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Class B.

CORRESPONDENCE

WITH

FOREIGN POWERS,

RELATING TO

THE SLAVE TRADE.

1837.

Note.—A further Return, containing the Correspondence from the 1st of January 1838 to the 24th of April 1838, and including the Annual Reports of the Commissioners for 1837, is in preparation. All the Reports have not yet been received, but those still wanting may be expected shortly, and the further Return will probably be presented to the House soon after the Easter Recess.

Class B.

CORRESPONDENCE

WITH

FOREIGN POWERS,

RELATING TO

THE SLAVE TRADE.

1837.

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

LONDON:

PRINTED BY WILLIAM CLOWES AND SONS, STAMFORD STREET,
FOR HER MAJESTY'S STATIONERY OFFICE.

1838.

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 311

LECTURE 1

MECHANICS

1.1 Kinematics

1.2 Dynamics

1.3 Energy

1.4 Momentum

1.5 Angular Momentum

1.6 Oscillations

1.7 Relativity

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Class B.

CORRESPONDENCE

WITH

FOREIGN POWERS.

SPAIN.

No. 1.

Mr. Villiers to Viscount Palmerston.—(Received April 3.)

MY LORD,

Madrid, 25th March, 1837.

I HAVE the honour to enclose the Translation of a Note, which I have received from Count Almodovar, informing me that, in compliance with the request contained in my Note of the 19th January to M. Calatrava, orders have been sent to the Captain-General of Cuba to permit a hulk to be established in the bay of the Havana for the reception of liberated negroes, and a lazaret on land for negroes whose state of health requires, that they should be separated from those on board the hulk.

I have, &c.

(Signed)

GEORGE VILLIERS.

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

&c.

&c.

&c.

Enclosure in No. 1.

(Translation.)

Count of Almodovar to Mr. Villiers.

SIR,

Madrid, 12th March, 1837.

WITH reference to my communication to you, of the 21st January last, in reply to the Note which you were pleased to address to me on the 19th of that month, agreeably to Instructions from your Government, respecting the stationing of a hulk in the harbour of the Havana for the reception of negroes liberated by the Mixed Court of Justice, and the establishment of a lazaret in some building on shore, for the small number of negroes whose bad state of health will