, residing in the Comoroo Islands has, I think, by his absence from Madagascar, lost much of his influence with his tribe, and his only object in seeking the alliance, is to obtain protection against his more powerful opponents the Ovahs, who, I think, will shortly have entire possession of Madagascar.

I have every reason to believe that no slaves are exported from Madagascar, but they are still imported to a small extent by Ramenatha in the island of Mohilla, who has also sold some of his Johannese prisoners, who were carried to Zanzibar.

No. 32.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, 17th January, 1838.

I HEREWITH transmit to you, for your information, an extract of a letter which I have received upon the subject of the Slave Trade carried on at Cadiz, and in the West Indies, by Spanish vessels under the flag of Portugal.

I am, &c.

(Signed) PALMERSTON.

The Lord Howard de Walden,
 &c. &c. &c.

Enclosure in No. 32.

Extract of a Letter dated Vera Cruz,

August 26th, 1837.

(See Enclosure in No. 3.)

No. 33.

Lord Howard de Walden to Viscount Palmerston.—(Received Feb. 22nd.)

(Extract.)

Lisbon, 14th February, 1838.

NOTWITHSTANDING the repeated assurances which I have received from the Viscount de Sa da Bandeira, of his intention to enter, without loss of time, upon the re-consideration of the proposed Treaty for the total suppression of the Slave Trade still carried on under the Portuguese flag, every detail of which had been agreed upon (with the exception of a clause for the regulation of the transport of domestic slaves accompanying their masters from the Continent to the island of St. Thomas and Princes Island) previous to the Revolution of September, I regret that I am not able to report any real progress to your Lordship. I am induced to believe, that the Viscount de Sa da Bandeira is, personally, really well disposed to put an end to the Slave Trade throughout the Portuguese dominions. His Excellency has turned his attention very much to the African resources of his country, and he appears quite sensible that so long as the Slave Trade exists no extensive amelioration can be effected in the condition of the African colonies of Portugal; and that so long as that illicit traffic presents to the capitalists and gamblers the temptation of the increased profits to be made by a successful Slave Trade enterprise, no such direction can be given to the floating wealth of those possessions as can turn the natural advantages of those countries to the best account in industry or legitimate commerce.

This good feeling, however, of the Viscount de Sa da Bandeira appears to be quite neutralized as to action.

The disposition of the Portuguese authorities to protect slave vessels has repeatedly been made manifest to your Lordship by their proceedings, and particularly in the cases of the "*Esperança*," "*Diogènes*," and "*Latona*."

It is only through the activity of the British cruisers and agents, that any effectual check can be expected to be imposed on the abuse of the Portuguese flag. But to bring about cordial co-operation with Great Britain on the part of the Portuguese Government, even as far as mere enactment of laws or mutual powers to be granted under Treaty, is, I fear, only to be effected by having recourse to such alternative, as the consequence of refusal, as may counterbalance the apprehensions which have for so long rendered each successive administration since the Revolution of September, in all essential acts, subservient to the Clubs.

No. 34.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, 28th February, 1838.

WITH reference to my previous correspondence with your Lordship on the subject of Portuguese Slave Trade, I forward herewith to your Lordship, in order to support your communications with the Portuguese Ministers upon this subject, the accompanying Copy of a Despatch, and of its Enclosure, from Her Majesty's Envoy at Rio de Janeiro, giving the names of 10 Portuguese vessels which had arrived from Africa at Rio in the single month of November, 1837, and a Return of the cargoes of those vessels, amounting to 4,498 slaves.

I have, &c.

(Signed)

PALMERSTON.

Lord Howard de Walden,

&c. &c. &c.

Enclosure in No. 34.

Mr. Hamilton, Dec. 18, 1837.

(See No. 52.)

No. 35.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, 3rd March, 1838.

I HAVE received and laid before Her Majesty your Lordship's Despatch marked Slave Trade of the 15th ultimo; and I have to desire that your Lordship will present to the Portuguese Minister a note, of which I send herewith to you a draft, urging the Government of Her Most Faithful Majesty no longer to delay fulfilling the engagements of Portugal, to conclude with Great Britain a Treaty, having for its object the entire suppression of Portuguese Slave Trade.

I have, &c.

(Signed)

PALMERSTON.

Lord Howard de Walden,

&c. &c. &c.

Enclosure in No. 35.

Draft of Note to be presented by Lord Howard de Walden.

The Undersigned has been instructed to express to Baron de Sa da Bandeira the deep regret and the extreme disappointment of the British Government, that the Government of Portugal has not yet assented to the amended Treaty between the two countries for the suppression of the Slave Trade, of which the Undersigned had the honour to communicate a draft to the Government of Her Most Faithful Majesty, on the 8th of September, 1834.

This draft is almost a transcript from that of the Treaty which was concluded between Great Britain and Spain on the 28th of June, 1835;—it is nearly identical with the engagements which Holland and Sweden have contracted with Great Britain, and it contains all the stipulations, which experience has hitherto shown to be the best calculated to accomplish the purpose for which such treaties have been framed. Her Majesty's Government, therefore, taking into their consideration the repeated and solemn engagements by which Portugal has bound herself towards Great Britain on this subject, and not willing to suppose that the Government of Portugal can be insensible to the force of such obligations, or to the necessity that a state should fulfil its promise, when it has pledged its faith, can only account for the delay, of which the Undersigned is now instructed formally to complain, by supposing that the various important events, which for some time past have rapidly succeeded each other in Portugal, have engrossed too exclusively the attention of the several Administrations which have been charged with the conduct of affairs, and have thus interfered with the conclusion of the Treaty to which this note relates.

The British Government is the more inclined to adopt this supposition, because, so long ago as September 1836, the two Governments were agreed upon every point except one in the proposed Treaty; and because that one point, which related to a limitation in the number of domestic servants which Portuguese settlers should

be allowed to carry with them from the Continent of Africa to the islands off that coast, has since that time been determined by the law of January 1837, in the manner in which the British Government were desirous it should be settled in the Treaty.

There no longer remains, therefore, any thing to be done but to conclude and ratify the Treaty; and the Undersigned must again express the extreme disappointment of Her Britannic Majesty's Government, that this has not yet been accomplished.

But the Undersigned is at the same time instructed to assure the Portuguese Government that, however this matter may, amid the affairs of high domestic interest which have absorbed the public attention in Portugal, have appeared to the Portuguese Government one of secondary importance, it is by no means viewed in that light by the Government of Her Britannic Majesty.

On the contrary, the British Government attach to this question the most deep and paramount interest, and consider it as being one, the satisfactory settlement of which cannot admit of any further delay.

The present state of this matter is honourable neither to Great Britain nor to Portugal.

It is not honourable to Portugal, because Portuguese subjects are daily violating, in the most open manner, the Portuguese law, and are publicly contravening the treaty engagements of the Portuguese Crown.

It is not honourable to Great Britain, because Great Britain is passively submitting to see a Foreign Power continue, habitually and uninterruptedly, to violate stipulations entered into with Great Britain, and for which Great Britain has made a vast pecuniary sacrifice. This state of things must, therefore, necessarily cease; and the only termination which can equally satisfy the honour of both parties, is the conclusion of the Treaty above-mentioned.

By the Convention of the 22nd January, 1815, Portugal bound herself to abolish immediately all Portuguese Slave Trade, on any part of the Coast of Africa north of the Line; and to determine subsequently, by a separate treaty with Great Britain, the period at which the Portuguese Slave Trade should finally, generally, and universally cease.

The first of these engagements was made good, the second has not yet been fulfilled.

But in return for these stipulations, Portugal received from Great Britain 600,000*l.*; and Great Britain is entitled to demand the complete fulfilment of an engagement, the final execution of which has been too long delayed, and for which Portugal has received such ample compensation.

If, indeed, Portugal had kept faith with Great Britain in substance, though not according to the exact letter of the engagement, Her Majesty's Government would have been less urgent upon this matter.

If Portugal, though she has not concluded the second treaty which she engaged to make with Great Britain, for the purpose of determining the final and universal abolition of Portuguese Slave Trade, had yet, by the stringency of her own laws, and by her vigour in carrying those laws into effect, finally and universally abolished her slave trade—if no Portuguese subjects were now engaged in that guilty pursuit, and if the Portuguese Flag was never sullied by being used as a cover for this crime, then perhaps the British Government might be disposed to wait the convenience of that of Portugal, for the completion of a treaty, which would in such case be a formality, necessary indeed as an act of good faith on the part of Portugal, but not so imperatively required as it now is by Great Britain, for the attainment of the objects for which she paid to Portugal 600,000*l.*

But the existing state of things is unfortunately far different.

It is undoubtedly true, that Portugal has published a law, which was promulgated on the 10th December, 1836, and which declared the Portuguese Slave Trade to be from that time finally and universally abolished. It is undoubtedly true, that this law attaches severe penalties to the offence, and provides for the manner in which offenders are to be brought to justice; but it is equally true, that up to the present day that law has remained a dead letter—that under its provisions no slave-trader has ever been punished, and no slave-ship has ever been condemned and broken up. But what has been the reason of this? is it that the law has been fully obeyed, and that deference to its injunctions has prevented the necessity of an enforcement of its penalties?—has the Portuguese Slave Trade ceased, and has the Decree slumbered, for want of objects on which to exert its severity? The fact is most notoriously the reverse. Portuguese Slave Trade has gone on unchecked by the law of December, 1836—has continued to

increase in extent—and is carried on without any attempt at concealment, under the very eyes of those Portuguese Authorities whose duty it is to enforce the law. And not only do Portuguese ships and subjects openly pursue this disgraceful trade, but the Portuguese Flag is lent, with the connivance of Portuguese Authorities, to serve as a protection for all the miscreants of every other nation in the world, who may choose to engage in such base pursuits.

The Coast of Africa swarms with Portuguese vessels, waiting to receive in their holds the victims of violence and crime; and the Atlantic is covered with pirates, who have hitherto found impunity under the shelter of the Colours of Portugal.

This is an evil of so flagrant a nature—so afflicting to humanity—so disgraceful to the Christian world—so dishonourable to Great Britain, who has the right and the power to put an end to it—that the Undersigned is instructed to declare frankly to the Portuguese Government, that the time is come when this state of things must cease.

The British Government is prepared to contend, that under the stipulations of the Treaties subsisting between Great Britain and Portugal, Great Britain would be justified in taking this matter into her own hands, and in seeking redress by her own means: for the Portuguese Slave Trade is at present carried on in absolute violation of those Treaties; and the provisions of those Treaties now leave Great Britain free to deal with Portuguese Slave Trade, in such manner as to Her may seem fit.

The main and declared object of the Conventions of 1815 and 1817 was, that the two Powers should put down the *illicit* Slave Trade of Portugal; and the two Powers declared in the latter Treaty, that they considered as illicit, any traffic in slaves carried on by Portuguese vessels, *bound for any port not in the dominions of Portugal*. But all slave-traders which now sail from Africa under the Portuguese Flag are bound for some port *not in the dominions of Portugal*, and therefore they carry on a trade declared by treaty to be illicit. The 4th Article of the Treaty of 1815, moreover, declares that it shall not be lawful for the subjects of Portugal to purchase or trade in slaves, except for the purpose of *supplying the transatlantic possessions belonging to the Crown of Portugal*; and Portugal has for many years ceased to have any transatlantic possessions at all. The Slave Trade is, therefore, no longer permitted by these Treaties to be carried on by the subjects of Portugal.

Moreover, Portugal has, by her own law, prohibited all her subjects from engaging in, or from being concerned in, Slave Trade; and Slave Trade is therefore no longer permitted to be carried on by the laws of Portugal.

But by the 2nd Article of the Treaty of 1815, Great Britain engaged to abstain only for a definite time from interrupting the Slave Trade of Portugal; and the time during which Great Britain so bound herself to abstain was “during such period as the Portuguese Slave Trade might be permitted to be carried on by the laws of Portugal, and under the Treaties subsisting between the two Crowns.”

But the Undersigned has shown that this period has expired, and that the Slave Trade is now not permitted to be carried on, by the subjects or under the Flag of Portugal, *either by the laws of Portugal, or under the Treaties subsisting between the two Crowns*; and Great Britain is, therefore, according to the Treaty of 1815, released from the temporary engagement which she took, not to interrupt the Slave Trade carried on by the ships and subjects of Portugal.

But the Undersigned is instructed to say, that the British Government is convinced, that when the Cabinet of Lisbon comes to reflect upon the binding nature and the comprehensive scope of the engagements which Portugal has contracted, and when that Cabinet contemplates the enormity of the evil which has arisen out of the delay that has occurred in the fulfilment of those engagements, Portugal will no longer hesitate to conclude forthwith those arrangements, which are alike demanded by a just regard to the rights of Great Britain, and by a proper consideration for the honour of Portugal herself.

No. 36.

Lord Howard de Walden to Viscount Palmerston.—(Received March 7.)

(Extract.)

Lisbon, February 25, 1838.

I HAVE had a long conversation with the Viscount de Sa da Bandeira, relative to the Treaty for the total abolition of the Slave Trade, called for by Her Majesty's Government in virtue of engagements of the Crown of Portugal, the conclusion of which was arrested by the Revolution of September.

His Excellency declared his determination at once speedily to settle this question; expressing his confidence that in the counter project he should have to make, no serious objection would be entertained by Great Britain. The object he professed to have in view was to humour public opinion.

The outline of his proposed amendments, was,—

1st.—To limit the right of search, to be conceded to British vessels of war, to 100 miles from the coast on one hand, but to extend it to the eastern coast of Africa on the other.

2nd.—Not to allow the right of search under a Portuguese Fortress.

3rd.—To allow of the extended jurisdiction of a Mixed Commission only for seven years, and then only on condition of Great Britain surrendering the right of search, already secured for fourteen under Treaty, north of the line, for half that term.

In reasoning with His Excellency on the objections in principle and practice to these restrictions, I urged him to proceed at once, without loss of time, to make me his counter proposition officially. He replied that he would do so, so soon as he had settled a Treaty with Spain for the Navigation of the Douro, the negotiation of which occupied his whole time. I urged him to consider how much more important for the honour and interest of Portugal, it was to settle the Slave Trade Treaty. I enjoined him to reflect, that he was called upon by Great Britain only to fulfil engagements already contracted by the Crown of Portugal; that he must have seen what had passed in the House of Lords on the subject of Slave Trade, as carried on under the Portuguese flag; that this language would find its echo in the House of Commons, and that I should not be at all surprised at a resolution being passed by the House, to the effect that the Government were called upon to act upon the spirit of existing Treaties, and to enforce their observance by not allowing the Portuguese flag to be a cover to the Slave Trade.

I then remarked, that the difficulties he raised about the Mixed Commissions *on principle*, could not be admitted; that I could not understand why the principle already established by Portugal, Spain, and Great Britain, should now become objectionable to this country; that it was evident, after the experience we had had of the conduct of the Portuguese authorities everywhere with regard to the Slave Trade, and even in Lisbon, as exemplified in the case of the "*Latona*," now ("*Maximé*") that no due execution of the law enacting penalties against the Slave Trade, was to be expected, if entrusted solely to Portuguese Tribunals.

The Viscount rejoined that he should propose, that only on giving 12 months notice, the Mixed Commissions should cease after 7 years; that that would serve his purpose, and that it was not directly contemplated, nor would it follow that, because the mere right then to suspend them should be conceded, such right would necessarily be acted upon.

His Excellency then again declared his intention to enter into the subject without loss of time.

No. 37.

Lord Howard de Walden to Viscount Palmerston.—(Received March 20).

MY LORD,

Lisbon, March 8, 1838.

I HAVE the honour to transmit to your Lordship a copy of a "portaria" addressed by the Viscount de Sa da Bandeira to His Excellency the Minister of Marine, in communicating to him a circular, which had been addressed by him to the Portuguese Consuls in the Brazils, in which His Excellency the Minister of Marine, as well as the Portuguese agents in question, are called upon rigorously to enforce the laws of December 10, 1836, and January 16, 1837, abolishing the Slave Trade in the Portuguese dominions, and prohibiting the abuse of the national flag, in contravention of Treaties existing between the Crowns of Great Britain and Portugal.

(Signed)

I have, &c.
HOWARD DE WALDEN.

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

&c.

&c.

&c.

Enclosure in No. 37.

Senhor de Sa da Bandeira to Baron Bomfim.

MOST ILLUSTRIOUS AND EXCELLENT SIR,

Foreign Department, March 2nd, 1838.

THIS Administration having been apprized, by information received from the Havana, of the arrival at the island of Cuba, in the course of last year, of a great number of vessels in ballast under Portuguese flag, coming from the Portuguese dominions in Africa, and particularly from St. Thomas and Princes Islands, and Government being informed, from accounts received, of the vessels lately condemned at Sierra Leone, which against the stipulations of Treaties concluded between this Crown and that of Great Britain, had scandalously abused the Portuguese flag, in order to shelter the infamous traffic in slaves, when this traffic is entirely prohibited by the Decree of the 10th December, 1836, while the purchase and use of the Portuguese flag by foreign vessels was also prohibited by the Decree of January 16th, 1837, steamers only excepted; such vessels only to be considered Portuguese, as had been navigated under the Portuguese flag up to the date of the last Decree, or should be in future built in Portugal or her Dominions. I have the honour to request your Excellency (now that the Governor appointed to the above mentioned island is about to depart) will apprise him of the criminal infractions of the said Decrees, so often committed in those places, recommending him under his immediate responsibility, the strictest observance and execution of those Decrees, in the certainty that the least fault on his part with regard to them will not be overlooked by the Government.

I have the honour to communicate to your Excellency, on this occasion, the Copy of a Circular, which I have addressed on the subject to the Portuguese Consuls in the Brazils under this day's date.

May God preserve you many years,

(Signed) SA DA BANDEIRA.

(Circular.)

There having arisen some doubts in the Consulate-General of Portugal in Rio Janeiro, concerning the execution of the Decree of the 10th December, 1836, with respect to the abolition of the Slave Trade, it was declared on the 12th ultimo to the said Consul-General, that the law imposed no other duty on him but that of preventing with all his powers that traffic, affording his assistance to the Brazilian Tribunals, as long as those Tribunals did not act illegally, since the same traffic is likewise prohibited by law in the Brazils, and in such case he (the Consul) being bound to protect the law, for which he stands in need of no instructions, which are found in the elementary principles of his office; that nations in general having always had in view the progress of naval construction, do not tolerate the naturalization of foreign vessels; which principle, having also been adopted by the modern Portuguese Legislature, the exact observance of the Circular of the 1st of March, 1837, is therefore again recommended to him, that due publicity should be given to the Decree of the 1st of January of the same year, by which both the purchase and use of the Portuguese flag by foreign vessels was prohibited, steamers only excepted; those vessels which until the date of the same Decree, should have been navigated under the Portuguese flag, or afterwards built in Portugal, and her dominions, only to be considered Portuguese: his duty being that of preventing on all occasions, that this abominable traffic of slaves be carried on under the Portuguese flag, giving his most particular instructions to this effect, to the Consular Agents under him, and superseding any of them who might shew any favour to that Trade, giving regular notice at the same time through the Department, of what might have occurred on the subject; and lastly, he having been warned in the name of the Queen, that Her August Majesty is determined to dismiss from their Office, either himself or any other Consular Agent, so soon as it shall be made known to her, that they do not exert their utmost endeavours, in preventing the Slave Trade being carried on in the Portuguese Dominions, and in vessels under Portuguese colours; or that they do not strictly fulfil the duties imposed upon them, and the orders imparted to them, all of which I now make known to you for your information, and to be executed on your part.

(Signed) SA DA BANDEIRA.

Palace of Necessidades, 2nd of March, 1838.

No. 38.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, March 24, 1838.

IT is painful to Her Majesty's Government to find, in almost every account which they have recently received relative to the Slave Trade, statements of the increase of that Traffic under the flag of Portugal.

The accompanying copy of the report which has been sent in by Her Majesty's Commissioners at the Havana, of the Slave Trade at that place during the year 1837, shows this increase in a very strong light, so far as regards the Slave Trade at the Havana.

In the year 1836, 38 vessels bearing the flag of various nations, left the Havana for Africa, and only 6 of these sailed under the Portuguese flag.

In the year 1837, the number of vessels of all nations which left the Havana for the same destination, was 72, being 34 more than in the previous year. Of these 72 vessels, 40 were under the Portuguese flag, being 34 more than sailed under that flag in the previous year, and it thus appears that while the Slave Trade under other flags had remained as it was, the Trade under the Flag of Portugal had increased to eight times the amount which it had reached in the preceding year.

In the same year 51 vessels arrived from Africa at the Havana, and all but 3, bore the Flag of Portugal.

The last reports from Sierra Leone, of which I send you herewith extracts, bring intelligence, that every vessel, which had recently been seized and carried for adjudication to Sierra Leone, bore the Portuguese flag.

The "*Ligeira*," which was one of these vessels, was only of 78 tons burthen, and had on board 313 slaves, besides her crew of 25 officers and men. The vessel was crowded nearly to suffocation; 22 of the slaves died, and 55 others suffered severely in consequence.

The last report from Rio de Janeiro, of which I send you herewith a copy, states, that in the year 1837, 92 vessels laden with slaves, had landed their cargoes in or near Rio; that every one of those vessels bore the Portuguese flag; and that, from these vessels, upwards of 41,600 slaves were landed in Brazil.

In face of these facts, the laws and decrees of Portugal, enacted and repeated against the continuance of Slave Trade under the flag of that country, are a mere mockery; and nothing will wipe away the disgrace which these facts affix to the character of Portugal, but the immediate conclusion of a Treaty between Portugal and Great Britain which shall give to the British cruisers full powers to put down the Trade.

Your Lordship will take an opportunity of making known to the Portuguese Government the facts contained in the enclosures to this Despatch, and of expressing the sentiments of Her Majesty's Government upon this subject.

I have, &c.
(Signed) PALMERSTON.

The Lord Howard de Walden,
&c. &c.

Enclosures in No. 38.

Havana Commissioners, January 1, 1838.

Sierra Leone Commissioners, Dec. 16th, 1837.

Sierra Leone Commissioners, — 28 —

Sierra Leone Commissioners, — 29 —

(See Class A. of this Series. Nos. 43, 15, 16, and 17.)

Mr. Gordon, 19th January, 1838.

(See No. 56.)

No. 39.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, March 24th, 1838.

I HEREWITH transmit to your Lordship an amended draft of a Treaty, to be concluded between Great Britain and Portugal, for the final and complete suppression of Portuguese Slave Trade. This draft contains those stipulations which were embodied in the draft sent out to you on the 8th September, 1834, and submitted by you to the Portuguese Government in the month of October of that year. It contains, also, the alterations which, at the request of the Portuguese Government, you were authorised by my Despatch of the 25th November, 1835, to insert in the original draft; and it includes two Articles, to the effect of those two stipulations which were consented to by my Despatch of the 25th of April, 1836, in order to obviate the remaining objections of the Portuguese Government to the Treaty as it stood after the admissions of the 25th of November, 1835.

A few additional words have been inserted in Article 1 of annex A.

The title of annex B has been altered, and a few additional words have been inserted in Article 6, of annex B, and in Article 2 of annex C.

These insertions and alterations have been made in order to carry into effect the stipulation which was agreed upon between yourself and the Portuguese Minister for the adjudication of Portuguese cases at Rio de Janeiro. Some words have been altered, and some have been added to Article 11, in order to render that Article, which is one of the most important in the whole treaty, more conducive to the purpose of preventing as well as of punishing attempts at Slave Trade. The other alterations which will appear in the draft which I now send to you, as compared

with the draft which is already in your possession, need no particular notice. They are generally verbal, and the object in making them was to render the Treaty clear and explicit.

The Treaty, in the shape in which I now send it to you, involves no principle, and contains no stipulation which has not already been agreed to by the Portuguese Government, in negotiation with your Lordship; and I send to you a draft of it in this amended form, that your Lordship may present it at once to the Government of Her most Faithful Majesty, as a Treaty which, word for word, as it now stands, they may conclude and sign.

I have to convey to you Her Majesty's commands that you take the earliest opportunity, after the receipt of this Despatch, to request an interview on the subject with the Portuguese Minister.

You will tell him, that this Treaty will be received by Her Majesty's Government as the best pledge of the wish of the Government of Her most Faithful Majesty to cultivate a good understanding with Her Majesty's Government; and you will urge him on that ground, as well as in fulfilment of the existing engagements of Portugal, to perform this act of humanity and justice.

I have, &c.

(Signed) PALMERSTON.

Lord Howard de Walden.
&c. &c. &c.

No. 40.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, April 9th, 1838.

I HEREWITH transmit to you, for your information, with reference to your communications with the Portuguese Government upon Slave Trade, the copy of a Despatch from Her Majesty's Commissioners at Rio de Janeiro, giving an account of the intercourse between that port and the coast of Africa in the month of December, 1837.

I have, &c.

Lord Howard de Walden.
&c. &c. &c.

(Signed) PALMERSTON.

Enclosure in No. 40.

His Majesty's Commissioners at Rio de Janeiro to Lord Palmerston.

December 31st, 1837.

(See Class A. of this Series, No. 63.)

No. 41.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, April 14th, 1838.

WITH reference to my Despatch to your Lordship, marked Slave Trade of the 24th of March, 1838, enclosing an amended draft of a Treaty upon Slave Trade, to be proposed to the Government of Her most Faithful Majesty, I have to observe to you that it will be advisable that, at the conclusion of article 3, as it stands in that draft, the following words should be added, "and by which Slave Trade is declared to be piracy." I send to you a draft of the Article, containing the words now proposed to be added to it.

You will propose to the Portuguese Minister, that this version of Article 3 shall be substituted for that version of it, which was contained in the draft of a Treaty sent to you with my Despatch of the 24th of March, 1838.

I have, &c.

Lord Howard de Walden.
&c. &c. &c.

(Signed) PALMERSTON.

No. 42.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, April 28, 1838.

HER Majesty's Government are desirous of learning definitively, and without further delay, whether the Portuguese Government do or do not intend to make good the engagements into which Portugal has entered towards Great Britain, with respect to the abolition of the Slave Trade, by concluding the Treaty, of which I sent a draft to your Lordship, with my Despatch of the 24th of March, 1838.

I have, therefore, received Her Majesty's commands to desire, that, before your Lordship quits Lisbon on your leave of absence, you will obtain from the Portuguese Government a distinct and formal declaration, whether they will, or will not, conclude that Treaty.

I have, &c.

(Signed) PALMERSTON.

Lord Howard de Walden.

&c. &c. &c.

No. 43.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, April 30, 1838.

I HEREWITH transmit to your Lordship copies of Communications recently received from Her Majesty's mission at Rio de Janeiro, showing the extent of Portuguese Slave Trade at and near that place; and containing a statement of the open protection afforded to that traffic by the Governor of Angola; and I have to instruct your Lordship's to present to the Portuguese Government the note, of which I send to you a draft.

I am, &c.

(Signed) PALMERSTON.

Lord Howard de Walden.

&c. &c. &c.

Enclosures in No. 43.

Mr. Hamilton to Viscount Palmerston.
November 28, 1837.*Mr. Gordon to Viscount Palmerston.*
January 19, 1838.
(See Nos. 46 and 57.)

Third Enclosure in No. 43.

The Undersigned, &c., has received directions from Her Majesty's Government to draw the attention of the Government of Her Most Faithful Majesty to the accounts recently received by the British Government of the extent to which the Slave Trade is carried on from the colony of Angola.

It appears that in the four months of September, October, November, and December, in the year 1837, the following slave vessels, sailing under the Portuguese flag, and all of them from Angola, imported slaves into South America, viz. :—

In September,—

The "*Margarita*" landed 334 slaves at Mangaratiba.

In October,—

The " <i>Florida d' Africa</i> "	landed 327 slaves at Parangua.
" <i>Tacuhy</i> "	314 Mangaratiba.
" <i>Flor de Rio</i> " (<i>Zan</i>)	314 Campos.
" <i>Asserceira</i> "	437 St. Sebastian.

In November,—

The " <i>Don Manuel de Portugal</i> "	landed 476 slaves at Inarica.
" <i>Terceira</i> "	334 Jaimandoa.
" <i>Diligente</i> "	312 Jaimandoa.
" <i>Antonio</i> "	517 Taipù.
" <i>Nympha</i> "	352 Taipù.
" <i>Circonio</i> "	477 St. Sebastian.
" <i>Argirona</i> "	336 Alto Moirào.
" <i>Dous de Fevereiro</i> "	538 Ponte Negra.

In December,—

The " <i>Virtude</i> "	landed 613 slaves at	Ponte Negra.
" <i>Liberat</i> "	348	St. Sebastian.
" <i>Esperanca</i> "	382	Alto Moirao.
" <i>Dous de Avri</i> "	283	Copa Cabrana.
" <i>Josefina</i> "	300	Tamandua.
" <i>Rio Jua</i> "	304	St. Sebastians.
" <i>Maria Segunda</i> "	573	Campos.
" <i>Veloz</i> "	682	Sepetiba.

It thus appears that in the three months of October, November, and December, last year, 8219 slaves were actually landed in the Brazils from ships sailing under the Portuguese flag.

By recent advices received from Angola itself, it appears that the Portuguese officer who, since the date of Her Most Faithful Majesty's Decree of December, 1836, against Slave Trade, has been appointed Governor at Angola, has established an impost or fee of 700,000 reis, to be paid to him for every vessel which embarks slaves from thence; it being understood that, upon payment of the abovementioned sum, no impediment to the illicit traffic shall be interposed by the Governor, nor any further risk be incurred by the persons engaged in the Trade.

Moreover, it appears, that the Governor has lately been guilty of a violation of the orders of his Sovereign, if possible, still more direct and flagrant, by sending from Angola, for his own account, a shipment of slaves, 60 in number, which he has consigned to a notorious slave dealer of the name of Vincente at Rio de Janeiro.

The Undersigned has, in this statement of facts, confined himself to the proofs which have come to the knowledge of Her Majesty's Government, as to the Slave Trade carried on from the single settlement of Angola; and he is instructed to request the Portuguese Government to institute the most severe inquiries into the transactions in question; the British Government not doubting that, if the alleged facts shall be verified, the officer now administering the Government of Angola will forthwith be dismissed from his post.

But the Portuguese Government must be well aware, that these flagrant violations of the Treaties on Slave Trade, by subjects of Her Faithful Majesty at Angola, form but a small portion of the offences of this kind constantly committed by Portuguese subjects, both in and out of authority, in various parts of the dominions of Portugal; and the Undersigned is instructed to express the just expectation of the British Government, that the Government of Portugal will, in pursuance of its Treaty engagements, punish and prevent such violations of the laws which have been enacted in Portugal against the trade in slaves.

PORTUGAL. (Consular.)

No. 44.

Mr. Egan to Viscount Palmerston.—(Received March 20, 1838.)

MY LORD,

*British Consulate, Cape de Verde Islands,
Villa de Praya, 27th November, 1837.*

I HAVE the honour to enclose to your Lordship the copy of a Letter which I addressed to Lieutenant Rosenberg, commander of Her Majesty's ship "Forester," respecting a large Spanish brig, called the "*Imprendedor*," that was at anchor in this Bay on the day of our arrival, and ostensibly cleared out that evening for Cadiz, although destined for the African Coast.

I have, &c.

(Signed)

JOS. EGAN.

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

&c.

&c.

&c.

Enclosure in No. 44.

Mr. Egan to Lieut. Rosenberg.

SIR,

British Consulate, Cape Verde Islands, Nov. 27th, 1837.

I HAVE received such information as leads me to conclude that the Spanish brig "*Imprendedor*," that was anchored in this Bay, and sailed shortly after our arrival, is destined for the Gallinas, for the purpose of taking in a cargo of slaves, although ostensibly cleared out for Cadiz.

I feel it my duty to make this communication, as you are so immediately to follow her to the Coast of Africa.

I have, &c.

Lieut. Rosenberg, Her Majesty's Schooner "Forester."

(Signed)

JOS. EGAN.

No. 45.

Mr. Smith to Viscount Palmerston.—(Received March 20th, 1838.)

MY LORD,

British Consulate, Lisbon, 13th March, 1838.

I HAVE the honour to transmit herewith; for your Lordship's information, the *Diario do Governo* of the 5th instant, together with a translation of a Despatch from the Minister of Foreign Affairs to the Minister of Marine, requesting him to inform the Governor, now about to proceed to the Cape de Verd Islands, of the frequent criminal infractions there committed, of the decrees of the 10th December, 1836, and 16th January, 1837, and to enjoin upon him the strictest observance of those decrees, with an assurance that no neglect on his part, in that respect, will be overlooked.

I have also the honour to forward to your Lordship a translation of the enclosure to which the above Despatch refers, being a Circular, addressed to the Portuguese Consuls in the ports of the Brazils, wherein they are directed to use every exertion to prevent the Slave Trade from being carried on in the Portuguese dominions, or in vessels under the Portuguese flag; for the better effecting of which, they are instructed to inquire strictly into the nationality of all vessels entering their respective ports under Portuguese colours.

I have, &c.

(Signed)

WILLIAM SMITH.

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

&c.

&c.

&c.

Enclosure in No. 45.

(Translation.)

*M. Sa da Bandeira to the Baron de Bomfim.**Foreign Office, 2nd March, 1838.*

INFORMATION having reached this Office from Havana, that a great number of vessels in ballast, and wearing Portuguese colours, arrived during last year at the Island of Cuba, from the Portuguese dominions in Africa, and particularly from the Islands of Principe and St. Thomas; and the Government having been informed, by communications received respecting the vessels lately condemned at Sierra Leone, that, contrary to the stipulations of Treaties concluded between this Crown and that of Great Britain, a scandalous abuse has been made of the Portuguese flag to cover the infamous traffic in slaves, already entirely prohibited by the Decree of the 10th of December, 1836, as in like manner, by that of the 16th January, 1837, the purchase and naturalization of foreign vessels was prohibited with the exception, for a time, of steam vessels, such vessels only being considered to be Portuguese as, to the date of this last Decree, were navigating under the Portuguese flag, or as may in future be built in Portugal or her Dominions; I have the honour to request that your Excellency, now that the Governor is about to proceed to those Islands, will inform him of the frequent criminal infractions of the above cited Decrees there committed, and recommend to him upon his immediate responsibility a strict observance and execution of those Decrees, with an that no neglect on his part in this respect will be overlooked.

I have the honour to enclose a Copy of the Circular which I have this day addressed on this subject to the Portuguese Consuls in the Brazilian Ports.

God preserve your Excellency,

(Signed)

SA DA BANDEIRA.

His Excellency Baron de Bomfim,
&c. &c. &c.

Sub-Enclosure in No. 45.

(Circular.)

Palace of Necessidades, 2nd March, 1838.

Doubts having arisen at the Consulate-General of Portugal at Rio de Janeiro, respecting the execution of the Decree of the 10th December, 1836, relative to the abolition of the Slave Trade, it was declared on the 12th ultimo to the Consul-General at that Port, that the duty required of him by the Law was to oppose that traffic by all means in his power, and to endeavour to co-operate in aid of the Brazilian Tribunals so long as those Tribunals do not act illegally (seeing that the Trade is prohibited by Law in the Brazils) and, in that case to interpose those protecting Offices, which being comprised in the ordinary duties of his charge, need not to be pointed out to him by special instructions: further, that as all nations in general, having always had in view the encouragement of their ship-building, do not tolerate the nationalisation of foreign vessels, and this principle having been adopted in the modern legislation of Portugal, he should therefore strictly observe the instructions contained in the Circular of the 1st of March, 1837, whereby it was directed that all publicity should be given to the Decree* of the 16th January of that year, prohibiting the purchase and nationalisation of foreign vessels (with the temporary exception of steam-boats) and declaring that such vessels only would be considered Portuguese as were already under the Portuguese flag, at the date of that Decree, or as might in future be built in Portugal and its dominions; that he should always use the greatest vigilance to prevent the odious traffic in slaves from being carried on under the Portuguese flag, and impose the strictest injunctions accordingly upon the Consular Agents, his subalterns, suspend any of them who might be found to favour that traffic, and report regularly to this Office whatever might occur in that respect; and finally, he was informed in the name of Her Majesty's Government, that Her Majesty was determined to dismiss him or any other Consular Officer who might be found remiss in his efforts to prevent the Slave Trade from being carried on in the Portuguese Dominions, or in vessels under the Portuguese flag, or negligent in the discharge of the other duties of his Office, and in complying with the orders transmitted to him.

(Signed)

SA DA BANDEIRA.

To the Consul at

* Article 2 of the Portuguese Decree, dated January 16th, 1837, referred to in the preceding.

Article 2nd.—Only those vessels shall be considered Portuguese which have been navigating under the Portuguese flag until the publication of this Decree, and those in future built in the Ports of Portugal, or her Asiatic or African Dominions. Steam boats also, to be purchased in foreign countries within three years from the date of this Decree, shall be considered Portuguese vessels, provided they belong to Portuguese subjects, and are navigated in conformity to the laws of the kingdom.

NETHERLANDS.

No. 46.

Sir E. C. Disbrowe to Viscount Palmerston.—(Received February 9.)

MY LORD,

The Hague, 7th February, 1838.

I HAVE thought it my duty to avail myself of the visit of Governor Maclean to this country to ascertain correctly the effect of the late mission of General Verveer to the King of the Ashantees.

In referring to the enclosure in my Despatch, marked Slave Trade, of the 3rd of October of last year, I must acquit both the Netherland Government and General Verveer of intentionally entering into arrangements for favouring that detestable traffic; but he resided too short a period in the country, to obtain a correct insight into the views and prejudices of the people, and he has thus been led into some unintentional errors.

For instance, General Verveer asserts, that the Slave traders give three or four times more for a Slave on the lower coast east of Accra, than the bounty he offers for a recruit; therefore he contends, the people would not sell him slaves.

If this assertion relative to the price be true, still, as Mr. Maclean affirms that the Ashantees cannot be conveyed to the coast east of Accra as slaves, the comparative price does not hold good in argument.

General Verveer states, that boatmen can be obtained in the British and Dutch settlements to carry off slaves to the vessels on the coast.

Mr. Maclean denies this assertion in toto, as far as the British are concerned.

General Verveer compares the situation of the inhabitants of Ashantee to the state of the serfs in Europe in the middle ages.

He maintains, that as the serfs are attached to the soil, they cannot be sold as slaves. But, as domestic slavery does exist in Ashantee, and as the serfs are saleable in certain cases to pay their owner's debts, they are liable, when sold, to be delivered over as recruits.

It is insinuated, that these recruits may be happier in Java than if they continued slaves in their own country; and that every care is taken to emancipate them first; but the meaning of the ceremony is not fully understood, either by the slave himself or by the owner, and the precautions taken to prevent the recruits from deserting whilst in Africa contribute to encourage them in error.

All the precautions which have been devised, are not, in the opinion of Governor Maclean, sufficient to prevent the people of that country from erroneously considering this mode of recruiting as a covert slave trade; and it will be in its effects very disastrous to the moral well-being of that part of the African continent.

It remains, therefore, to consider what mode can be adopted for inducing the Netherland Government to alter its late decisions.

I beg leave, therefore, to state, that I am of opinion that this Government is perfectly ready to adopt any regulations to meet the humane views of Her Majesty's Government; but it is not disposed to give up its right of recruiting on that shore. It is, in fact, the only mode by which it can obtain a sufficient number of recruits for its regiments in Java. As the commerce with these settlements is absolutely nil, the power of recruiting is the only return for the expenses to which they are subjected in governing these settlements. But if any other mode of recruiting could be pointed out, the Netherland Government might perhaps be induced to abandon the present objectionable mode of proceeding.

Mr. Maclean seems to be of opinion, that no objection could exist to allowing the Dutch Government to recruit among the liberated negroes at Sierra Leone; indeed he seems to think, that it might be a means of ameliorating the condition of these unfortunate persons, and might at the same time contribute to diminish the expense of the colony itself; and I therefore humbly venture to mention the subject to your Lordship.

Ignorant, however, as I am, whether such a proposal is contrary to existing stipulations for the abolition of the Slave Trade, or whether it would for other reasons be contrary to the views of Her Majesty's Government, I shall refrain from alluding to the subject here, until I am honoured with your Lordship's commands.

I beg to add a Copy of a Memorandum from Governor Maclean, which I have just received.

I am, &c.

(Signed)

E. C. DISBROWE.

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

&c.

&c.

&c.

Enclosure in No. 46.

(Memoranda.)

By Governor Maclean.

THE mode of recruiting now pursued by the Dutch Government on the Coast of Guinea, is certainly less objectionable than that followed previously to General Vermeer's mission. The system pursued up to the beginning of 1837 was in direct contravention not only of the spirit, but of the letter of the existing Treaties betwixt the Netherlands and Great Britain relative to the Slave Trade, as well as contrary to the laws of the Netherlands on the same subject. So far from any manumission of the slave taking place on his embarkation for Java, his master continued to hold a property in him, recognized by the Government itself, who engaged to pay him (the master) an annuity during the currency of his slave's service, and no provision was made for his eventual manumission. The late Governor (Laus) at this moment receives the annuity of about 2500*l.* for the services of slaves purchased by him, and hired out to the Government. In short, had a Netherland transport, with a party of these recruits on board, been detained by a British cruiser, condemnation must necessarily have followed in the Courts of Mixed Commission, who are bound to act in all cases in accordance with the conventions regarding the Slave Trade.

But although according to General Vermeer's plan of previous manumission the letter of the Slave Trade Conventions may not be infringed, yet the great objection still remains—that the entire system is founded and depends upon the purchase and sale of human beings. The natives cannot be expected to understand nice distinctions; they can only judge by what they see and know—by the fact that they can sell their slaves for a very high price to the Dutch local authorities.

It may be said, and is said, that the individual's consent is obtained previously to his enlistment, but any one acquainted with the country and its inhabitants must know how futile, practically speaking, such a provision is. A slave has no will of his own, and he is manumitted *only* on condition of his enlisting; in other words, he is transferred from a black to a white master, in consideration of a sum of money paid to the former, and in what else does the Slave Trade consist?

But the great evil occasioned by the system is, that it revives among the native traders all their former partiality for the Slave Trade—a partiality which 30 years has not been able entirely to extinguish.

Let us see how the system works practically. I will suppose a native chief possessing 100 domestic slaves, is in pecuniary difficulties; he immediately selects say 50 of his slaves, signifies to them that he finds it necessary to sell them, and instructs them that when brought before the Dutch authorities they must express their perfect willingness to leave the country. Suppose some of them refuse; then are they at the mercy of a tyrannical and exasperated master, who will so treat them as they well know that it were better for them to be at once put to death. Besides the high price paid for their slaves as recruits will revive that spirit of slave dealing in the interior which for want of a market had become well nigh dormant; and many will embark in it as a regular business. It is entirely incorrect to allege that the leeward slave-market is open to Fantee and Ashantee; I can and do distinctly assert the contrary. No slaves can be conveyed across the Rio Volta, without the knowledge, connivance, and indeed protection of the British and Danish authorities.

That such was the case ten years ago, to a small extent, is doubtless true; but means were taken by the authorities which effectually prevented it. No slaves, I can assert confidently, have been exported from any part of the coast between Cape Apollonica and the Volta, since 1830; of this a most convincing and unanswerable proof is afforded by the fact that, within the last 8 or 10 years, slaves on the Gold Coast have become almost valueless; at least they *had* become so, until the late system of recruiting was introduced by the Dutch. I have very frequently had to affix a value on slaves during the last 7 years, and never exceeded in my valuation 40*l.*, 50*l.*, or 60*l.*, save on rare occasions. Often have *free* persons offered voluntarily to become my slaves, for the simple reason that all fear of expatriation was at an end, and that under a white man's protection they were sure to be provided for. But the strongest proof of all that the present system of recruiting by the Netherland Government is attended with the worst features of the Slave Trade—namely, *forcible* expatriation—consists in the fact, that during the *three* years that the system of *voluntary* enlistment was tried, the authorities at Elmina did not procure above 20 recruits, if so many; this of itself shows that few or none of the present enlistments can properly be said to be *voluntary*.

On the whole, it would be extremely desirable that some other mode of recruiting, free from the above objections, should be devised.

Let voluntary enlistment, in the proper sense of the word, be again resorted to, the Government giving such a bounty as would induce free negroes to enter the service.

But let all be alone without the intervention of the chiefs, caboceers, or masters of slaves.

If they can profit by the enlistment of their vassals or slaves, they will scruple at no means whereby to obtain recruits; and I most firmly and conscientiously believe, that the recruits obtained during the last three years have been the produce of much tyranny, oppression, cruelty, and injustice.

The Hague, February 7th, 1838.

No. 47.

Viscount Palmerston to Sir E. C. Disbrowe.

SIR,

Foreign Office, 4th April, 1838.

YOUR Despatch, marked Slave Trade, of the 7th of February last, with its accompanying Memorandum, from Governor Maclean, on the subject of General Verveer's mission to Africa, has been received.

The information contained in these Papers furnishes strong grounds for presuming that, whatever may be the intentions of the Dutch Government, or of its agent, the recruits for Java are nevertheless generally raised from a class of persons who are held in a state of slavery; and although the practice of obtaining these persons for the service of the Dutch Government be called recruiting, the system produces in effect, though under another name, a revival of the slave trade in that part of Africa.

If such be the facts, the Dutch Government cannot persist in the system without a departure from the faith of treaties, and from their own professions; and you will therefore make an appeal, which I trust will not be vain, to the Government of Holland, against the continuance of a practice which is open to abuses of so baneful a tendency.

I do not consider myself called upon to offer any observations on the abstract right of that Government to raise recruits in Africa; but I desire that you will return an answer decidedly negative to any proposition which may be made by the Government of Holland, for permission to draw recruits from any of the British settlements in Africa.

I have, &c.
(Signed) PALMERSTON.

To Sir E. C. Disbrowe,
&c. &c. &c.

No. 48.

Sir E. C. Disbrowe to Viscount Palmerston.—(Received April 16.)

MY LORD,

The Hague, 10th April, 1838.

By the last post I had the honour to receive your Lordship's Despatch of the 4th instant.

I have carefully referred to the whole of the correspondence, which has passed between the Netherland Government and this mission on the subject, and have presented, in obedience to your commands, the note, of which I have the honour to enclose a copy.

I have thought it necessary to reply to some observations in General Verveer's letter, transmitted in my Despatch marked Slave Trade, of the 3rd of Oct. 1837, the one relative to the advantages accruing to the slaves themselves, the other with regard to certain facilities which the General supposes to be granted for the embarkation of slaves at the British Commenda.

Finally, I have quoted that part of Baron Verstolk's note of the 26th of September, in which he states the Instructions sent to the Dutch Resident at Coomassie, and suggests, that the Netherland Government should go one step further, and that no recruits should be raised from a class of persons who are held in a state of slavery, if indeed the recruiting cannot be abandoned altogether.

I have, &c.
(Signed) E. C. DISBROWE.

P.S.—The departure of General Verveer and the expedition for the Gold Coast, is fixed for the 15th, and I was anxious my note should reach Baron Verstolk before the departure of that officer.

Enclosure in No. 48.

Sir E. C. Disbrowe to Baron Verstolk.

MONSIEUR LE BARON,

The Hague, 10th April, 1838.

In obedience to the orders which I have received, I have the honour of addressing some further observations to your Excellency relative to the mode of recruiting on the coast of Africa. Your Excellency, on the 26th of September last, was good enough to transmit to me a copy of a letter which General Verveer addressed to the Colonial Minister, giving an account of his mission to the

coast of Africa, in which that officer details his whole proceedings, and defends the Treaty which he signed with the Ashantees, on the ground that the Treaty can in no ways contribute to encourage war or Slave Trade in the interior, and that the condition of the Netherland recruits is preferable to that of the African slave.

In giving every credit to General Verveer for the humanity with which they are treated, it is an argument so often used by the advocate of the Slave Trade in defence of their commerce, that one cannot but regret seeing reproduced on the present occasion. The individual may be benefited, but the system unfortunately encourages Slave Trading.

Without intending to reply to the whole of General Verveer's letter, or to consider the abstract question of raising recruits, I cannot but observe that General Verveer must have been led into an unintentional error, when he asserts that "the embarkation of slaves is but too much promoted, undoubtedly promoted, by the facility afforded to the slave dealers at Elmina, at the Danish settlement Accra, and at the British Commenda, and elsewhere, for providing themselves with canoes and rowers for that purpose."

Governor Maclean, who has so long resided in that country, positively asserts that for the last ten years no such event has occurred, as the authorities, both British and Danish, have taken measures which have effectually prevented it, and not one slave has been exported from any part of the coast between Cape Appolonia and the Volta since 1830.

The consequence has been that slaves on the Gold Coast had since that period become nearly valueless, fetching on an average from forty to sixty guilders; but this price has risen since the Netherland Government has recruited on that coast.

General Verveer states the value of the slave in Ashante is 100*l.*, while he says from 200*l.* to 300*l.* might be obtained on the lower coast for the slave. Admitting once more the truth of this fact, it proves, not that the Netherland agent does not pay in bounty the price of a slave in Ashantee, but that the transaction is accomplished with so much greater security under the Treaty, as to render it a better investment for the slave merchant than incurring the risk and expense of a journey to the coast; and I believe it will be found, on reference to the proper documents, that the market price of a slave is below the price actually given as a bounty for a slave of whom, when manumitted, a recruit is made.

In conclusion, I conceive the case may be thus resumed. Formerly the owner of a slave who became a recruit, besides a small bounty, received a pension during the actual period of the man's service,—an arrangement which, in fact, bore so strong a resemblance to hiring out slaves, that the practice was wisely and humanely abolished by the Netherland Government, and secondly, as a further security against abuse (according to the plans of General Verveer), the slave is actually manumitted before he is enlisted.

The question which naturally here arises is, does the slave completely understand the alteration in his condition by the act, which takes place in the presence of the Netherland or other authorities? And can he really be considered a free agent?

From what I collect in General Verveer's letter it is possible that, from the care taken by the British authorities to explain the nature of the enlistment to the negroes living under the protection of our flag, they may comprehend it, but in Ashantee, I apprehend, it is very different.

The owner contracts to find a recruit for a certain sum: the slave, who is produced by his owner, is instructed what he is to say, and what he is to do, as the price of his liberty, and if he refuses to comply he knows the hard fate which awaits him; and although he may individually have bettered his condition, and be able to taunt his former master, and say, "I no longer fear your bloody law," it is no proof he really understands that he has done any thing else than change an oppressive for a lenient master; and it certainly would be satisfactory to know "how many recruits at the moment of embarkation have freed themselves from their military engagements, and retained their emancipation."

I learn with pleasure from your Excellency, in your note of the 26th of September, that the Netherland Government has gone one step further in improving the system of recruiting, and has certainly done away with many of the objections attending it.

The note says,—"*Qu'aucun individu ne saurait être présenté au President des Pays Bas à Coomassie ni être reçu par lui, qui aurait été fait prisonnier de guerre, qui aurait été condamné à l'esclavage pour crime ou délit; qui par suite de dettes ou d'obligations contractées, soit personnellement, soit par ses parens ou autres, aurait été enlevé de force à sa patrie.*"

Although slaves made in war, slaves sold for debt, and slaves made such for crimes, are excluded, and thus the ground for mischief is considerably narrowed, the error in principle remains. The basis of the recruiting still is, the transfer of a human being from one master, for a sum of money, to another: this is the foundation of the system. In one instance it is called purchase-money, in the other bounty, or enlistment; and however precisely and conscientiously the Netherland agent may follow his instructions in selecting the recruits, still the money is paid, directly or indirectly, to the owner of the slave. The place of the slave thus parted with is filled up by his former owner, who will purchase his successor elsewhere, and thus the practice of slave dealing in the interior is indirectly but effectually encouraged.

Under the full conviction that the Netherland Government is most anxious to destroy every cloak for Slave Trading, I venture to throw out a suggestion which, from the vastly improved arrangements lately made by the Netherland Government, I trust will meet with a ready concurrence. It seems impossible that any recruiting on that coast can be freed from an indirect encouragement of Slave Trade, or indeed come within the spirit of existing treaties, unless every class of persons born or being in a state of slavery should be excluded from its operation. It is to be hoped that orders to that effect will be sent to the Resident at Coomassie, unless to counteract this mischief which has unwittingly been caused by the late mode of recruiting, the preferable measure of discontinuing the recruiting altogether on that coast can be effected.

I avail myself, &c., &c.,

(Signed)

E. C. DISBROWE.

To the Baron Verstolk de Soelen,
&c. &c. &c.

No. 49.

Sir E. C. Disbrowe to Viscount Palmerston.—(Received April 16th.)

MY LORD,

The Hague, 13th April, 1838.

I HAVE this day had a verbal communication with the minister of the Colonies, General Van-den-Bosch, on the subject of the Dutch recruiting on the coast of Africa.

His Excellency informs me, that my note of the 10th instant has been transmitted to General Verveer, and that officer has been instructed, in case he should find that the measures which he has adopted for recruiting in Africa have any tendency to encourage Slave Trade, forthwith to take such steps as may be deemed advisable, effectually to counteract the evil.

His Excellency requested that I would be convinced, that it was impossible for any Government to be more thoroughly resolved to put a stop to this iniquitous traffic, than that of His Netherland Majesty.

I shall probably be enabled to give your Lordship a more detailed statement in a few days.

I have, &c.

(Signed)

E. C. DISBROWE.

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

&c.

&c.

&c.

BRAZIL.

No. 50.

Mr. Hamilton Hamilton to Viscount Palmerston—(Received Jan. 31, 1838.)

MY LORD,

Rio de Janeiro, 28th November, 1837.

I HAVE the honour to transmit to your Lordship returns of the Vessels which arrived from the coast of Africa, in this harbour, during the months of September and October, and of the Cargoes which they had previously landed in the vicinity.

I take leave also to add to the above Reports, a Letter from Her Majesty's Consul at Pernambuco, together with Extracts from two others, dated Rio de Janeiro, which relate to the same subject.

I have, &c.

(Signed)

HAMILTON HAMILTON.

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

&c.

&c.

&c.

First Enclosure in No. 50.

List of Slave Traders under the Portuguese Flag for the month of September, 1837.

Rio de Janeiro, 1st October, 1837.

1. Schooner "*Andorinha*," from Benguela, landed 300 slaves at the Alto Moirão.
 2. Smack "*Firmeza*," from Angola, landed 317 slaves at Campos.
 3. Smack "*Margarita*," from Angola, landed 334 slaves at Mangaratiba, where she changed the Portuguese flag for the Brazilian, and loaded with produce for this port.
- Total number of slaves imported by three vessels, during the month of September last, 951.

Second Enclosure No. 50.

List of Slave Traders under the Portuguese Flag for the month of October, 1837.

Rio de Janeiro, November 1, 1837.

- No. 1. Patacho "*Florinda de Africa*," from Angola, landed 327 slaves at Parangua, and thereafter proceeded to Monte Video, from whence she is arrived with a cargo of carne seca.
 - No. 2. Patacho "*Jacutry*," from Angola, landed 314 slaves at Mangaratiba.
 - No. 3. Schooner "*Flor de Rio*," from the Rio Zaire, landed 314 slaves at Campos.
 - No. 4. Brig "*Aperceira*," from Angola, landed 437 slaves at St. Sebastian, from thence she proceeded to Parangua, where she took in cargo for Monte Video, and is now arrived here with carne seca.
- Total number of slaves imported by four vessels, as above, 1462.

Third Enclosure in No. 50.

Mr. Consul Watts to Mr. Hamilton.

British Consulate, Pernambuco, October 27th, 1837.

SIR,

ALTHOUGH it cannot have escaped your vigilance, allow me to fix the attention of your Excellency on the speech of Senhor Bernardo Pereira de Vasconcellos, now the Minister of Justice, and, *ad interim*, Minister of the Empire, in the Administration recently formed, which appeared in the "*Jornal do Commercio*," of the 19th of last August, No. 182, of which the following is an extract, declaratory of his sentiments on the subject of the Slave Trade, now so actively pursued all along the coast of Brazil:—

"Neither does it appear to me very consistent to wish thus to banish foreign labourers, and at the same time to prohibit the importation of Africans; in this case, we shall have neither the one or the other. And what will be the effect on our industry? I have wished to emit my opinion with respect to the importers of Africans, and on this subject it appears that I differ from my illustrious colleagues. Let the English carry into execution this Treaty, which they have forced upon us by thus abusing their superior power, but to expect that we should promote these speculations of theirs, gilded with the name of humanity, is unreasonable; nor does it accord with the feelings of resentment which so many acts of violence have engendered in Brazilian breasts."

On the 14th instant, the following entry was made at the Custom-house of this port:—

"Portuguese patacho 'Leoramento,' from Soanda, entered on the 12th instant, consigned to the Master, Antonio Carlos, Francisco da Silva. Manifested as follows:—'60 pipes of salt water.'"

Pretos Brocoes, or African slaves, of recent importation, have been sold here very lately at from 200 to 250 milreis a-head; these low prices cannot replace to the speculator his first cost and charges, and it is inferred that many persons who were recently engaged in this inhuman traffic have sustained heavy losses, yet this glut in the market will only, in my opinion, put a temporary check to the spread of the evil, since those who pursue it, navigating their own vessels, cannot fail to derive large gains from their adventures in the Slave Trade with the Coast of Africa.

Hamilton Hamilton, Esq.
&c. &c.

(Signed)

I have, &c.,
EDWARD WATTS,
Her Majesty's Consul.

Fourth Enclosure in No. 50.

Extract of a Letter dated Rio de Janeiro, 26th October, 1837.

You will have noticed that the number of slaves imported since the month of June has, according to the monthly reports, considerably diminished. This seeming falling off of the trade is chiefly to be attributed to the detention of several vessels, which entered the port after the Instructions were issued for a more rigorous examination of the vessels, to establish their having been employed in the Slave Trade.

In consequence of those detentions, parties interested in the vessels that were expected sent instructions to the places where they were to discharge, that they should not, except in case of necessity, return to this Port. These vessels, detained in consequence of the orders of the ex-Minister of Justice, have all been liberated by the present Minister, who is a decided protector of the illicit traffic in slaves.

I some time ago mentioned to your Excellency, that no reliance could be placed on the Portuguese Government or their Authorities for the due execution of the recent decrees for the abolition of the Slave Trade. It now appears that, since the issuing of those decrees, a new Governor has been appointed to Angola, and, by advices latterly received from thence, this person has fixed the sum of 700,000 Rs. to be paid to him for every vessel that embarks slaves; and, for that sum, every impediment and risk is removed on the part of the Governor to the illicit traffic: moreover, by a vessel lately arrived on the coast, but which did not enter this Port, the same Governor shipped 60 slaves for his own account, and consigned them to a notorious slave-dealer here, of the name of Pimenta, jun.

Fifth Enclosure in No. 50.

Extract from a Letter dated Rio de Janeiro 13th November, 1837.

YOUR Excellency is aware that on the 6th of June last, Mr. Montezuma, the late Minister of Justice, issued a Portaria, by which a more rigorous examination was ordered on board of the vessels arriving from the Coast of Africa, and for that purpose, that they should be visited and examined by the Guardamor of the Custom-house and 2 individuals from the Marine Arsenal, in presence of a Juiz de Pay, and of a person from the Portuguese Consulate.

In consequence of these examinations, several vessels were detained, as having on board articles indicative of their being employed in the Slave Trade. They were proceeded against by judicial process before the Juiz de Pay, but although the proofs were conclusive, and every one of the vessels detained was found to have on board an extraordinary number of water-casks, yet the Juiz de Pay was so corrupt as to absolve them all.

Notwithstanding this, Mr. Montezuma ordered further proceedings to be instituted, and in the case of one of the vessels, the "*Josefina*," a true bill was found by the Jury on the 1st instant against her crew, for being guilty of the crime of traffic in slaves, although the Juiz de Pay had previously absolved them and the vessel from criminality.

These proceedings caused great alarm to the slave-traders, so much so, that the activity in fitting out vessels for the traffic was suspended, and advices were despatched to those parts of the coast where the slaves are generally landed, to warn the vessels arriving against entering this Port.

Had these measures been persisted in, they would have operated as a powerful check to the prosecution of the traffic, and might ultimately have tended to its total extinction in this Port.

Unfortunately a change of Ministers took place, and Mr. Vasconcellos, a notorious protector of the traffic in slaves, was appointed Minister of Justice. On the 10th of last month he issued a Portaria to the chief of Police, ordering that 4 of the vessels detained should be delivered up to their Owners, under the pretext that they had been absolved by sentences of the Juiz de Pay; and, by subsequent Portarias, the other vessels detained have also been restored to their Owners.

On the 21st of the same month, by an Aviso from the same Minister, the Portaria of 6th June, issued by Mr. Montezuma was revoked, and it was ordered that the Guadamor should no longer continue his examinations on board the vessels from the coast of Africa, and that the visits should be made in conformity with the practice followed prior to Mr. Montezuma's Portaria.

These proceedings of Mr. Vasconcellos have not only removed every impediment to the undisturbed prosecution of the traffic in slaves, but have generally encouraged the slave-traders, so much so, that vessels that were laid up have been immediately fitted for another voyage, and the slave-dealers carry on their traffic more openly, without fear of being disturbed, or being disturbed or being questioned for their illegal conduct.

Since the present Ministry came into office, there has been established a depôt at the Bay of Jurujuba, on the opposite side of the harbour, where upwards of 1,600 newly-imported slaves have been openly exposed for sale.

At the chacara of a person named Albuquerque, near to Praga Grande, there is another depôt, where upwards of 900 slaves have been on sale. At the Island of Paqueta there is another depôt, where the sale of new slaves is so openly carried on that they are to be seen exposed on the beach. So little dread have the slave-dealers of being punished for their nefarious traffic, that on the afternoon

of the 31st instant, and in daylight, upwards of 30 new slaves were landed at the quay close to the Marine Arsenal, and, accompanied by a number of armed sailors, were marched up the Rue dos Pescadores, one of the most public streets of this city.

It is not to be believed but that the Government must be aware of these doings, yet no measures whatever have been adopted to prevent them. The only thing now required for the free and uninterrupted sale of slaves in Brazil is, that the measure of the Marquis of Barbacena be approved of by the Chamber of Deputies in their next Session. Should the measure pass, there cannot be a doubt that new slaves will be openly exposed for sale, and even hawked about, not only in this city, but also all over the country, in defiance of the existing Treaty and Conventions betwixt Great Britain and Brazil.

I have taken some pains to ascertain the probability of the Marquis of Barbacena's measure passing the Chamber of Deputies in the next Session, and I am assured that its not having passed last Session is chiefly to be attributed to the measures adopted by Senhor Amaral, one of the Members of the Committee of Diplomacy, who dissented from his colleagues, and gave a separate Report, declaring that the projected law infringed the Treaty with Great Britain.

I am also assured that, notwithstanding of that Report, the Law will, to a certainty, pass the Chamber of Deputies, unless your Excellency or Her Majesty's Government remonstrate against it, and explicitly announce to the Brazilian Government that the passing of that Law will be considered as a decided infringement, on the part of Brazil, of the existing Treaties.

Your Excellency is aware that, in the last Session of the Chamber of Deputies, it was agreed that the Minister for Foreign Affairs should attend the discussion of the Law in question in order, with the view of ascertaining the feelings of Great Britain respecting it; therefore, however, well disposed the Minister for Foreign Affairs may be against the traffic in slaves, and to prevent the passing of the Law, still his opposition could not be so effectual as if he were in possession of remonstrances by Her Majesty's Government on the subject.

I have to assure your Excellency that the traders in slaves form a powerful body, and are possessed of great influence in the State.

They have, moreover, come forward with subscriptions to a large amount, which is now deposited for the purpose of being distributed when the Law referred to passes; and I have good reason to believe the present Minister of Justice will have a considerable share for his services and support in promoting, as he has already done, the interests of the slave-traders.

No. 51.

Mr. Hamilton Hamilton to Viscount Palmerston.—(Received Jan. 31, 1838.)

MY LORD,

Rio de Janeiro, 28th November, 1837.

WITH reference to my Despatch, Slave Trade, of the 14th of October last, I have the honour to forward herewith, a translation of the Vote of Senhor Amarel, a member of the Diplomatic Committee in the Chamber of Deputies, delivered by him in a question growing out of M. de Barbacena's project of a Law for Suppression of Slave Trade, a translation which I had not time to prepare for last packet.

I have, &c.

(Signed)

HAMILTON HAMILTON.

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

&c.

&c.

&c.

Enclosure in No. 51.

(Translation.)

From Paper No. 199 "Typographia Nacional," 1837.

Palace of the Chamber of Deputies, 30th September, 1837.

THE Committee of Diplomacy has had before it the requisition of the Deputy Senhor Martin Francisco, that it should examine whether the Project No. 133, received from the Senate, be or not in opposition to the Treaties with Great Britain, and, after having compared it with the same Treaties, the Committee is of opinion, that the Project referred to is in no respect opposed to the same, and, therefore, that it may still be discussed.

(Signed)

A. M. DE MONRA.

ARANJO RIBEIRO.

MANOEL MARIA DE AMAREL, *Dissentient.*

(Separate Vote.)

Palace of the Chamber of Deputies, 30th September, 1837.

THE Convention of the 23rd November, 1826, between our Government and that of Great Britain, prohibiting the traffic in slaves on the coast of Africa, is, in the opinion of the Undersigned, attacked by the Project of Law No. 133, received from the Senate. The spirit of the said Convention, the Treaties to which it refers, and the Law of the 7th November, 1831, prohibit that the traffic in slaves be carried on, in or out of Brazil, by Brazilian subjects: the Project, while continuing to prohibit the traffic in Africans on the coast of Africa, protects that traffic within the empire; the Project abrogates the Law of the 7th November, 1831, as inadequate to put an end to the same traffic, and it therefore enacts other means, more efficacious for the execution of the Convention in that respect, for as much as it affirms that the non-execution of the same law of the 7th November arises from there being a larger portion of our population interested in such traffic, for the purpose of obtaining hands for the cultivation of the soil, and because many of our countrymen are already implicated in this contraband trade.

These are the reasons in support of the Project of the Senate, which are said to be unconnected with the Treaties, and in favour of the adoption of the Project. The object of the Convention being, not merely to reduce the traffic on the coast of Africa, but to abolish it by means of obstacles to that end; it is clear that Laws allowing the trade to be carried on within the empire in the public markets

and in the presence of the Authorities, are in violation of the basis of the said Convention, and contrary to the principle on which it is founded.

It is in vain that heavy fines be imposed and greater vigilance enjoined to prevent the traffic, short of the importation into Brazil, the which, if on the one hand it appear to be intended to diminish the traffic on the coast of Africa (even which is so far evidently contrary to what was stipulated by the High Contracting Parties) on the other hand by giving every security to the merchants accomplishing the importation, would necessarily augment and extend the very same traffic.

If Brazil, in order to augment or preserve her riches, cannot dispense with the continued importation of Africans, if this be demonstrated and useful to the country, which in the opinion of the undersigned it is not, the course to be followed would be to require at once the revocation of the Convention itself, as vitally necessary for the preservation of the country, and also to abrogate the law of the 7th November, 1831, and not to endeavour, under specious pretences, to elude a Convention which ought to be maintained by all the powers of the State.

The non-execution of a Law, so important as that of the 7th November, 1831, is attributable more to negligence and protection than to any real want of the country, notwithstanding the inadequate measures taken in regard to colonization. If there were an Administration resolved to execute the Law in question, the Undersigned is convinced that it (the Law) would not be trodden down as it has been, and that such an Administration taking the requisite precautions, would neither sacrifice the country nor place it under the necessity of continuing the hideous commerce in Africans. This, no doubt, would be the principal object of a prudent Administration, desirous of promoting the material improvement of the country, and of supporting our institutions. The Undersigned, not thinking it necessary to extend the development of this subject, concludes that the Project of the Senate attacks the Convention of the 23rd of November, 1826.

(Signed) MANOEL MARIA DE AMAREL,
(One of 13 Deputies for the Province of Bahia.)

No. 52.

Mr. Hamilton Hamilton to Viscount Palmerston.—(Received Feb. 13, 1838.)

MY LORD,

Rio de Janeiro, 18th December, 1837.

I HAVE the honour to transmit to your Lordship a return of the Vessels which arrived from the coast of Africa, in this harbour, during the month of November, and of their Cargoes which they had previously landed in the vicinity.

I have, &c.

(Signed) HAMILTON HAMILTON.

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

&c. &c. &c.

Enclosure in No. 52.

List of Slave Traders under the Portuguese Flag for the Month of November, 1837.

Rio de Janeiro, December 1st, 1837.

No. 1, brig "*Don Manoel de Portugal*," from Angola, landed 476 slaves at Marica, and there-
after proceeded to Monte Video, where she landed a cargo of beef, and returned to this Port.

No. 2, patacho "*Terceira*," from Angolla, landed 334 slaves at the island of Taimandoa, near St. Sebastian, which belongs to a Portuguse named Vellozo, partner of Ausstacio, who was owner of the "*Maria da Gloria*," captured by Her Majesty's ship "*Snake*" in the year 1834. In consequence of his being the owner of that vessel and cargo of slaves, he was ordered to leave the country, but afterwards got the order withdrawn.

No. 3, schooner "*Diligente*," from Angola landed 312 slaves at the same island of Taimandoa, near St. Sebastians.

No. 4, brig "*Brillante*," from Ambriz, landed 479 slaves at the island of Taimandoa, near St. Sebastian, thereafter proceeded to Paranagua, where she took in a cargo for Monte Video, and has now returned with a cargo of beef from the last port.

No. 5, brig "*Antonio*," from Angola, landed 517 slaves at Taipio, near the entrance of this port of Rio de Janeiro.

No. 6, brig "*Novo Destino*," from Quillimane, landed 677 slaves at Macaché.

No. 7, schooner "*Nympha*," from Angola, landed 852 slaves at Taipa, near the entrance of this harbour.

No. 8, brig-schooner "*Arcanio*," from Angola, landed 477 slaves at St. Sebastian, thereafter proceeded to Monte Video, and returned to this with a cargo of beef.

No. 9, schooner "*Angerona*," from Angola, landed 336 slaves at Alto Moira, near Taipu.

No. 10, brig "*Dous de Fevereiro*," from Angola, landed 538 slaves at Ponta Negra.

Total number of slaves imported by 10 vessels as above, 4498.

No. 53.

Viscount Palmerston to Mr. Hamilton Hamilton.

SIR,

Foreign Office, 28th February, 1838.

HER Majesty's Government have reason to believe, that the Brazilian Law of the 7th of November, 1831, prohibiting Slave Trade, and attaching certain penalties to the crime of carrying it on, has been wholly ineffectual for the purposes

for which it was expressly issued. They deem it their duty to demand now from the Brazilian Government, formally and distinctly, the full and faithful execution of the engagements, contracted by Brazil, towards Great Britain, by the convention which was concluded between the two countries on the 23rd of November, 1826, for the abolition of the African Slave Trade of Brazil.

I have therefore to desire that you will, upon the receipt of this Despatch, deliver in to the Brazilian Minister for Foreign Affairs, a note upon this subject, of what I send herewith to you a draft for your guidance.

I have, &c.
(Signed) PALMERSTON.

Hamilton Hamilton, Esq.,
&c. &c. &c.

Enclosure in No. 53.

Copy of a Note to be presented by Mr. H. Hamilton to the Brazilian Government.

THE Undersigned, Her Majesty's Envoy, &c. has received directions from his Government to remind the Government of Brazil, that, by the 1st Article of the Convention which was concluded on the 23rd of November, 1826, between Great Britain and Brazil, for the abolition of the African Slave Trade of Brazil, the Brazilian Government engaged, that three years after the ratifications of the said Convention (of which the ratifications were exchanged on the 13th of March, 1827,) a law should be passed in Brazil, declaring it unlawful for any Brazilian subject to be concerned in the carrying on of the African Slave Trade, under any pretext or in any manner whatsoever; and decreeing that the carrying on of such trade after that period by any person, as subject of the empire of Brazil, should be deemed and punished as piracy.

The Undersigned has further been directed to observe that, although on the 7th of November, 1831, a law was promulgated in Brazil prohibiting the Slave Trade, and attaching certain penalties to the crime of carrying it on, that law does not, however, declare slave trading to be piracy, and does not ordain, that slave traders shall be treated as pirates; and as Her Majesty's Government have reason to believe, that the above-mentioned law has been, wholly ineffectual for the purpose of suppressing the Brazilian Slave Trade, the Undersigned has been directed to declare, that Her Majesty's Government now deem it their duty formally and distinctly to demand from the Brazilian Government the full and faithful execution of the engagement, contracted by the aforesaid 1st Article of the Convention of 1826.

The Undersigned, &c.
(Signed) PALMERSTON.

No. 54.

Mr. Hamilton Hamilton to Viscount Palmerston—(Received March 5, 1838.)

MY LORD,

Rio de Janeiro, 31st December, 1837.

I HAVE the honour to forward herewith the copy of a note which I addressed to the Brazilian Government, with the Slave Trade Reports of September, and which I omitted to enclose in my Despatch, of the 18th instant, on that subject.

(Signed)

I have, &c.

HAMILTON HAMILTON.

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

Enclosure in No. 54.

THE Undersigned has the honour to transmit herewith to the Minister of Foreign Affairs the reports addressed to the British Legation on slave importation during the months of September and October.

According to these returns, and to preceding ones, since the month of last June, it would appear that the importations from that date have considerably diminished. This, however, is really not the case. The apparent falling off is mainly attributable to the Portaria issued on the 1st of June, by the late Minister of Justice, providing for a more rigorous detention and examination of vessels arriving from the Coast of Africa; which Portaria, however evaded after a time in its essentials, had certainly the effect of impeding the hitherto unrestrained ingress of slavers into this harbour.

Foreseeing the impediments which must inevitably arise to their commerce from the strict execution of this enactment, the parties interested in the vessels then expected from the Coast of Africa, instructed their Agents at the places where the cargoes were to be discharged, not to allow of the vessels returning afterwards to Rio de Janeiro, except in cases of great emergency; but to refit for another voyage at their anchorages on the coast, their exportation cargoes being forwarded to them from hence by smacks. And it has been calculated that, in this manner, full 3500 more slaves over and above the number expressed in the accompanying return for October were landed on the coast during that month.

If the Portaria of June 6th, however, was thus evaded in part, still it appeared likely to co-operate materially towards the ultimate extinction of the traffic; and, certainly, it did produce a very manifest immediate benefit, by traversing the speculations of the traders so far as the port of Rio de Janeiro

was concerned, and rendering their vessels, which had before entered it with perfect impunity, more liable to seizure and condemnation at any future coming.

But this Portaria having been superseded by others which have re-established the defective system originally in force, the Undersigned will not occupy the Minister's time by further observations regarding it. He will take leave to state here only a few flagrant circumstances demonstrating the unblushing activity and perseverance with which these traffickers in human flesh ply their horrible trade, at open day, under the very eye of the Brazilian authorities.

Within the last few weeks a depôt has been established at the Bay of Jurujuba, on the opposite side of the harbour, where upwards of 1600 newly-imported slaves have been openly exposed for sale.

At the chacara of a person named Albuquerque, near to Praga Grande, there is another depôt, where upwards of 900 slaves have been on sale; at the isle of Paqueta is another, where the sale of new slaves is so publicly carried on, that they are to be seen exposed on the beach.

And, indeed, so little apprehension have the dealers of being punished for any infraction of the laws on this subject, how notorious soever it may be, that, on the afternoon of the 3rd instant, when it was yet daylight, upwards of 30 new slaves were landed at the quay close to the marine arsenal, and, accompanied by a number of armed sailors, were marched up the Ruados Pescadores, one of the most public streets of this city.

These overt acts—and there are others of a different description which also might be adduced—must be admitted to be conclusive as to the prosperous and advancing state of the traffic at the present juncture; and the Undersigned, in bringing them to the knowledge of Senhor Antonio Peregrino Mariel Monteiro—if indeed it can be possible that the Government should be ignorant of them—is satisfied that he is only affording to his Excellency another urgent motive for the exertion of his best energies towards its suppression.

The Undersigned, &c.
(Signed) HAMILTON HAMILTON.

Rio de Janeiro, November 30th, 1837.

No. 55.

Mr. Hamilton Hamilton to Viscount Palmerston.—(Received March 5, 1838.)

MY LORD,

Rio de Janeiro, 31st December, 1837.

WITH reference to my Despatch, of the 15th August last, of this series, I have the honour to transmit, for your Lordship's information, the copy of a note from the Minister of Foreign Affairs, in answer to mine of the 4th August, protesting against the decision announced by His Excellency's predecessor in that Department, in his circular of the 24th July, on the subject of Duties to be levied in future on British Manufactures suitable for the African market, arriving *in transitu* at Rio Janeiro; and I am happy to say, that the said note states, that the Brazilian Government have rescinded, after mature consideration, the above-mentioned decision of Senhor de Montezuma.

I have, &c.
(Signed) HAMILTON HAMILTON.

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

Enclosure in No. 55.

(Translation.)

THE Undersigned, &c., in acknowledging receipt of the note which Mr. Hamilton Hamilton, &c. addressed to his predecessor, on the 4th of last August, and in which he protested against the announcement made by the latter in his note of the 24th July, respecting the dues of re-exportation and transhipment to be levied on British merchandise suitable for the trade to the Coast of Africa, has the honour to inform Mr. Hamilton Hamilton, that the Government of His Majesty the Emperor having maturely considered the dispositions of Art. 10, § 1 of the Law of 22nd of last October, has ordered that the Department of Finance should put into literal execution the said Law, which relates only to such merchandise as shall be dispatched in the Custom-houses of the empire for re-exportation or transhipment for the Coast of Africa, which, as the Undersigned has just been informed by the Minister of the above Department, has been put into practice.

The wishes of Mr. Hamilton Hamilton being in this manner complied with,

The Undersigned, &c.
(Signed) ANTONIO P. M. MONTEIRA.

No. 56.

Mr. Gordon to Viscount Palmerston.—(Received March 18.)

MY LORD,

January 19, 1838.

I HAVE the honour to transmit to your Lordship a return of the Vessels which arrived from the coast of Africa during the month of December last, and of the Cargoes which they had previously landed in the vicinity of this port.

From the similar returns forwarded to your Lordship by Her Majesty's Legation, during the course of the year 1837, it will appear, that the Slave Trade to this port is carried on exclusively by vessels under the Portuguese flag. With few

exceptions, these vessels are foreign built, and, consequently, have no right to be recognized as Portuguese. They have all been purchased in Brazil, or have at one period been under the Brazilian flag. The real owners are either Brazilian subjects, or Portuguese residing in Brazil. In many instances, the domicile of the reputed Portuguese owner is not mentioned in the Consular Pass under which the vessel is navigated, while in others the owner is said to be resident in Loanda, or at some other place on the coast of Africa.

During the year 1837, 92 vessels under the Portuguese flag have entered this port from the coast of Africa, after landing their cargoes of slaves in the neighbourhood. By these vessels 41,616 slaves have been imported; this number, however, is short of the actual importation, because some vessels have made two or three voyages during the year, without having entered the port; and no account has been made of their cargoes, except for the voyage on which they have entered to refit. The real importation, therefore, may be estimated at not less than 46,000.

With the exception of 3 vessels, which landed their cargoes at Paranagua (a place where the demand for slaves is very limited, and the situation of which is remote from any other market), the whole of the slaves have been landed on this coast, within the compass of less than four degrees of latitude; namely, from Campos to the north, to the Island of St. Sebastian's to the south, the port of Rio de Janeiro being the central point, and equidistant from each. This being the case, may I be permitted to suggest, that if 8 or 10 small fast-sailing vessels of war were employed in cruising for slavers within the limits just mentioned, certain means for the effectual suppression of the trade with this port would appear to be attained; for it seems scarcely possible, that such cruisers should not fall in with and detain the greater part, if not all, of these lawless traders.

The Slave Trade with this port, I regret to add, has increased to a fearful and unprecedented extent. In the year 1829 (the last during which this horrible traffic was lawful) the importations were considered to be immense; still, in that year, the number of slaves imported was only 44,000, in 105 vessels.

New negroes are now openly exposed for sale in several parts of the city, and at Taquahy, a few leagues distant, there is established a regular market for them, exactly as before the passing of the law of November 7, 1831.

I have, &c.

(Signed)

G. GORDON.

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

&c.

&c.

&c.

Enclosure in No. 56.

Return of Vessels engaged in the Slave Trade, which have entered this Port under the Portuguese Flag, during the month of December, 1837, after having landed their Cargoes of Slaves on this Coast.

No. 1. Smack "*Henriqueta*," from Cape Lebo; landed 319 slaves at Campos.

No. 2. Bark "*Quatro de Março*," from Quillimane, landed 950 slaves at the Island of Tamandua, near St. Sebastian's; 100 slaves died during the passage, and a number of those landed were attacked with ophthalmia.

No. 3. Brig "*Sandade*," from Mozambique; landed 613 slaves at Taipu.

No. 4. Smack "*Vertude*," from Angola; landed 350 slaves at Ponta Negra.

No. 5. Pantacho "*Liberal*," from Angola; landed 348 slaves at St. Sebastian's.

No. 6. Brig "*Luzitano*," from Mozambique; landed 800 slaves at Campos: 77 died during the voyage.

No. 7. Schooner "*Esperança*," from Angola; landed 382 slaves at Alto Moirão.

No. 8. Patacho "*Dois d'Abril*," from Angola; landed 283 slaves at Capa Cabana; they passed along the Praya Vermelha, and were deposited at the house of Lieutenant-Colonel Vasco, at the Glorã.

No. 9. Brig "*Triumfante*," from Mozambique; landed 712 slaves at Campos.

No. 10. Schooner "*Josefina*," from Angola; landed 300 slaves at the Island of Tamandua, and then proceeded to Monte Video, from whence she has returned to this port with only 18 casks of tallow.

No. 11. Brig "*Triunfo d'Inveja*," from Quillimane; landed 814 slaves at Campos.

No. 12. Brig "*Rio Zua*," from Angola; landed 304 slaves at St. Sebastian's; she then proceeded to Monte Video, from whence she has arrived here with only a few casks of tallow.

No. 13. Brig "*Maria Segunda*," from Angola; landed 573 slaves at Campos.

No. 14. Bark "*Veloz*," from Angola; landed 682 slaves at Lepiteba.

Total number of slaves imported by 14 vessels, as above, 7930.
Rio de Janeiro, July, 1838.

No. 57.

*Viscount Palmerston to Mr. Galvao.**Foreign Office, 23rd March, 1838.*

THE Undersigned, &c. has received Her Majesty's Commands to request, that Mr. Galvao, &c. will remind the Brazilian Government, that by the 1st Article of the Convention which was concluded on the 23rd of November, 1826, between Great Britain and Brazil, for the Abolition of the African Slave Trade of Brazil, the Brazilian Government engaged, that 3 years after the Ratifications of the said Convention (of which the Ratifications were exchanged on the 15th of March, 1827), a Law should be passed in Brazil, declaring it unlawful for any Brazilian subject to be concerned in the carrying on of the African Slave Trade, under any pretext, or in any manner whatsoever; and decreeing that the carrying on of such Trade after that period by any person,—a subject of the Empire of Brazil,—should be deemed and treated as piracy.

The Undersigned has further been commanded to observe, that although, on the 7th of November, 1831, a Law was promulgated in Brazil, prohibiting the Slave Trade, and attaching certain penalties to the crime of carrying it on, that Law does not, however, declare Slave Trading to be piracy, and does not ordain that Slave Traders shall be treated as pirates; and, as Her Majesty's Government have reason to believe, that the above-mentioned Law has been wholly ineffectual for the purpose of suppressing the Brazilian Slave Trade, the Undersigned is commanded to declare, that Her Majesty's Government now deem it their duty, formally and distinctly, to demand from the Brazilian Government the full and faithful execution of the engagement contracted by the aforesaid 1st Article of the Convention of 1826.

Mr. Galvao,
&c. &c.

I have, &c.
 (Signed) PALMERSTON.

No. 58.

*Viscount Palmerston to Mr. Gordon.**Foreign Office, 26th March, 1838.*

SIR, I HAVE received your Despatch marked Slave Trade, of the 19th January last, on the subject of the Laws of Brazil for the suppression of the Slave Trade.

I have already, by Her Majesty's Command, stated to Mr. Hamilton, under date of the 28th of February, 1838, that Her Majesty's Government had reason to believe, that the Law of the 7th of November, 1831, has been wholly ineffectual for the purposes for which it was expressly issued; and I instructed Mr. H. Hamilton to demand, formally and distinctly, from the Brazilian Government the full and faithful execution of the engagements, which Brazil had contracted towards Great Britain by the 1st Article of the Convention of the 23rd of November, 1836; that, 3 years after the Ratifications of that Convention, a Law should be passed in Brazil, declaring that the carrying on of the Slave Trade by any person,—a subject of the Empire of Brazil,—should be deemed and treated as piracy.

I enclose herewith to you a Copy of the Note, which Mr. Hamilton was directed to present to the Brazilian Government on this subject; and, in the event of its not having reached Brazil previously to your receiving this Despatch, or if any other cause should have prevented or delayed the presentation of the Note in question, you will lose no time, after the receipt of this Instruction, in presenting such Note to the Brazilian Government.

George Gordon, Esq.
&c. &c. &c.

I have, &c.
 (Signed) PALMERSTON.

No. 59.

M. Galvão to Viscount Palmerston.—(Received April 4th, 1838.)

MY LORD,

York Terrace, le 3 Avril, 1837.

LE Soussigné, Envoyé Extraordinaire, et Ministre Plénipotentiaire de S. M. L'Empereur du Brésil, a l'honneur d'accuser la reception de la note, que son Excellence Mr. le Vicomte Palmerston, Principal Secrétaire d'Etat de Sa

Majesté Britannique au Département des Affaires Etrangères, lui adressa d'ordre de Sa Majesté Britannique, lui demandant de rappeler au Gouvernement Impérial, que par l'Article 1^{er} de la Convention qui a été conclue le 23 Novembre, 1826, entre la Grande Bretagne et le Brésil, pour l'abolition du commerce des esclaves Africains fait par le Brésil, le Gouvernement Impérial s'est engagé à faire passer une Loi, trois ans après la Ratification de la dite Convention (dont les Ratifications ont été Echangées, le 13 Mars, 1837), déclarant illicite aux sujets Brésiliens de prendre aucune part dans le commerce des esclaves Africains, sous aucun prétexte, et d'aucune manière que ce fut, et décrétant qu'un tel commerce fait après cette époque par des sujets de l'Empire du Brésil serait jugé et traité comme piraterie.

Son Excellence a reçu en outre l'ordre de lui rappeler, que, quoiqu'une loi ait été promulguée au Brésil, prohibant le commerce des esclaves, et établissant certaines peines contre le crime de continuer avec ce commerce, cette loi ne l'a pas néanmoins déclaré piraterie, et n'ordonne pas que ceux qui le feraient seraient traités comme des pirates; et comme le Gouvernement de Sa Majesté Britannique a raison de croire, que la loi audessus mentionnée a été entièrement inefficace pour la suppression du commerce Brésilien des esclaves, son Excellence avait l'ordre de déclarer que le Gouvernement de Sa Majesté Britannique a maintenant jugé de son devoir exiger formellement et distinctivement du Gouvernement Impérial l'exécution claire et fidèle de l'engagement contenu dans le 1^{er} Article de la dite Convention de 1826.

Le Soussigné s'empresse de transmettre la note de son Excellence Mr. le Vicomte Palmerston à son Gouvernement, qui la prendra d'autant plus dans sa considération, qu'il a en quelque sort anticipé les désirs du Gouvernement de Sa Majesté Britannique, en renouvelant au soussigné l'ordre de solliciter du Gouvernement de la Reine, sa puissante coopération pour que le Portugal, dont le pavillon protège les trafiquants d'esclaves se prête à signer une Convention avec la Grande Bretagne par laquelle les navires rencontrés sur la haute mer avec des esclaves soient déclarés pirates; le soussigné a l'ordre de souscrire immédiatement à une telle Convention, et son Gouvernement a vu avec regret échouer tous les efforts que les deux Gouvernements ont fait jusqu'ici, pour atteindre une fin si salutaire; ce que le soussigné, déjà deux fois, a eu l'honneur de communiquer à son Excellence.

C'est la ferme conviction du Gouvernement Impérial que, sans cette mesure préliminaire toutes les autres que le même Gouvernement prendrait resteraient sans effet: et cette réclamation lui semble d'autant plus juste, et son opinion d'autant plus bien fondée qu'il est de simple intuition, que le Gouvernement de Sa Majesté Très Fidèle ne peut pas même alléguer en sa défense des préjugés inveterés, ni de la resistance d'une population agricole, accoutumée depuis des siècles à juger légitime ce qu'une loi très récente a déclaré ne l'était pas; de manière que le commerce des esclaves déjà abominable de sa nature devient plus abominable encore protégé par un pavillon étranger dans l'Amérique du Sud.

Sur un objet d'un si vaste interet le soussigné espère encore avoïr l'honneur de solliciter l'attention de son Excellence,

Le soussigné saisit cette occasion, &c.

(Signé)

M. A. GALVAO.

à Son Excellence M. Le Vicomte Palmerston, G.C.B.
&c. &c. &c.

(Translation.)

MY LORD,

York Terrace, April 3, 1838.

The undersigned, &c. has the honour to acknowledge the receipt of the note which his Excellency Viscount Palmerston, &c. addressed to him by command of Her Britannic Majesty, requiring him to remind the Imperial Government, that by the first Article of the Convention, concluded Nov. 23, 1826, between Great Britain and Brazil, for the abolition of the African Slave Trade of Brazil, the Imperial Government engaged to cause a law to be passed, three years after the exchange of the Ratifications of that Convention (which exchange took place March 13, 1827), declaring it unlawful for Brazilian subjects to take any part in the African Slave Trade, under any pretext, and in any manner whatever, and decreeing that any such traffic carried on after that time by subjects of the empire of Brazil, should be deemed and treated as piracy.

His Excellency has further been commanded to remind the undersigned, that though a law has been promulgated in Brazil, forbidding the slave trade, and establishing certain punishments for the crime of continuing to carry on that traffic, yet that this law does not declare it to be piracy, and does not ordain that those who engage therein shall be treated as pirates; and as the Government of Her Britannic Majesty has reason to believe, that the law above-mentioned has been entirely inefficacious for the suppression of the slave trade of Brazil, his Excellency has been commanded to declare, that Her Britannic Majesty's Government has now judged it right to exact formally and distinctly from the Imperial Government the clear and faithful execution of the engagement, contained in the first Article of the said Convention of 1826.

The undersigned will hasten to transmit the note of his Excellency Viscount Palmerston to his Government, who will the more readily take it into consideration, as it has in some measure anticipated the wishes of the Government of Her Britannic Majesty, by renewing its order to the undersigned to solicit the powerful aid of Her Majesty's Government in inducing Portugal, whose flag protects the Slave Traders, to sign a Convention with Great Britain, by which vessels found on the high seas, with slaves on board, may be declared to be pirates: the undersigned has been ordered to accede immediately to such a Convention, and his Government has seen with regret the failure of all the efforts hitherto made by the two Governments for the attainment of so salutary an object; this the undersigned has already had the honour to communicate twice to his Excellency.

It is the firm conviction of the Imperial Government, that, without this preliminary measure, all the others which it might take would remain ineffectual: and the present demand appears to be the more just, and their opinion the better founded, because it is plain that Her Most Faithful Majesty's Government cannot even allege in her defence the inveterate prejudices or the opposition of an agricultural population, accustomed for ages to consider lawful that which a very recent law has declared to be no longer so; so that the slave trade, already abominable in its very nature, becomes even more abominable, protected as it is by a foreign flag, in South America.

The undersigned hopes again to have the honour of soliciting his Excellency's attention to this vastly important subject.

The undersigned takes, &c.

(Signed)

M. A. GALVAO.

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

&c.

&c.

&c.

No. 60.

Viscount Palmerston to M. Galvao.

Foreign Office, 16th April, 1838.

THE Undersigned, &c. has received the note which was addressed to him on the 3rd instant, by M. Galvao, &c. in acknowledgment of the note which was addressed to M. Galvao, by the undersigned, on the 23rd of March, 1838; stating, by command of Her Majesty, that Her Majesty's Government now deem it their duty formally and distinctly to demand from the Brazilian Government, the full and faithful execution of the engagement contracted by the first Article of the Convention of the 23rd of November, 1826, between Great Britain and Brazil, for the abolition of the African Slave Trade of Brazil.

The undersigned waits for the reply which the Government of Brazil may make to the communication of his note of the 23rd of March, and trusts in the honour and justice of the Brazilian Government, that the reply will be satisfactory.

The undersigned observes, in the mean time, with satisfaction, in M. Galvao's note, that M. Galvao is authorized to subscribe, at once, on the part of Brazil, to a Convention to be concluded between Great Britain and Portugal, for the effectual suppression of the slave trade of Portugal.

The undersigned can assure M. Galvao, that Her Majesty's Government is omitting no effort to induce the Portuguese Government to sign such a Treaty as that which is mentioned by M. Galvao.

The undersigned, &c.

(Signed)

PALMERSTON.

To M. Galvao,

&c. &c.

No. 61.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, April 28, 1838.

I OBSERVE, by an Enclosure in Mr. Hamilton's Despatch Slave Trade, of April 18, 1837, that M. Limpo de Abreo encouraged a hope, that the Brazilian Government may eventually permit a hulk to be stationed in the harbour of Rio de Janeiro, for the reception of such negroes as shall be captured by Her Majesty's cruisers, and sent to Rio de Janeiro for adjudication.

I have to instruct you to repeat to the Brazilian Minister the application which Mr. Hamilton had made upon this head; and, as the measure in question has no other object in view than to mitigate the sufferings of the detained negroes, I feel confident that the Brazil Government will not refuse their consent to it.

I am, &c.

(Signed)

PALMERSTON.

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

No. 62.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, April 28, 1838.

YOU will perceive by my Despatch to Mr. Hamilton Hamilton, marked Slave Trade, of the 4th of December, 1837, that I approved of the intention which Mr. Hamilton has expressed, of protesting against the Law proposed by the Marquis de Barbacena on Slave Trade, if it should be adopted by the Legislature of Brazil.

You will be guided by those instructions to Mr. Hamilton, in the event of the proposed Law passing the Brazilian Legislature in its present form; and you will accordingly, in such case, protest against that Law, as containing provisions adverse to the tenor and spirit of the Conventions on Slave Trade, which subsist between Great Britain and Brazil.

I am, &c.

(Signed)

PALMERSTON.

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

No. 63.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, 30th April, 1838.

I HEREWITH transmit to you, under flying seal, an Instruction,* which I have addressed to Her Majesty's Commissioners at Rio de Janeiro, relative to the cases of vessels which, though bearing the Flag of Portugal, are not entitled by that fact to be exempted from the penalties, to which they would be otherwise liable, for being concerned in Slave Trade; but may, under the circumstances specified in the enclosed Instructions, be adjudged and condemned by the Mixed Court at Rio de Janeiro, under the Treaty between Great Britain and Brazil, for the suppression of the Slave Trade.

You will communicate to the Government of Brazil the Instructions, which I have felt it to be my duty to give to Her Majesty's Commissioners on this subject; and you will express to them the confident expectation of her Majesty's Government, that the Government of Brazil will give corresponding Instructions to the Brazilian Members of the Mixed Court sitting at Rio de Janeiro, in furtherance of the common desire of the Governments of Great Britain, Brazil, and Portugal, to put down the Trade in Slaves.

I am, &c.

(Signed)

PALMERSTON.

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

* Despatch to Her Majesty's Commissioners at Rio de Janeiro.

Foreign Office, 30th April, 1838.

(Class A. of this Series, p. 93, No. 67.)

BRAZIL. (*Consular.*)

No. 64.

Mr. Consul Watts to Viscount Palmerston.—(Received April 9, 1838.)

MY LORD,

British Consulate, Pernambuco, Feb. 15, 1838.

I HAVE the honour to transmit to your Lordship a transcript from a Letter which I addressed to Her Majesty's Minister at the Court of Rio de Janeiro, on the 21st of October of last year, to draw his Excellency's attention to the opinion emitted by Senhor Vasconcellos on the subject of the Slave Trade in Brazil.

That opinion has been formally declared by the Provincial Legislative Assembly of Rio de Janeiro, in their Representation of the 17th of last November, to the General Legislative Representation of the Nation, copy and translation, of which I have now the honour to transmit to your Lordship.

The Editor of the "*Jornal do Commercio*," whence that representation has been taken, declares that this important subject has already passed the Senate, and that there is every probability it will be made law in the next sessions of the Legislature, to annul the enactment of the 7th of November, 1831, which prohibits the Slave Trade in Brazil under severe penalties.

I have, &c.

(Signed)

EDWARD WATTS,
Her Britannic Majesty's Consul.

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

&c.

&c.

&c.

First Enclosure in No. 64.

Extract of a Despatch from Mr. Consul Watts to His Excellency Hamilton Hamilton, Her Britannic Majesty's Minister at the Court of Rio de Janeiro, dated the 27th of October, marked "Slave Trade," No. 5.

SIR,

ALTHOUGH it cannot have escaped your vigilance, allow me to fix the attention of your Excellency to the speech of Senhor Bernardo Pereirde Vasconcellos, (now the Minister of the Empire, in the Administration recently formed) which appeared in the "*Jornal de Commercio*" of the 19th of August last, No. 182, of which the following is an extract, declaratory of his sentiments on the subject of the Slave Trade, now so actively pursued all along the coast of Brazil.

(Translation.)

Nor does the wish to expel European labour, and to deter the entrance of Africans, appear to me very consistent; we shall thus have neither the one nor the other, and what will then be the produce of our industry. I wished to offer my opinion in respect of the importers of African hands, and I insist that it seems to me I dissent from my illustrious colleagues, although the English may carry into effect that Treaty, imposed upon us by violence, in abuse of their prepotency, but that we should co-operate with the English in their speculations emblazoned with the name of humanity, is not reasonable, nor does it accord with the feelings of the Brazilian heart, which have been excited by so many violences.

(A true Copy and Translation.)

(Signed)

EDWARD WATTS,

Her Britannic Majesty's Consul.

To Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Second Enclosure in No. 64.

(Translation.)

Representation of the Provincial Legislative Assembly of Rio de Janeiro respecting the Slave Trade.

*Palace of the Provincial Legislative Assembly of Rio de Janeiro,
the 17th of November, 1837.*

AUGUST AND MOST WORTHY REPRESENTATIVES OF THE NATION,

THE Provincial Legislative Assembly of Rio de Janeiro, taking into due consideration the representations of the several Municipal Chambers of this Province, and exercising the right granted, or rather fulfilling the obligation incumbent on them by the 9th clause of the additional Act represent

to the General Legislative Assembly the urgent necessity for the repeal of the law of the 7th November of the year 1831.

That law, admitting it to be dictated by feelings of humanity, far from producing the salutary effect expected to be derived from it, has been the cause of irreparable evils, which are every where being felt, and which are opening an abyss of others still greater, whose terrific consequences can easily be foreseen, should Divine Providence not continue to protect Brazil.

The introduction of Africans has not been impeded by that Law, nor even in part diminished, but on the contrary the traffic has continued and still continues with impunity, notwithstanding the vigilant efforts of public authority to impede their introduction, being able to punish the infractors.

This subservience of the law of the 7th of November has nothing in it extraordinary, nor does it form a solitary example in the history of legislation, but rather must be held as a common occurrence, since it derives its source from the natural and irresistible course of human affairs.

The interests, the habits, the opinions of many centuries, have all combined to persuade the majority of the inhabitants of this country, that it is impossible to dispense with the labour of slaves; and at least the agricultural class, the greatest and the most important, particularly feel this necessity, and if it be an admitted truth that this opinion does actually exist among the majority of the population, one is forced to acknowledge that nothing is more common in the natural course of things than a desire to acquire the labour of slaves, in defiance of all risks, since the law to acquire a convenient and more certain subsistence is unquestionably implanted by Nature in the heart of man, and, these circumstances weighed, nothing is likewise more natural than the discouragement, the lukewarmness, and the neglect of all those whose duty it is to execute a law, such as that of the 7th of November, against which the predominant opinion of the country has been so openly pronounced, and much more so when it is observed that the infractors are so numerous that it would be impossible to punish them effectually, without incurring the risk of producing a deplorable public calamity.

Nor let it be said, that the majority who thus think are in error, and that their true interests require the abstaining from the use of slave labour; for even allowing it to be so, the law of the 7th of November cannot continue to subsist, since it is a certain principle in legislative science that errors, or prejudices among nations deeply-rooted by habits of a length of years, should not be openly impugned, but by indirect means calculated to enlighten the people and to turn them insensibly from those errors or prejudices which it becomes expedient to eradicate, and much more so if they are linked with great popular interests, although they may be more specious than real. This principle is quite applicable to the law of the 7th of November.

These considerations are enforced by another principle which admits of no exception, criminal prohibitory laws should not be enacted, the infringement of which may probably produce an increased number of infractors, rendering their punishment impracticable; the result of such laws is necessarily impunity, which adds to the number of infractors, and nothing can be more demoralizing than a Society accustomed to violate unpunished the laws. And if it be a painful fact, but which cannot be dissimulated, that the infractors of the law of the 7th of November are so many that their punishment is absolutely impracticable, and much more so since there is every reason to expect that their number must increase day by day, and be augmented, how can the continuance of the same law be allowed, without committing the gross political error of desiring, and even of promoting the demoralization of the country with all its inevitable consequences.

If, finally, our view be extended to an epoch of dangerous reaction, in which the law of the 7th of November can have sufficient vigour to become effective in all its clauses, what heart, truly Brazilian, could have the ferocity of a tiger to let tears of blood be shed on the scene of horrors that a futurity so alarming menaces. And to contemplate the painful sufferings of thousands of useful citizens, condemned to end their laborious days in galling fetters, which they had employed in the production of ample revenues with which the country that thus punished their errors, was nourished, aggrandized and prospered, the fields without cultivators, the villagers desolate.

For all these weighty reasons, and others which are not mentioned, since they are better felt than expressed, the Provincial Legislative Assembly of Rio de Janeiro hope that the august and most worthy representatives of the nation will be pleased favourably to receive the present representation in which all Brazil, and especially the Province of Rio de Janeiro, have an interest and claim as expedient.

J. CLEMENTO PEREIRA.

J. J. VAY VEIRA.

J. C. MONTEIRO.

(A correct Translation.)

EDWARD WATTS.

Her Britannic Majesty's Consul.

No. 65.

Viscount Palmerston to Mr. Whateley.

SIR,

Foreign Office, April 24, 1838.

I HEREWITH transmit to you the copy of a Despatch from Her Majesty's Commissioners at Sierra Leone, relating to the case of the Spanish brig "*General Ricafort*," condemned at Sierra Leone on a charge of being concerned in Slave Trade.

My object in sending you this Despatch is, to draw your particular attention to the statement of Her Majesty's Commissioners, that they have not found, among the papers of any vessels which, having cleared out from Bahia, had subsequently been brought before the Mixed Court of which they are members, a manifest of the cargo shipped at the Port from which the vessels cleared out.

The Commissioners add, that on being questioned as to the practice at Bahia,

the parties have denied that any such document as a Manifest, or descriptive clearance of a cargo, had been issued at Bahia in these cases.

The Commissioners observe, that the absence of any document of the nature of a Manifest, seems very irregular; and adds materially to the difficulties of arriving at a correct knowledge of the circumstances of the voyage in which the vessel is engaged.

I have to desire, that you will acquaint me with the practice which prevails upon this subject at Bahia, in order that I may give the desired information to Her Majesty's Commissioners.

I have, &c.
(Signed)

PALMERSTON.

John Whateley, Esq.
British Vice-Consul.

Enclosure in No. 65.

The Sierra Leone Commissioners to Viscount Palmerston.
September 9, 1837.

(See Class A. of First Series, No. 31, page 34.)

FRANCE.

No. 66.

*Viscount Palmerston to Count Sebastiani.**Foreign Office, January 17, 1838.*

THE Undersigned, &c., has the honour to transmit to his Excellency the Count Sebastiani, &c., the accompanying extract of a Despatch from Her Majesty's Consul-General in Egypt, relative to the traffic in slaves, which is alleged to be carried on in Eastern Africa, by French subjects resident at Cairo.

The Undersigned, &c.

(Signed)

PALMERSTON.

His Excellency Count Sebastiani,
 &c. &c.

&c.

Enclosure in No. 66.

Extract of a Despatch from Colonel Campbell to Viscount Palmerston, dated Cairo, Dec. 1, 1837.
 (See No. 81.)

No. 67.

Viscount Palmerston to Earl Granville.

MY LORD.

Foreign Office, 27th February, 1838.

I HAVE to desire that your Excellency will again request the attention of the French Government to the draft of a Slave Trade Treaty, to be proposed to Austria, Russia, and Prussia, and which has now, since May, 1836, been under the consideration of the French Government.

More than a twelvemonth has now passed since, in answer to two pressing representations made by you on this subject to the French Minister, your Excellency received an assurance, that the orders of the King of the French would shortly be taken upon the subject.

You will express the hope of Her Majesty's Government, that the stipulations of the proposed draft of treaty may be found unobjectionable, and that the French Ambassador at London may be authorised to propose the same in conference, conjointly with myself, to the representatives of Austria, Russia, and Prussia. You will state, that this is a matter which Her Majesty's Government have much at heart, and which excites the deepest interest in this country; and you will say, that it will afford Her Majesty's Government very great and sincere satisfaction, to be able to bring the matter to a satisfactory termination in co-operation with the Government of France.

I have, &c.
 (Signed)

PALMERSTON.

To Earl Granville,
 &c. &c.

No. 68.

Count Sebastiani to Viscount Palmerston.—(Received March 6.)

MY LORD,

Hertford House, ce 5 Mars, 1838.

J'AI l'honneur de transmettre à votre Excellence copie d'un rapport fait à son retour en France par le Sieur Fabre, Capitaine de la goëlette Française "L'Africaine," au sujet de vexations qu'il aurait subies de la part d'un enseigne

CLASS B.—FURTHER SERIES.

de vaisseau du brick-de-guerre Anglais "le Childers," en station sur la côte d'Afrique.

Je suis chargé par mon Gouvernement d'appeler sur ce document l'attention sérieuse de votre Excellence, et de lui demander, conformément à l'article 9 de la Convention du 30 Novembre, 1833, relative à la répression de la traite, que les faits signalés soient l'objet d'une enquête, et motivent, s'il y a lieu, la punition de l'officier auquel ils sont attribués.

J'ai l'honneur, &c.

(Signé)

H. SEBASTIANI.

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

&c.

&c.

&c.

(Translation.)

MY LORD,

Hertford House, March 5, 1838.

I HAVE the honour to transmit to your Excellency the copy of a statement made on his return to France by Mr. Fabre, Captain of the French schooner "*l'Africaine*," on the subject of vexatious treatment, to which, it appears, he has been subjected by a Midshipman of the English brig-of-war, "Childers," stationed on the coast of Africa.

I am charged by my Government to call the serious attention of your Excellency to this Document, and to demand, in conformity with the 9th Article of the Convention of November 30, 1833, relative to the Suppression of the Slave Trade, that the facts stated may be made the subject of an investigation, and, if *need be*, may give rise to the punishment of the Officer to whom they are attributed.

I have, &c.

(Signed)

H. SEBASTIANI.

Enclosure in No. 68.

Rapport du Capitaine du Navire "l'Africaine," du-port de 86 tonneaux. Armateurs MM. Vor. et Ls. Régis, frères, et Jean Dovelly. Parti de Marseille le 19 Mars, 1837, pour la Côte Occidentale d'Afrique, et de retour à Marseille le 21 Jan. 1838.

Marseille, ce 22 Janvier, 1838.

La goelette "*l'Africaine*," partie de Marseille le 19 Mars dernier, arrivée sur la Rade de Guittandar le 7 Avril suivant, remit sa lettre pour la colonie, et repartit le même jour pour Goré, où elle arriva le lendemain. Après un séjour de 4 à 5 jours sur cette rade, et y avoir embarqué quelques marchandises, elle mit à la voile pour se rendre à sa destination, les colonies Portugaises de la Guinée méridionale. Elle arriva à St. Paul de Loanda le 24 Juin suivant, y fit quelques opérations de commerce, et parcourut de là les établissemens de Novo Redondo et St. Philippe de Benguela: elle fut de retour à St. Paul de Loanda dans les premiers jours de Septembre, d'où elle partit le 23 du dit pour se rendre à St. Thomé, et y achever la vente de sa cargaison; elle arriva à St. Thomé le 1 Octobre, et en repartit le 16 du dit pour Akra (Côte d'Or).

Le 23 du même mois, sur le méridien de Wydha, elle fut rencontrée par le brick de guerre Anglais "Columbine," Capitaine Anderson. Le Capitaine de ce brick vint lui-même à bord de "*l'Africaine*," et ne fit à bord que les questions d'usage, où allez-vous? à d'où venez-vous? sans manifester aucun désir de visiter le navire, et le quitta peu après, en donnant la vraie longitude par le chronomètre, celle de "*l'Africaine*," étant erronée de 2 degrés, par l'effet des courants très rapides à l'est dans cette saison. "*L'Africaine*" continua sa route pour Akra, où elle mouilla le 29 Octobre, 1837, à 5° 30' 30" du soir. Sur cette rade se trouvaient mouillés le trois-mats de commerce "Robert Hivole," et le brick de guerre "Childers," Capitaine Keppel, tous les deux Anglais. "*L'Africaine*" vint mouiller entre les deux sur la Rade Hollandaise, le fort Hollandais restant au N.N.E. du compas. Au moment où "*l'Africaine*" passa le long du "Childers," une embarcation, montée de cinq rameurs, et d'une sixième personne, en simple veste bleue et casquette avec gallon en or, quitta ce navire et se dirigea sur elle. La brise était faible. Cette embarcation l'accosta par tribord au même instant où "*l'Africaine*" laissa tomber son ancre de babord. L'individu ci-dessus signalé, que je crus un officier, quoiqu'il n'en eût aucun insigne, monta de suite à bord; et après avoir jeté un coup-d'œil scrutateur sur le pont du navire, il demanda le Capitaine: Je me présentai . . . Question de sa part, moitié Français moitié Anglais, si je parlais cette dernière langue. Je répondis non, et lui demandai à mon tour s'il parlait le Portugais. Une négative d'une ironie marquée fut sa réponse; et après un petit instant il m'adressa ces mots: "D' où venez-vous?" "De St. Thomé." "Oh, oh! de St. Thomé," reprit-il; et il ajouta quelques mots que je ne pus comprendre, mais s'avancant vers la grande écouteille, il me dit de la faire ouvrir, pour visiter l'intérieur du navire. Je répondis à cet ordre qui j'ouvris l'écouteille lorsqu'il me montra l'autorisation de S.E. le Ministre de la Marine Française pour pouvoir visiter les navires Français: à cette réponse il se fâcha, et me répéta son ordre impérativement; je fis la même réponse, et lui observai que le traité qui existait entre la France et l'Angleterre, relativement à la répression de la traite des noirs, était très précis et très clair sur ce point-là: à ce second refus il m'accrocha au collet, me disant d'aller à son bord, et tâchant de m'entraîner vers tribord, où était son canot: je lui observai alors que mon navire n'était pas encore amarré; que lorsqu'il le serait et les voiles serrées je m'y rendrais, si je devais y aller; en effet, pendant ce tems le second et le maître filaient encore la chaîne, et

les matelots serraient les voiles. L'Anglais, ne se voyant pas assez fort pour m'entraîner, appela alors à son aide deux canotiers, et me voila tirailé par ces deux matelots et recevant des poussées de cet individu. MM. Villeneuve, Capitaine au long cours, et Grassét, maître au petit cabotage, l'un second et l'autre Lieutenant à mon bord, voyant cette lutte, quittent leur travail et viennent à mon secours ; ce que voyant, l'officier m'abandonne et tombe à coups de poing sur mes deux officiers. Je lui représentai que c'étaient les officiers du bord ; qu'il ne devait pas le permettre de les battre ; et que d'ailleurs il n'avait aucun droit d'exercer de pareilles violences à bord d'un navire où flottait un pavillon allié à sa nation, en lui montrant nos couleurs au haut du grand mât. A ces mots l'officier regarde notre pavillon ; "*à goddem French colours,*" ajoute quelques mots que je ne peux comprendre, et fait le simulacre de cracher dessus, me menaçant toujours et donnant quelques coups de poings à mes officiers, qui faisaient leur possible pour lui tenir les bras, et les deux canotiers, qui imitaient leur officier. Néanmoins, très certain lui-même qu'il n'était pas en droit de me faire ouvrir les écoutes, il demanda à voir les papiers du navire. Pour mettre fin à ces tracasseries, je fis monter sur le pont une boîte en fer blanc, contenant, avec les papiers du bord, d'autres papiers relatifs à la cargaison. J'en tirai le rôle d'équipage, et le lui présentai ouvert. Je refermai la boîte pour la renvoyer ; ce que voyant, il se jeta dessus ; et, aidé de ses canotiers, l'arracha des mains, me disant qu'il voulait tout avoir, et l'envoya dans son canot. Ensuite il fit monter à bord le restant de ses canotiers, et leur ordonna d'emmener mes deux officiers ; je m'y opposai ; alors, ne se voyant pas assez fort pour effectuer cet enlèvement, il se rembarqua avec ses canotiers, faisant force menaces, et retourna à bord du "*Childers.*"

Demi-heure après le même canot, monté du même équipage, plus trois soldats de Marine et le même officier en époulettes et sabre, revint à mon bord. Le canot aborda à babord au porte haubans de misaine ; un soldat sauta à bord, la bayonnette nue à la main, et resta au pied du mât de misaine pour contenir au besoin mes matelots ; qui se trouvaient tous de l'avant ou en bas à leur poste. Immédiatement le canot se laissa culer aux grands porte haubans, et l'officier, les deux autres soldats, et trois canotiers, sautèrent à bord, les uns le sabre d'abordage, et les autres la bayonnette à la main, et sans me rien dire coururent sur mes deux officiers, les menaçant de leurs armes pour les faire embarquer dans leur canot. Pour éviter une plus grande violence, j'ordonnai aux matelots de ne faire aucune démonstration de résistance, et aux officiers de s'embarquer ; je demandai en même tems à l'officier Anglais si je devais le suivre aussi : il me répondit que mon tour viendrait demain.

Descendus dans le canot, mes deux officiers eurent l'impolitesse de s'asseoir dans la chambre ; ils en furent bientôt chassés sur l'avant à coups de poings. Enfin le canot partit et arriva à bord du "*Childers* ;" la garde était sous les armes et renforcés d'une dizaine de matelots armés pour recevoir deux hommes. Arrivés sur le pont, les deux prisonniers tombèrent encore dans leur même faute d'impolitesse ; ils vinrent sur le gaillard d'arrière, mais les coups de poings et les poussées du même officier les firent bientôt chasser. Enfin on apporte une barre de justice, et on les mit aux fers par les deux pieds, leur donnant à choisir du gaillard d'avant ou de l'entrepont ; ils préférèrent ce dernier.

Le même soir l'officier de garde (car il était seul officier à bord) envoya une pirogue à terre, rendre compte à son capitaine de l'arrestation des deux officiers Français. Le lendemain à 7 heures M. le Lieutenant et le Commissaire vinrent à bord du "*Childers* ;" aussitôt arrivé, le Lieutenant fit tirer des fers les deux prisonniers (ils y étaient depuis 13 heures sans qu'on leur eut offert un verre d'eau), les fit venir dans la chambre, et les interrogea en présence de l'officier ; ils dirent tout ce que s'était passé à bord de "*l'Africaine.*" Après leur déposition le Lieutenant adressa quelques paroles à l'officier, qui ne répondit que *[two words illegible in the original]* quoique ce fût en Anglais, les prisonniers comprirent que c'étaient des reproches. Après cela le Lieutenant vint à mon bord pour me voir, mais j'étais déjà descendu à terre : ne m'y trouvant donc pas, il y vint aussi, mais au fort Anglais : ne m'y trouvant pas également, puisque j'étais venu au fort Danois, il retourna à son bord, et remena à bord de "*l'Africaine*" mes deux officiers et la boîte aux papiers.

Le même jour le Capitaine Keppel, son état-major, et quelques négociants d'Akra étaient invités à dîner au fort Danois : dès qu'ils arrivèrent ils prièrent M. le Gouverneur Macq, Capitaine de Frégate de la Marine Danoise, Chevalier de la Légion d'Honneur, ex-Enseigne de vaisseau de la Marine Française, d'intervenir amiablement entre eux et moi pour que cette affaire n'eut pas de suite, et surtout que je ne fisse aucun rapport. Le Capitaine Keppel avouait que son officier avait grand tort, et que tout cela ne serait pas arrivé s'il s'était trouvé à son bord. On proposa donc un accommodement, mais je ne répondis que je ne pouvais accommoder que les violences qu'on s'était permises à mon égard ; qu'il fallait le consentement de mes officiers pour celles auxquelles ils avaient été en lutte ; mais que pour l'insulte faite au pavillon Français, et par conséquent à la nation entière, je n'y avais aucun droit ; que cela devait regarder Son Excellence le Ministre de la Marine, à qui j'en ferais mon rapport en arrivant en France ; que les navires Français sur la côte occidentale d'Afrique étaient trop souvent molestés par les croiseurs Anglais ; que je l'avais été trop indignement aussi dans un précédent voyage pour que je ne fusse pas obligé, pour l'honneur de ma nation, de faire mes démarches pour faire cesser toutes ces avanies de leur part. Lorsqu'on eut porté cette réponse au Capitaine Keppel, il répondit, "*C'est fâcheux ; si ce rapport va en Angleterre, cet officier sera cassé.*" L'affaire en resta là, et le même soir le "*Childers*" appareilla.

Aussitôt après l'enlèvement des officiers, j'écrivis une protestation pour être présenté au résident du fort Anglais, Mr. Anson : le lendemain j'appris qu'il était absent ; je ne pus la lui faire parvenir qu'à son retour, six jours après ; mais Mr. Anson, après l'avoir lue, me la renvoya au moment où j'appareillai, sans donner aucune raison : mais la véritable était que cette affaire avait fait du bruit dans le pays ; chacun condamnait la conduite de l'officier Anglais ; et le résident, qui est un Mulâtre du pays, crût ne pas devoir accepter cette protestation, pour n'être pas obligé de l'envoyer au Gouverneur du Cap Coast ; afin que cette affaire n'eut pas de suite, si je négligeais d'en faire mon rapport.

J'appareillai donc d'Akra le 5 Novembre, venant à Gorée, où nous arrivâmes le 6 Décembre. Je remis à M. le Commandant de la station un double du présent rapport, et je quittai Gorée le 12 au soir en destination pour Marseille. Nous passâmes le détroit de Gibraltar dans la nuit du 5 ou 6 Janvier, 1838, et sommes arrivés à Marseille le 21 du dit, avec environ 7000 killogrammes ivoire, 9000 killogrammes cire, et autant de café, produit de la cargaison de sortie.

Le Capitaine Signé, A. FABRE.

Marseille, ce 25 Janvier, 1838.

Nous, Chef du Service de la Marine à Marseille, ayant voulu faire constater d'une manière authentique les faits contenus dans le rapport qui précède, avons fait appeler par divers noms ceux des officiers et des marins de la goëlette "*l'Africaine,*" encore présents en ce Port, et leur en avons donné connaissance, en leur demandant s'ils sont vrais et présentés tels qu'ils se sont passés. Sur leur réponse

affirmative, et l'assurance que le rapport du Capitaine Fabre ne contient rien que de très exact, nous avons requis au bas du présent la signature de ceux qui savent écrire, et nous avons signé nous-même.

(Signé)

LE LIEUT. GRASSEL.

MARTIN CUISINIER.

MAINARD ALLARD.

JACQUES, *Chef du Service de la Marine.*

Pour Copie conforme.

Le Conseiller d'Etat, Membre du Conseil d'Amirauté, Directeur des Ports.

(Signé)

[Signature illegible.]

Translation.

Statement of the Captain of the Ship "l'Africaine," of 86 tons burthen. Laders Messrs. V. and L. Regis, brothers, and J. Dovelly. Sailed from Marseilles, 19th March, 1837, for the West Coast of Africa, and returned to Marseilles 21st January, 1838.

Marseilles, January 22, 1838.

THE schooner the "*Africaine*," having left Marseilles the 19th March last, arrived in the roads of Guilandor on the 7th of April following, landed her letters for the Colony, and left the same day for Goree, where she arrived the day after. After a stay of 4 or 5 days in this roadstead, and after having shipped certain articles of merchandise, she set sail for her destination, the Portuguese Colonies of central Guinea. She arrived at St. Paul de Loanda on the 24th of June, traded there, and going thence touched at the settlements of Novo Redondo and St. Philippe de Benguela: she had returned to St. Paul de Loando early in September, on the 23rd of which month she sailed for St. Thomas, to finish the sale of her cargo. She arrived at St. Thomas October 1st, and sailed on the 16th for Akra (on the Gold Coast).

On the 23rd of that month, in the meridian of Whydha, she was met by the English brig of war "*Columbine*," Captain Anderson. The Captain of this vessel came himself on board the "*Africaine*," and only put the usual questions, of where are you bound? and where do you come from? without manifesting any desire to visit the vessel, and left her shortly afterwards, giving the exact longitude by the chronometer, that of the "*Africaine*" being wrong by 2 degrees, owing to the very rapid currents to the east at that time. The "*Africaine*" continued her course for Akra, where she anchored on the 29th October, 1831, at half past 5 in the evening.

In the roads there were also anchored the merchant ship "*Robert Hevole*" and the brig of war "*Childers*," Captain Keppel, both English. The "*Africaine*" anchored between the two, in the Dutch Road, the Dutch fort being N.N.E. At the moment when the "*Africaine*" passed alongside the "*Childers*," a boat, pulling 5 oars, and with a sixth person, in a plain blue jacket and a gold-laced cap, quitted the latter vessel, and made for the "*Africaine*." The breeze was light. This boat came up at the starboard at the moment when the "*Africaine*" let go her anchor on the larboard. The person above designated, whom I believed to be an Officer, although he had nothing to mark his being so, mounts on board, and having cast a scrutinizing glance over the deck, asked for the Captain. I presented myself. Question on his side, half French, half English, if I did not speak the last-mentioned language. I answered, no; and asked him, in my turn, if he spoke Portuguese. A negative of marked irony was his answer; and, in a minute or two, he addressed me in these words, "Where do you come from?"—"From St. Thomas." "Oh, oh! from St. Thomas," continued he, and he added some words which I could not understand; but going towards the main-hatch, he told me to have it opened, to search the interior of the vessel. To this order I answered, that I would open the hatch when he showed me the Warrant from the French Minister of Marine empowering him to visit French vessels. At this reply he got angry, and repeated his order imperatively. I made the same answer, and observed to him, that the Treaty between France and England, relative to the suppression of the Slave Trade, was very precise and very clear on that point. At this second refusal he collared me, telling me to go on board his vessel, and trying to drag me to the starboard, where his boat lay. I observed to him that my ship was not yet anchored; that as soon as she was so, and her sails furled, I would go if go I must: in fact, during this time the second in command and the mate were putting out the chain, and the sailors were furling the sails. The Englishman, finding that he was not strong enough to drag me, called 2 boatmen to his assistance, and there I was hauled by these 2 sailors, and pushed by this individual. Messrs. Villeneuve and Grasset, *Captaine du long Cours* and *maitre au petit Cabotage*, the one second and the other Lieutenant on board, seeing this struggle, leave their work and come to my assistance, which the Officer seeing, leaves me and falls upon my 2 Officers with his fists. I represented to him that they were my Officers; that he ought not to allow himself to beat them; and that, moreover, he had no right to act with such violence on board a ship bearing a flag allied to his nation; at the same time shewing him our colours at the main-mast head. At these words the Officer looks at our flag; to *goddam French colours*; adds some words which I could not understand, and makes as if he spit on it, continuing to menace me, and to strike my Officers, who did their utmost to hold his arms, and the 2 boatmen who imitated their Officer. Nevertheless, being quite aware himself that he had no right to make me open the hatches, he asked me to see the ship's papers. To put an end to these troublesome proceedings, I caused to be brought on deck a tin-box, containing, together with the ship's papers, other documents relative to the cargo: I took out the muster-roll and presented it to him open. I closed the box to return it, on seeing which, he threw himself upon it, and, aided by his boatmen, snatched it from my hands, telling me that he wished to have all, and sent it to his boat. He afterwards made the rest of his boat's crew come on board, and ordered them to bring away my 2 Officers. This I opposed; when seeing that he had not sufficient force to effect this, he re-embarked with his boatmen, with many threats, and returned on board the "*Childers*."

Half an hour afterwards, the same boat, having the same crew, with 3 Marines, and the same Officer, with epaulettes and sword, came to my vessel. The boat came on the starboard mizen-chains. A soldier jumped on board, with his naked bayonet in his hand, and remained at the foot of the mizen-mast, to keep back, if need were, my sailors, who were all forward, or below, at their posts. The boat immediately was let adrift to the main-chains, and the Officer, the 2 other soldiers, and 3 boat-

men jumped on board the latter with boarding cutlasses, the former with bayonets in their hands; and, saying nothing to me, ran upon my 2 Officers, threatening them with their arms to make them get into the boat. To avoid any greater violence, I ordered my sailors not to make any show of resistance, and told my Officers to embark; I, at the same time, asked the English Officer if I also was to follow him: he answered that my turn would come to-morrow.

When in the boat, my 2 Officers had the impoliteness to seat themselves in the stern-sheets; they were soon turned out and sent forward, with blows; in fine, the boat went off and reached the "Childers." The guard was under arms, and reinforced by 10 sailors to receive 2 men. Arrived on deck, my 2 Officers fell again into the same breach of politeness; they came upon the quarter-deck, but the cuffs and shoves of the said Officer soon made them leave it. At last irons were brought, and they were chained by the feet, choice being given them of the fore-castle or the lower deck: they chose the latter.

The same evening the Officer of the Guard (for he was the only Officer on board), sent a skiff on shore, to give account to his Captain of the arrest of the 2 French Officers. The next day, at 7 a. m., the Lieutenant and the Purser came on board the "Childers." As soon as they arrived, the Lieutenant caused the 2 prisoners to be taken out of irons (they had been confined 13 hours without being offered a glass of water), made them come into the cabin, and interrogated them in the presence of the Officer. They related all that had passed on board the "*Africaine*." After their deposition, the Lieutenant addressed some words to the Officer, who only replied, not [*some word illegible in the original.*] Although it was in English, the prisoners comprehended that it was some abuse. After that the Lieutenant came on board my vessel to see me, but I had already gone on shore. Not finding me, he also came on shore, but to the English Fort, and not finding me there, I being at the Danish Fort, he returned to his ship, and brought the 2 Officers and the box of Papers back to the "*Africaine*."

The same day Captain Keppel, his Officers, and some merchants of Akra, were invited to dine at the Danish Fort. As they arrived, they begged the Governor, M. Macq, Captain in the Danish Navy, &c., to interfere amicably between them and me, that this affair might go no further, and above all things, that I should not report what had happened. Captain Keppel avowed that his Officer was much in the wrong, and that it would not have happened had he been on board. An arrangement was therefore proposed. But I answered that I could only consent to an arrangement with regard to the violence done to myself; that the consent of my officers was necessary with respect to those which they had suffered; but that, with the insult done to the French flag, and consequently, to the whole nation, I had no right to interfere; that that affair belonged to the Minister of Marine, to whom I should make my Report on arriving in France. That French vessels on the West Coast of Africa were too often molested by English cruisers; that I had been myself in a former voyage treated so unworthily, that I was obliged, for the honour of my nation, to take measures, to put an end to all these insults on their part. When this answer was taken to Captain Keppel, he replied, I am sorry for it, if this statement goes to England, this Officer will be broken. Here the affair rested, and the same evening the "Childers" set sail.

Immediately on the arrest of my Officers, I drew up a protest to be presented to the Resident at the English Fort, Mr. Anson. The next day I learnt that he was absent. I could not send it to him till his return, six days afterwards. But Mr. Anson, after having read it, sent it back to me at the moment when I was setting sail, without alleging any reason for so doing; but the truth was, that this affair had made some noise in the country: every one condemned the conduct of the English Officer; and the Resident, who is a Mulatto of the country, believed that he should not receive this protest, in order to avoid being obliged to send it to the Governor of Cape Coast, in order that, should I fail to make my report, the affair might go no further.

I sailed, then, from Akra, November 5, coming to Goree, where we arrived December 6. I sent to the Officer in command of the station, a Duplicate of this statement, and I left Goree on the 12th, in the evening, my destination being Marseilles. We passed the Straits of Gibraltar in the night of the 5th or 6th of January, 1838, and we arrived at Marseilles the 21st of that month, with about 7000 killogrammes of ivory, 5000 killogrammes of wax, and as much coffee, the produce of the outward cargo.

(Signed)

A. FABRE, *Captain.**Marseilles, January 25, 1838.*

We, Chief of the Marine Service at Marseilles, having wished to authenticate the facts contained in the foregoing statement, have caused to be summoned by their several names the Officers and Sailors of the schooner "*V Africaine*," now present in this port, and have acquainted them therewith, asking them if the facts are true, and stated as they took place. On their answer in the affirmative, and their assurance that Captain Fabre's Report contains nothing but what is very exact; we have required those who can write to sign at the foot of this, which we have signed ourselves.

(Signatures as in the Original.)

No. 69.

Earl Granville to Viscount Palmerston.—(Received March 8.)

MY LORD,

Paris, 5th March, 1838.

I HAVE the honour to enclose to your Lordship the copy of a note which, in compliance with the instructions contained in your Lordship's dispatch, marked Slave Trade, of the 27th of February last, I have addressed to Count Molé.

I have, &c.

(Signed)

GRANVILLE.

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

&c.

&c.

&c.

Enclosure in No. 69.

Earl Granville to His Excellency Count Molé.

MONSIEUR LE COMTE,

Paris, March 5, 1838.

WITH reference to the notes which I had the honour to address to your Excellency on the 7th of November, 1836, and the 2nd January, 1837, relating to a Treaty to be proposed to the Governments of Austria, Russia and Prussia, for the entire suppression of the Slave Trade, and of which Treaty, a Draft was submitted for the consideration and approval of the French Government, in the month of May 1836, I am again instructed to request the early attention of the French Government to this subject. Your Excellency informed me on the 15th January, 1837, in reply to the above-mentioned representations, that unforeseen circumstances alone had prevented your Excellency from taking the orders of the King of the French upon this matter; but at the same time, your Excellency assured me, that you would not fail very shortly to bring the subject under the consideration of His Majesty. More than a twelvemonth has now elapsed since I received this answer from your Excellency, and I am therefore directed again to express to your Excellency, the hope of Her Majesty's Government, that the Stipulations of the proposed Draft of Treaty may be found unobjectionable, and that the French Ambassador at London, may be authorised to propose the same, in conference conjointly with Her Majesty's Principal Secretary of State, to the Representatives of Austria, Russia and Prussia.

It is a question which Her Majesty's Government has much at heart, and which excites the deepest interest in England, and it will afford Her Majesty's Government, very great and sincere satisfaction to be able to bring it to a satisfactory termination, in conjunction with the Government of France.

I am, &c.

(Signed)

GRANVILLE.

His Excellency Count Molé,
&c. &c. &c.

No. 70.

Viscount Palmerston to Count Sebastiani.

SIR,

Foreign Office, March 9, 1838.

THE undersigned, &c. has the honour to state to his Excellency the Count Sebastiani, &c. that he has communicated to Her Majesty's Government the wish expressed by his Excellency in the name of his Court, that the British Ministers at Madrid, Lisbon, and Rio de Janeiro, may be instructed to urge the Governments to which they are respectively accredited, to accede to the Conventions which have been concluded between Great Britain and France for the suppression of the Slave Trade; and the undersigned is desirous on the part of Her Majesty's Government to submit a few observations to Count Sebastiani, for the consideration of the French Government, before instructions are given in accordance with the wish of his Excellency upon this matter.

The French Government is aware, that Great Britain has concluded with Spain, Portugal, and Brazil, separate Treaties for the suppression of the slave trade; and that there exists between those Treaties, and the Conventions concluded for the same purpose by Great Britain and France, one main and prominent distinction, inasmuch as the first-mentioned Treaties establish Courts of Mixed Commission, to try on the spot, ships captured under the provisions of such Treaties: while the last-mentioned Conventions provide, that ships, captured under their stipulations, shall be handed over for adjudication to the ordinary Tribunals of the countries whose flag they bear.

This last-mentioned arrangement is no doubt quite sufficient for the purposes of justice, with respect to vessels bearing the flag of England or of France; because in England and in France the ordinary Tribunals are pure and incorrupt, and offenders brought before those Tribunals are sure to receive the punishment due to their crime.

But in Spain, Portugal, and Brazil, it is to be feared that the case would not be the same; for in those countries the Tribunals are not yet exempt from the suspicion of being accessible to corrupt influence; and public opinion not having yet freed itself from the contamination of the slave trade, the mass of the community do not look upon that crime with the same abhorrence with which it is viewed in England and in France.

It is, therefore, to be apprehended that if Spain, Portugal, and Brazil were simply to accede to the Conventions between England and France, and if in pursuance of such accession French cruizers were to capture slave ships under the flag of those countries, and were to send such ships for adjudication before the ordinary Tribunals of Spain, Portugal, or Brazil, no condemnation would be pronounced upon such slave ships; and the offenders might by such proceedings, only obtain legal impunity for their offence.

The undersigned, therefore, has to request on the part of Her Majesty's Government, that Count Sebastiani would submit for the consideration of the Government of France, whether the attainment of the object, which France and Great Britain have equally at heart, might not be more certainly secured, if France were to make, at least for a given term of years, a separate stipulation with the three Powers in question, so that slave ships under the flag of either of them, when detained and captured by French cruizers, should be sent for adjudication, not to the ordinary Tribunals of those countries, but to the Mixed Commissioners, already constituted by the Treaties subsisting between those countries respectively and Great Britain.

Without such a stipulation, it is obvious that the action of the French cruizers on the coast of Africa would tend to cripple and impede, instead of reinforcing and assisting that of the cruizers of Her Majesty; for supposing, in such case, a British and French cruizer to come up with a Spanish, Portuguese, or Brazilian slave trader, the British cruizer would, upon capturing such slave trader, send her to the Mixed Commissioners at Sierra Leone, where she would be certain of being condemned and dealt with according to the Treaty between Great Britain and the country whose flag she was sailing under; while the French cruizer would on the other hand, by detaining such slave trader, perhaps rescue her from condemnation, by sending her to the jurisdiction of the ordinary Tribunals, in a country, where there is a general conspiracy of all the subordinate authorities of the Government to protect persons and property engaged in the slave trade.

The undersigned, &c.

(Signed)

PALMERSTON.

To His Excellency Count Sebastiani,
&c. &c. &c.

No. 71.

Viscount Palmerston to Count Sebastiani.

Foreign Office, March 22, 1838.

THE undersigned, &c., has the honour to acknowledge the receipt of the note which was addressed to him on the 5th instant, by His Excellency Count Sebastiani, &c., on the subject of the alleged misconduct of an Officer of Her Majesty's brig "Childers," towards the Captain and Officers of the French merchant vessel "*L'Africaine*."

The undersigned has the honour to inform His Excellency, that these papers have been communicated to the Lords Commissioners of the Admiralty; who have been desired to institute an enquiry into the circumstances of the case, the result of which the undersigned will lose no time in communicating to His Excellency.

I am, &c.

(Signed)

PALMERSTON.

To His Excellency Count Sebastiani.
&c. &c. &c.

TWO SICILIES.

No. 72.

The Honourable William Temple to Viscount Palmerston.—(Received March 13.)

MY LORD,

Naples, February 15, 1838.

It is with great satisfaction that I have at length the honour of transmitting to your Lordship the Treaty of Accession of His Majesty the King of the Two Sicilies, to the Conventions between Great Britain and France, for the suppression of the Slave Trade, which was signed on the 14th instant in Triplicate by Prince Cassaro, Mons. de Pallency, and myself.

I have, &c.

(Signed)

W. TEMPLE.

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

No. 73.

Viscount Palmerston to The Honourable William Temple.

SIR,

Foreign Office, April 2, 1838.

I HAVE received your Despatch Slave Trade of the 15th of February last, transmitting the Treaty which you had concluded between Her Majesty and His Sicilian Majesty, for the suppression of the Slave Trade.

Her Majesty's Government highly approve the zeal and the judgment, which you have shewn throughout the protracted negotiation of this Treaty.

Her Majesty has commanded, that Ratifications of the Treaty shall be prepared, and they will be transmitted to you at an early period, to exchange against the Ratifications of the Treaty by His Sicilian Majesty.

I have, &c.

(Signed)

PALMERSTON.

The Right Hon. William Temple,
&c. &c. &c.

No. 74.

Viscount Palmerston to The Honourable William Temple.

SIR,

Foreign Office, April 3, 1838.

I TRANSMIT to you the Queen's Ratification under the Great Seal, of the Convention signed by you, in conjunction with the Plenipotentiaries of France and of the Two Sicilies, on the 14th of February last, and containing the Accession of His Sicilian Majesty to two Conventions between Great Britain and France, which have for their object the more effectual suppression of the Slave Trade; and I am to desire that you will exchange Her Majesty's Ratification against a similar instrument on the part of the King of the Two Sicilies.

I also inclose a certificate to be signed by you and the Prince de Cassaro, upon the exchange of the Ratifications. You will return it to me at the same time, that you forward the Sicilian Ratification.

I am, &c.

(Signed)

PALMERSTON.

The Right Hon. William Temple,
&c. &c. &c.

TUSCANY.

No. 75.

R. Abercrombie, Esq. to Viscount Palmerston.—(Received Jan. 18, 1838.)

MY LORD,

Florence, 24th Nov., 1837.

I HAVE the honour to transmit to your Lordship herewith the original of a Convention, which I have this day signed in conjunction with the Plenipotentiaries of France and Tuscany, by which His Imperial and Royal Highness the Grand Duke of Tuscany accedes to the Two Conventions signed at Paris between Great Britain and France, on the 30th November 1831, and 22d March 1833, for the more effectual suppression of the Slave Trade.

This Convention has been executed in Triplicate, and the originals having been properly collated, the one with the others, were this day signed according to the order of alternation; which privilege, both the French Minister, and myself, have conceded to the Plenipotentiary of the Grand Duke of Tuscany, in compliance with the instructions we have respectively received.

I am, &c.

(Signed)

R. ABERCROMBIE.

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

No. 76.

Viscount Palmerston to Mr. Abercrombie.

SIR,

Foreign Office, February 3, 1838.

I TRANSMIT to you Her Majesty's Ratification under the Great Seal, of the Convention concluded by you, in conjunction with the Plenipotentiaries of France and Tuscany, on the 24th of November last, and containing the Accession of the Grand Duke of Tuscany to Two Conventions between Great Britain and France, which have for their object the suppression of the Slave Trade; and I have to desire that you will exchange Her Majesty's Ratifications against a similar Instrument on the part of His Imperial Highness the Grand Duke of Tuscany.

I also inclose a certificate to be signed by you and the Count Fossombroni, upon the exchange of the Ratifications. You will forward this certificate to me by post immediately, upon the exchange taking place; and the Tuscan Ratification you will keep in your possession, until a safe opportunity shall occur for transmitting it to England.

I am, &c.

(Signed)

PALMERSTON.

Ralph Abercrombie, Esq.
 &c. &c.

No. 77.

Mr. Abercrombie to Viscount Palmerston.—(Received March 2.)

MY LORD,

Florence, 17th February, 1838.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked "Slave Trade," of the 3rd February, 1838, transmitting to me Her Majesty's Ratification, under the Grand Seal, of the Convention which I had the honour to sign in Her Majesty's name, with the Plenipotentiary of the Grand Duke of Tuscany, and in conjunction with the French Plenipotentiary, for the accession of His Imperial and Royal Highness to the Slave Trade Conventions, concluded between England and France, and signed at Paris the 30th November, 1831, and March the 22nd, 1833.

CLASS B.—FURTHER SERIES.

I shall lose no time in informing His Excellency, Count Fossombroni, that I have received Her Majesty's Ratification, and that I am prepared to proceed with the exchange of it against a similar instrument on the part of His Imperial and Royal Highness the Grand Duke of Tuscany.

I have, &c.

(Signed)

R. ABERCROMBIE.

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

No. 78.

Mr. Abercrombie to Viscount Palmerston.—(Received March 2.)

MY LORD,

Florence, 20th February, 1838.

WITH reference to my "Slave Trade" Despatch of the 17th instant, I have to acquaint your Lordship, that I have informed His Excellency, Count Fossombroni, of the arrival of Her Majesty's Ratification of the Convention signed with the Grand Duke of Tuscany, for the accession of His Imperial and Royal Highness to the two Conventions, between Great Britain and France, for the more effectual suppression of the Slave Trade, and that I was prepared to exchange it against a similar document, properly ratified by His Imperial and Royal Highness.

His Excellency Count Fossombroni replied, that the Tuscan Ratification would be immediately forwarded to Pisa, to the Grand Duke, for signature.

Monsieur Bellocq has been written to from Paris, and told that he may expect to receive the Ratification of His Majesty the King of the French, by the French steam-boat of the 23rd instant.

I expect, therefore, to be able to complete the exchange of the Ratifications within a very few days; and as I have this morning received a communication from Her Majesty's Minister at Naples, that the Messenger Littlewood would set out on his journey from that capital to London on the 17th instant, I shall take upon myself to detain him here, until I have it in my power to despatch him with the Ratifications of His Imperial and Royal Highness the Grand Duke of Tuscany.

I am, &c.

(Signed)

R. ABERCROMBIE.

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

No. 79.

Mr. Abercrombie to Viscount Palmerston.—(Received March 13.)

MY LORD,

Florence, 2nd March, 1838.

I HAVE the honour to inform your Lordship, that His Excellency Count Fossombroni, Monsieur le Chevalier Bellocq, and myself, having this morning assembled together at the Foreign Office, we proceeded to exchange the several Ratifications signed by Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, on the one part, and by His Imperial and Royal Highness the Grand Duke of Tuscany on the other part, of the Convention, signed at Florence on the 24th November, 1837, by which His Imperial and Royal Highness the Grand Duke of Tuscany accedes to two Conventions between the Courts of Great Britain and France, concluded at Paris on the 30th of November, 1831, and on the 22nd March, 1833, for the more effectual suppression of the traffic in slaves.

I have, therefore, the honour to transmit herewith to your Lordship, the Ratifications of His Imperial and Royal Highness the Grand Duke of Tuscany of the above-mentioned Convention; as well as the certificate of the said exchange having taken place this day, in the usual form.

I have, &c.

(Signed)

R. ABERCROMBIE.

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

HANSE TOWNS.

No. 80.

Mr. Canning to Viscount Palmerston.—(Received February 12.)

MY LORD,

Hamburgh, 6th February, 1838.

IT appears that the Merchants and Ship-Owners of the Hanse Towns, but particularly those of Bremen, have shown some anxiety, lest the conditions of the 6th Article of the Slave Trade Accession Treaty should expose their vessels fitted up for carrying free emigrants, to capture or detention, on their return voyages, under a suspicion of being intended to carry slaves; and the Senates, desirous of being able to quiet this anxiety, by being permitted to make public the explanation on the point, which took place between the Plenipotentiaries previous to signing the Treaty, have proposed that a Declaratory Protocol, in the form of the enclosed Draft, shall be signed by the Plenipotentiaries who signed the Treaty, and be made public. And the Senates propose, also, that they may be at liberty to give to the Masters of the Hanseatic vessels, carrying out Passengers, a Certificate in the form, and to the effect, of the Draft enclosed.

I beg leave to submit to your Lordship's consideration these proposed documents, and I request that you will be pleased to honour me with your instructions, whether I am to accede or object to them.

I have, &c.

(Signed) HENRY CANNING.

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

&c.

&c.

&c.

Enclosure in No. 80.

Protocole de Négociations servant à interpréter l'Article 6 de la Convention Supplémentaire du 22 Mars, 1833, sur la traité à signer par les Plénipotentiaires de LL. Majestés le Roi de Grande Bretagne et d'Irlande, le Roi des Français et le Plénipotentiaire des Villes Anseatiques, signataires du traité d'accession de ces dernières.

Le commerce des Villes Anseatiques ayant exprimé la crainte que l'Article 6 de la Convention Supplémentaire du 22 Mars, 1833, en énumérant les objets qui établissent une présomption légale du délit de la traite, pourrait compromettre des bâtimens employés au transport de colons libres, et le Plénipotentiaire des Villes Anseatiques, à l'effet de détruire cette crainte, ayant dans le courant de la négociation proposé d'insérer au traité d'accession l'article suivant:—

“ Les objets spécifiés à l'Article 6 de la Convention Supplémentaire du 22 Mars, 1833, comme justifiant la présomption de plein droit, à moins de preuve contraire, d'un délit contre l'abolition de la traite, pouvant se trouver à bord de navires nolisés pour le transport d'émigrés libres, il est expressement stipulé que la certitude d'un pareil emploi, constatée par les papiers d'un bâtiment de commerce sous pavillon de Lubeck, de Brême, et de Hambourg, visés par les Consuls ou Agens Consulaires des Parties Contractantes résidant au port de destination, s'il y en a, de l'un d'eux, ou l'autorité locale, à moins d'indices moins équivoques, sera censée détruire la dite présomption.”

Les Plénipotentiaires de LL. Majestés le Roi de Grande Bretagne et d'Irlande et le Roi des Français ont motivé le refus d'insérer cet article, par le prétexte qu'il suggérerait, tant aux personnes faisant la traite qu'aux autorités locales des pays où elle se fait, et par la conviction de leurs Gouvernemens que des bâtimens destinés à transporter des émigrés libres d'un port des Villes Anseatiques ne courraient jamais le moindre risque de voir leur voyage interrompu par quelque croiseur employé à la suppression de la traite.

Le Plénipotentiaire des Villes Anseatiques, sur la foi de cette conviction, que des bâtimens Anseatiques, transportant de colons libres ne se trouveraient exposés aux molestations de croiseurs employés à la suppression de la traite, ni avant ni après avoir atteint le port de leur destination, a consenti à ce que l'article proposé ne fut pas inséré au traité d'accession. Il a toutefois communiqué aux Plénipotentiaires de LL. Majestés le Roi de Grande Bretagne et d'Irlande et le Roi des Français le modèle d'un Certificat annexé à ce Protocole, par lequel les Sénats, sur la demande des armateurs qui offriront de garanties suffisantes, adresseront aux commandans des navires croisant pour supprimer la traite des noirs la réquisition de laisser librement passer les navires destinés à transporter des passagers libres.

Les Plénipotentiaires signataires du traité d'accession des Villes Anseatiques, afin d'assurer à l'Article 6 l'interprétation conforme aux desirs, aux intentions, et aux convictions de leurs Gouvernemens, ont apposé au présent Protocole leur signature et le cachet de leurs armes.

Fait à Hambourg, ce

Article Supplémentaire.

Le Sénat de la Ville Libre et Anseatique de _____ fait savoir par ces présentes que, devant les Sénateurs et Gardes de Sceaux, Monsieur N. N. et Monsieur N. N., a comparu en personne N. N., armateur du navire _____, nommé N. N., lequel, après avoir prêté serment, a déclaré—

I. Que le dit navire commandé par N. N., ayant à bord environ _____ passagers, va partir à la destination de _____, et qu'il a été pourvu à cet effet:—

1. D'écuelles en treillis.
2. De compartemens et de cabanes pour le transport des dits passagers dans l'entrepont ou sur le tillac.
3. Des planches en réserve requises à cet effet, et,
4. Des provisions d'eau, de barriques à eau, de garnelles, bidons, chaudières en cuivre ou en fer, et d'autres utensils de cuisine; ainsi que de riz et autres provisions de bouche nécessaires à la nourriture des dits passagers.

II. Qu'il est possible que le susdit navire, après son arrivée à _____, port de sa destination, fasse voile pour _____ gardant à bord une partie des dits objets, qui auront servi au transport des dits passagers, savoir: Et le susdit armateur ayant donné des garanties suffisantes, que les objets ci-dessus mentionnés ne seront employés ni à d'autres usages ni à la traite des noirs en particulier, le Sénat requiert tous les commandans des navires croisant pour supprimer la traite des noirs de laisser librement passer le susdit navire comme nullement suspect.

En foi de quoi le présent certificat a été muni du grand sceau d'état et de la signature de Monsieur le Président du Sénat _____, le _____

EGYPT.

No. 81.

Lieutenant-Colonel Campbell to Viscount Palmerston.—(Rec. Jan. 7, 1838.)
(Extract.)

Cairo, 1st December, 1837.

I HAVE the honour to state to your Lordship, that having learned that the Pacha's troops in the interior of Africa, Nubia, Dongola, &c., had been employed in collecting slaves, and that they had even received their pay from the proceeds of the sale of those slaves, I deemed it my imperative duty to lose no time in bringing the subject under the serious notice of His Highness the Viceroy.

Dr. Bowring had in the meantime seen Dr. Holroyd, who had lately come from the above countries, and who had communicated the above facts to him; and not a doubt therefore existed of the authenticity of these facts.

Dr. Bowring, who had been extremely active in collecting details on the subject, and which he had communicated to me, agreed to accompany me to the Pacha, in order to support my arguments and wishes on this occasion.

On the evening of yesterday, Dr. Bowring and myself waited on the Pacha; and, after some general conversation, I proceeded to state, that I had to make a communication to His Highness, but not in my official capacity, and to which I begged to call his very serious attention, as involving a subject on which the people of England were peculiarly susceptible; that I had long heard rumours on the subject, but had not been willing to mention it, until I had obtained such evidence and details as convinced me; that, unless I took the occasion in this friendly and unofficial way to introduce the topic, I would ere long be compelled to do it officially, and which I earnestly desired to avoid.

That statements had gone home to the Government and the people of England, from eye-witnesses, that slave-hunts (*gazoua*) had been carried on by the officers and the troops of the Pacha; that large numbers of negroes had been taken, and had been distributed among the soldiers, in liquidation of the arrears of their pay; that on one occasion the *gazoua* had collected 2,700 slaves, of whom 250 had been forced among the ranks of his army, and the remainder had been divided among the officers and soldiery at fixed prices, according to the state of their arrears.

His Highness listened with great attention to the statement. He said that he was aware, that his officers had carried on the Slave-Trade for their own account, a conduct of which he by no means approved, but he had not heard, and could not believe, that his army had been employed in slave-hunts for the purpose of discharging the arrears of pay; and, inasmuch as to no one soldier was the value of a slave due in arrears, he did not see how the division could take place among the soldiers. He was very willing to have the whole matter investigated; and, if I liked to nominate any individual, even the individual who had given the information, His Highness would nominate another, would pay all the expenses of the journey; and, if matters were found as stated, the grievance should be remedied.

Dr. Bowring and I answered, that, as to the existence of the grievance, there could be no doubt whatever, as we had obtained the most detailed statements; that it was true the value of a slave was more than was due to any one soldier, but that certain numbers of slaves were given to a certain body of soldiers, who made the distribution among themselves of the proceeds of the sales.

That, as the statement of these facts had already gone to England, it was of the highest importance, that some document should be immediately issued by His Highness, ordering peremptorily that these proceedings should be discontinued; and I expressed my hope, that I should be enabled to send such a document to Lord Palmerston by the present packet, in order to enable his Lordship, should the question be brought before Parliament, to state the kind and benevolent view which His Highness had taken of the question.

The Viceroy said that the order should be prepared that very evening, and the translation sent to me the next day.

In the course of the conversation His Highness said, that he was unfavourable to slavery itself, and desired its abolition, little by little, but that the usages and prejudices of the people were great obstacles in his way.

Dr. Bowring assured him, that nothing would be more likely to interest the Government and the people of England than any steps he might take towards advancing this great end. That his neighbour, the Imaun of Muscat, a Mussulman prince, had, at a large annual sacrifice, put an end to the Slave-Trade in his dominions.

His Highness said he had a great regard for the Imaun of Muscat; he was an excellent and a clever man, and he more than once repeated the high estimation in which he held him.

I then mentioned that I had ascertained that several Frenchmen, among whom were Messrs. Visière and Thibaud, had been carrying on the Slave-Trade for their own account, and that I should think it my duty to report them to their own Consul-General. * * * * *

His Highness stated that he had never sanctioned, nor allowed foreigners to be concerned in the Slave-Trade. * * * * *

His Highness said, that he was obliged to us for having brought the subject before him, and was glad on this, as on every occasion, to do anything that would be satisfactory to the British Government, whose good opinion he valued. * * * * *

I shall bring the case of Monsieur Visière and Monsieur Thibaud without loss of time before Monsieur Cochelet, the Consul-General of France, who is now on his way from Alexandria to this place.

I have also heard that some foreigners of other nations are engaged in the same traffic; and, as soon as I can ascertain their names and more conclusive facts, I shall submit them to their respective Consuls-General in Egypt. I am, however, happy to say, that not one British subject is known to be engaged in this nefarious commerce.

Artin Bey, the interpreter of the Pacha, has just sent to me a letter, a copy of which I have the honour to forward to your Lordship, wherein he transmits to me the order of the Viceroy to Kourchid Pacha, the Governor of Sennaar, and to the last paragraph of which I request to call your Lordship's attention, as the Pacha there says, that, even if the abolition of the Slave-Trade should require sacrifices on his part, he will be ready to make them.

I shall not fail to avail myself of this Declaration of His Highness, when a future occasion shall require it.

Enclosure in No. 51.

Artin Bey to Colonel Campbell.

MONSIEUR LE COLONEL,

Caire, le 1er Decembre, 1837.

J'AI l'honneur de vous adresser ci-inclus la traduction de lettre de son Altesse mon maître adressée au Gouverneur de Sennaar, pour mettre fin au système du payment de ses troupes avec des esclaves.

Son Altesse me charge, en vous transmittant la traduction de sa lettre, de vous témoigner toute sa satisfaction, ainsi qu'à M. le Docteur Bowring, pour la bonté que vous avez eue de contribuer à un fait qui montre votre amitié pour elle.

Je saisis cette circonstance, &c.

(Signé)

ARTIN BEY,

Secrétaire Interprète de S. A.

Translation.

MONSIEUR LE COLONEL,

Cairo, 1st December, 1837.

I HAVE the honour to enclose to you herewith the translation of a letter which His Highness, my master, has addressed to the Governor of Sennaar, in order to put an end to the system of paying his troops with slaves.

His Highness charges me, in transmitting the translation of his letter, to testify to you and to Dr. Bowring his satisfaction at the goodness with which you have contributed to an act which shows your friendship towards His Highness.

I seize the occasion, &c.

(Signed)

ARTIN BEY,

Interpreter to H. H.

Sub-Enclosure in No. 81.

Traduction de la Lettre de S. A. R. le Viceroy d'Egypte et Dépendances, adressée au Gouverneur de Sennaar, Kourchid Pacha, en date du 1er December, 1837.

LE Consul-Général et Agent de Sa Majesté Britannique, le Colonel Campbell, et l'honorable Monsieur le Docteur Bowring, m'ont entretenu d'un récit qu'un voyageur leur a fait, que les troupes sous votre commandement reçoivent pour leur solde des esclaves.

Je savais que des esclaves n'auraient pas dû être distribués aux soldats, cependant que les officiers pourraient les acheter et les envoyer au Caire pour leur profit ; et c'est cela que j'aurais cru naturellement le sujet de leur conversation, s'ils ne m'eurent pas assuré d'une manière positive, que non seulement les officiers achetaient des esclaves à leur compte, mais que leurs appointmens, ainsi que la solde des soldats se donnaient en esclaves.

Si c'est ainsi, il faut savoir qu'il est contraire à mes vœux, et qu'il m'est très déshonorant près toutes les personnes civilisées, et surtout près le Gouvernement Anglais, entre lequel et le mien il existe une relation amicale. Par conséquent je vous ordonne, que vous absteniez dorénavant de solder avec des esclaves mes officiers, soldats, et autres employés. Sachez, que je ne veux pas tirer profit d'un commerce qui ne me fait point d'honneur ; et quand même son abolition exigerait de ma part quelques sacrifices, je serai prêt à les essayer. Et faites-moi connaître les circonstances détaillées de motifs qui ont donné lieu au récit du dit voyageur Anglais.

Translation.

Translation of the Letter of His Highness the Viceroy of Egypt and its Dependencies, addressed to the Governor of Sennaar, Kourchid Pacha, under date of the 1st of December, 1837.

COLONEL Campbell, Agent and Consul-General of Her Britannic Majesty, and the honourable gentleman Dr. Bowring, have spoken to me of a report made to them by an English traveller, to the effect that the troops under your command receive slaves for their pay.

I knew that slaves should not have been distributed to the soldiers, but that the officers could buy them, and send them to Cairo for their own profit ; and it was of this latter fact that I should naturally have believed that these gentlemen spoke, had they not assured me positively, that not only did the officers buy slaves for their own profit, but that their appointments and the wages of the soldiers were paid in slaves.

If this be so, be it known that it is contrary to my wishes, and that it tends to dishonour me in the sight of all civilized people, and above all with the English Government, between which and my own friendly relations exist.

I accordingly command you to abstain for the future from paying my officers, soldiers, and other employés with slaves. Know, that I do not wish to derive profit from a traffic which does me no honour ; and that even if its abolition shall require some sacrifices on my part, I am ready to make them. Let me also be informed in detail of the motives which have given occasion for the report of the above-mentioned English traveller.

No. 82.

Viscount Palmerston to Colonel Campbell.

SIR,

Foreign Office, 17th January, 1838.

I HAVE received and laid before the Queen your Despatch of the 1st ultimo, upon the subject of a traffic in slaves, carried on by the Pacha's troops in the interior of Africa ; and I have to acquaint you that I fully approve of your having brought this question before the Pacha.

With respect to the Directions which, in consequence of your representations, were issued to the Governor of Sennaar, to abstain in future from paying the officers, soldiers, and others with slaves, I have to instruct you to assure the Pacha, that Her Majesty's Government fully appreciates the humane and generous feeling, which have prompted, on his part, an order which does him so much honour.

I however observe, that this order, apparently, still permits the officers of the Pacha's army to levy or seize slaves, and to send them to Cairo for sale.

You will, therefore, take the same occasion to submit to his Highness that it would tend to raise the character of his army in the estimation of other countries, and to render the presence of his troops less oppressive and irksome to the population of the districts in which they may happen to be stationed, if he was absolutely to forbid any officer in his service from dealing in any way whatever in the trade in slaves.

I have communicated to the French Ambassador the statements contained in your Despatch, as to the traffic in slaves, which is alleged to be carried on in Eastern Africa, by subjects of France, resident at Cairo.

Lieut. Colonel Campbell,
&c. &c. &c.

I am, &c.
(Signed) PALMERSTON.

UNITED STATES.

No. 83.

Viscount Palmerston to Mr. Fox.

SIR,

Foreign Office, February 13th, 1838.

I HEREWITH transmit to you, for communication to the Government of the United States, the Copy of a Despatch from Her Majesty's Commissioners at the Havana, in which it is stated, that in the month of November last an American schooner sailed from the Havana for the Cape de Verd, being entered outwards in the names of the great slave dealers, Pedro Martinez and Company.

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

(Signed) I have, &c.
PALMERSTON.

Enclosure in No. 83.

Havana Commissioners, November 30, 1837.
(See Class A. of this Series, No. 30.)

MEXICO.

No. 84.

Viscount Palmerston to Mr. Ashburnham.

SIR,

Foreign Office, February 15th, 1838.

I HAVE received your Despatches marked "Slave Trade," to that of the 7th of November last.

Her Majesty's Government have learnt with much regret, that the Committee of the Chamber of Deputies, appointed to examine the Treaty for the Abolition of the Slave Trade, signed by Mr. Pakenham on the 16th of April, 1837, has recommended the Chamber to refuse to ratify this Treaty, and to propose that the Government should enter into fresh negotiations, and should conclude another Treaty for the object above mentioned.

Should the Chamber act upon the recommendation of the Committee, and refuse to ratify the Treaty upon the grounds given in the Report which you inclose in your Despatch, you will state, that Her Majesty's Government are ready to meet the wishes of the Mexican Republic upon some points, and to exempt from the exercise of the right of search, the Mediterranean and other Seas excepted in the Spanish Treaty; and are willing, besides, not to require the Mexicans to employ any cruizers for the next 8 years, if it would be inconvenient for them to do so before that time: and if the Mexican Government think that these modifications of the 4th Article would ensure the acceptance of the Treaty by the Legislature, you are hereby empowered to conclude two additional Articles to the Treaty, containing stipulations accordingly.

With regard, however, to any proposal which the Mexican Government may make for adopting the Provisions of the French Treaty, and for giving up slave-ships and their cargoes to be tried by Mexican Tribunals, you will observe that such a measure would be highly inexpedient; because, if a slaver under Mexican colours were taken off the Coast of Africa, to send the ship and slaves all the way to Mexico, would be to doom many of the negroes to certain death, and all of them to the most severe sufferings during so long a voyage.

With regard to the inutility of Certificates of emancipation, if that point is pressed by the Mexican Minister, you may observe that slavery is as much abolished in the British as in the Mexican Dominions, and, that as the British Government have, nevertheless, no objection to give such Certificates, there seems to be no reason why the Mexican Government should object to such a stipulation, in regard to negroes set free in the Mexican Territory under the provisions of this Treaty.

Charles Ashburnham, Esq.
 &c. &c. &c.

I am, &c.
 (Signed) PALMERSTON.

CHILI.

No. 85.

Hon. John Walpole to Viscount Palmerston.—(Received January 26, 1838.)

MY LORD,

Santiago, 2nd September, 1837.

I HAVE now the honour to acquaint your Lordship with the progress of the negociation which I have been authorized by your Lordship to undertake, for the conclusion of a Treaty between Great Britain and this State for the Abolition of the Slave Trade.

The alterations in the Preamble and in the 1st Article have been made merely with a view to adopt them to the actual situation of this State, in regard to Slavery and to the Slave Trade; every vestige of that commerce having been extirpated throughout the territories of this Republic at the period of its first declaration of Independence of the Mother Country, and its total abolition recognised and confirmed by every successive Constitution.

That in the 2nd Article has been adopted for the purpose of affording time for the acquisition, previous to carrying into practice the stipulations of the Treaty, of the consent of the Legislative Body, without whose approbation any Treaty, even ratified by the Executive Power, is considered as null, and of no effect.

To these alterations I can anticipate no objection on the part of his Majesty's Government.

Nor do I apprehend any serious obstacle to the acceptance of the 2 additional Articles. They were suggested by this Consulate-General as a more convenient mode of expressing the intentions of this Government, and preferable to an alteration of the Articles of the Draft to which they have reference.

It will be seen in the Enclosure, No. 2, to which I beg to refer your Lordship, that these additional Articles comprise alone a declaration of the wishes of this Government (desirous to assist to its utmost in the attainment of the benevolent objects of the Treaty) not to expose itself to the inconvenience of immediate nomination of Members to the Mixed Courts, or of increasing the expense incidental to such appointments, and which, for the reasons stated in that Enclosure, it considers unrequisite to establish the efficiency of these Courts.

During an audience which I had with the Minister for Foreign Affairs, I referred his Excellency to the Art. 9 of Annex B., which provides for the temporary absence of any Member of the Mixed Courts appointed by either of the contracting parties. In this he acquiesced; but at the same time he added his opinion, that all difficulties would be more effectually removed by this explicit declaration of the intentions of the Chilian Government to abstain for the present from any active participation.

In the Instructions which I received for the conduct of this negociation, there appears to be confided to me a certain discretionary power, to admit of alterations for the future consideration and approval of his Majesty's Government. It is in the exercise of that discretion that I have now acted; and satisfied as I am that the absence of a Chilian Judge or Arbitrator, on the terms specified in the first additional Article, is calculated to add to the efficiency of the Treaty, and to facilitate its practical operation, rather than to diminish the one or impede the other,—convinced, as I also feel, that any stipulation which may create a demand on the finances of this country, however certain and limited in its amount,—will tend materially to defeat the object to be attained, and to postpone for a lengthened period the satisfactory termination of this desirable work, I have not hesitated to accept the proposition of the Minister, subject always for the approbation of his Majesty's Government.

I have, &c.

(Signed)

J. WALPOLE.

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

&c.

&c.

&c.

No. 86.

Viscount Palmerston to the Hon. J. Walpole.

SIR,

Foreign Office, 23rd April, 1838.

I HAVE received your Despatch, Slave Trade, of the 2nd of September, 1837, containing an account of your negotiations with the Government of Chile, for a Treaty for the Suppression of Slave Trade.

Her Majesty's Government agree to the alterations proposed by the Chilian Government in the Preamble, and in Articles 1 and 2 of the Treaty.

Her Majesty's Government adopt the principles contained in the additional Articles, Nos. 1 and 2, proposed by the Chilian Government; but suggest an alteration in the latter part of Article 1, in order to establish clearly, that the sentences pronounced by British Judges and Arbitrators, in the absence of Chilian Judges and Arbitrators, shall have the same validity, as if Chilian Commissioners had been appointed, and had been present at the adjudication of the cases.

The last paragraph, in additional Article 2, should be omitted, because it is ambiguous; and that Article ought to remain, as originally proposed by the Chilian Government, without the last paragraph.

A few words should be added at the end of Article 10 of the Treaty, to render the sense and intention more clear.

Annex C., as it stands in the Treaty between Great Britain and Spain, should be substituted for Annex C., as originally proposed to the Chilian Government, because, by the Spanish Annex, the negroes emancipated will be left to the care of the British Government.

I send you a Copy of the Treaty altered accordingly, and I also send you a full power to enable you to conclude and sign.

Her Majesty's Government approve of your zeal and conduct in the negotiation of this Treaty.

I am, &c.

(Signed) PALMERSTON.

The Hon. J. Walpole,
 &c. &c. &c.

MONTE VIDEO.

No. 87.

Mr. Hood to Viscount Palmerston.—(Received Jan. 31, 1838.)

MY LORD,

Monte Video, 29th September, 1837.

I HAD the honour to receive your Lordship's circular Despatch of the 27th of January, enclosing a Decree which had been issued by Her Majesty the Queen of Portugal, on the 10th of December last, abolishing the Slave Trade throughout the Portuguese dominions.

I cannot but regret, that it should be my duty to bring to your Lordship's notice so speedily after the promulgation of that benevolent and magnanimous act, how little either the letter or spirit of that Decree appear to be observed by the Authorities of Her Majesty in her possessions on the Coast of Africa.

The vessel "*Brilhante*," M. M. de Santa Barbara master; the *Dom Manoel de Portugal*, — Negrao master; *Asseiceira*, Joaquin Pedro Ferrara, master; and the *Florinda de Africa*, Ernesto J. de Mello, master; all under the Portuguese flag, arrived in this between the 17th and 20th instant, after landing their slaves on the coast of Brazil, but purporting to be in ballast from the coast of Africa. None of these vessels have Portuguese Registers, nor are they of Portuguese origin; they are, I believe, all Brazilian vessels which have been put under the Portuguese flag at places out of Portugal: the "*Brilhante*" being nationalized by the Mission at Rio de Janeiro in 1835, and the others subsequently by the Portuguese Authorities on the Coast of Africa.

The declared destination of those vessels, when they departed from Africa, were as follows:—The "*Brilhante*" took her clearance from Mosambique in June last having on board 40 very large casks, filled with water for ballast; bound, as is stated by a passport granted on the 10th of June by Don Antonio José de Millo, the Governor of that colony, for Angola, to touch at Buenos Ayres. The "*Dom Manoel de Portugal*" cleared from Loanda about the 5th of August, with 31 very large casks of water, as ballast, bound, as is alleged, by a passport granted on the 21st of July by the Provisional Governors Villela, Continho, and Lolla, for Mosambique, to touch at Buenos Ayres. The "*Florinda de Africa*" cleared from Loanda, about the end of June, with a passport, signed by Villela, Continho, and Lolla, bound for Mosambique, to touch at Monte Video; and the "*Asseiceira*" sailed from Rio de Janeiro with a passport of the Portuguese Legation, dated the 16th of July, with a small cargo of things suited for the coast, and 50 large water casks empty, bound for the Cape de Verds and the coast of Africa.

I have thought it right to particularize the dates of these vessels' despatch, and the Authorities who had granted passports to them, because in every one of these cases, both as respects the destination and the number and size of the water casks on board, pretended to be for ballast, there is evinced in my belief, a systematic and scandalous violation of Her Most Faithful Majesty's humane intention, declared in the said Decree.

Your Lordship's attention will, no doubt be attracted to the very extraordinary circumstance, that those vessels sailing, as they pretend, from one colony in Africa to another in ballast, should find it their interest, not one, but all, to cross the South Atlantic Ocean,—a distance of 5000 miles,—to touch at ports in the River Plate; and that all of them should sail again from hence, also, in ballast, not in the completion of their declared voyage, but for Rio de Janeiro, the port from whence they had all departed some months ago.

Upon the arrival of these vessels, I waited upon Don Leonardo J. Leitte Acevedo, the Portuguese Consul, who, I have great pleasure to inform your Lordship, not only afforded me every information in his power, but exhibited the most laudable and praiseworthy desire of rendering effective the true spirit of Her Majesty's Decree, by forwarding to his Government, with a detailed account, all the original Documents establishing this criminal proceeding.

I have, &c.

(Signed)

THOMAS SAMUEL HOOD.

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

&c.

&c.

&c.

No. 88.

Mr. Mandeville to Viscount Palmerston—(Received Feb. 3, 1838.)

(Extract.)

Buenos Ayres, Oct. 10th, 1837.

TRUSTING that, by these concessions, the obstacles on the part of the Monte Videan Government were now overcome, there remained now only those which the Monte Videan Minister raises against making a Treaty for the abolition of the Slave Trade, by reason of the inconveniences and the expenses which its fulfilment could occasion, through the want of a national maritime force, and of a revenue sufficient to defray the expenses of officers employed in the Mixed Commissions. I assured his Excellency that these difficulties must be overcome, for, if not, all that we had done, and all that we might do, with regard to the conclusion of a Treaty of Commerce, would be as nothing: and I begged leave to repeat to his Excellency, with the greatest respect and truth, that the ratification of the latter is made dependent upon the conclusion of the former: I was inclined to believe, that your Lordship will yield in some points where expense would be caused to the Monte Videan Government by the execution of certain articles concerning the nomination of Commissioners to the Mixed Courts of Justice to be established for bringing to adjudication the vessels which may be detained on suspicion of being concerned in the Slave Trade; but, for this, a reference must be had to England, for I am bound down to the stipulations laid down in the Draft of this Treaty, a copy of which I transmitted with my note: that, with respect to the alteration of any article of the Treaty, by which it would be weakened by a diminution of any of the pains and penalties attached to the infringement of any one of these Articles or of the annexes to the Treaty, I was certain that it would not be listened to.

No. 89.

Viscount Palmerston to Mr. Mandeville.

SIR,

Foreign Office, February 22nd, 1838.

I HAVE received your Despatch of the 10th of October last, upon the subject of the negotiations for the conclusion of a Treaty of Commerce between Great Britain and Monte Video; and I have to inform you that I have referred to the Board of Trade for its opinion, the several points upon which the Monte Videan Minister is desirous that modifications should be made.

With regard, however, to the Treaty for the Abolition of the Slave Trade, it appears that the principal objections raised by the Monte Videan Government against concluding such a Treaty, arise out of the inconveniences and expense which its fulfilment would occasion, owing to the want,—first, of a national maritime force; and, secondly, of a revenue sufficient to defray the expenses of the officers to be employed in the Mixed Commissions.

In order to obviate the first of these objections, I authorize you to propose to insert in the Treaty a stipulation, relieving the Monte Videan Government for ten years from the obligation of employing any cruisers, unless it should think fit to do so; and placing this stipulation on the ground, that the Republic has not a sufficient naval force.

With respect to the expense of Mixed Commissions, you may suggest, that the Monte Videan Government might, perhaps, appoint one of the Foreign Commissioners, resident at Sierra Leone, to act as Monte Videan Commissioner in the Mixed Court to be established in that Colony; and that, at Monte Video itself, the Commission would not be very expensive, as the duty of the Commissioner for Monte Video, which would only be occasional, might probably be performed by some public officer, receiving a salary from the public.

I have, &c.

(Signed)

PALMERSTON.

J. H. Mandeville, Esq.

&c.

&c.

&c.

VENEZUELA.

No. 90.

Sir R. K. Porter to Viscount Palmerston.—(Received July 16.)

MY LORD,

Caracas, May 27th, 1837.

I HAVE the honour and gratification of transmitting to your Lordship the Treaty on the Abolition of the Slave Trade, concluded between His Majesty and the Republic of Venezuela, consisting of thirteen Articles, and an Annex consisting of five others, which were duly signed by the respective Plenipotentiaries on the 19th of the present month.

The Ratifications are to be exchanged within the space of 10 months from the date thereof.

I have, &c.

(Signed)

ROBERT KER PORTER.

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

&c.

&c.

&c.

No. 91.

Viscount Palmerston to Sir R. K. Porter.

SIR,

Foreign Office, April 23rd, 1838.

I HAVE received and laid before the Queen your Despatch of the 27th of May, 1837, transmitting a Treaty which you have concluded with the Minister for Foreign Affairs of Venezuela, for the abolition of the Slave Trade.

Her Majesty approves your zeal and diligence in bringing this negociation to a successful conclusion; and I am commanded to instruct you to state to the Government of Venezuela, that Her Majesty's Government appreciates highly the example which that State has set to its neighbours by concluding this Treaty. In making this communication, you will state the wish of Her Majesty's Government, that no time should be lost in completing this beneficial Act, by obtaining the sanction of the Venezuelan Chambers to the Treaty; and you will say that the Treaty will be ratified by Her Majesty, as soon as the ratifications by those Chambers shall have been received in London.

I have, &c.

(Signed)

PALMERSTON.

Sir R. K. Porter.

&c.

&c.

PERU-BOLIVIA.

No. 92.

Viscount Palmerston to Mr. Belford Wilson.

SIR,

Foreign Office, April 30th, 1838.

I HAVE received your Despatch, marked "Slave Trade," of the 22nd October, 1836.

Her Majesty's Government learn with pleasure, that the Peru-Bolivian Government have expressed their readiness to negotiate a Treaty between Great Britain and the Peru-Bolivian Confederation for the entire suppression of the Slave Trade, and that they are willing to include in that Treaty a stipulation declaring, that the crime of slave trade shall be considered and treated as piracy.

I transmit to you full powers to enable you to conclude and sign such a Treaty.

With reference to your desire to be informed, whether you may assent to any modification of the stipulations relating to the expenses of Mixed Courts, and to the treatment of apprenticed negroes, I herewith transmit to you the draft of two additional Articles, which you are at liberty to propose to the Peru-Bolivian Government; and by which that Government will be relieved from the necessity of appointing Commissioners, and from the expense of maintaining Courts under the Treaty.

Stipulations similar to these, are, in compliance with the request of the Chilian Government, to be annexed to the Treaty between Great Britain and Chili.

You will observe that Annex C, as it stands in the Treaty between Great Britain and Spain on Slave Trade, and as it is proposed to stand in the Treaty with Chili, omits all mention of the treatment of apprentices, but stipulates that the liberated negroes shall be delivered over to the Government to which the cruiser shall belong which captured the vessel on board of which such negroes were found. This stipulation will virtually place the liberated negroes under the charge of the British Government, and will thus, it is hoped, meet the objections which the Peru-Bolivian Government have felt to the stipulations previously proposed to it on this subject.

For greater convenience, and in order to prevent all mistakes, I transmit to you an amended Draft of the whole Treaty, such as you are now authorised to conclude it with the Peru-Bolivian Confederation, containing Annex C, to which I have just referred, and including also an amended version of that Stipulation in Article 6 which provides for the condemnation of vessels equipped for Slave Trade. The last-mentioned Stipulation, thus altered, is better calculated for its purpose than the Stipulation on this subject which was originally sent out to you.

I see no reason, from the tenor of your Despatch, to anticipate on the part of the Peru-Bolivian Government any other objections to the terms of the proposed Treaty than those which I have noticed in this Despatch; and I hope that, after the concessions which you are now authorised to make, you will be able to bring this negotiation to a speedy and satisfactory conclusion.

Belford Hinton Wilson, Esq.
&c. &c.

I have, &c.
(Signed)

PALMERSTON.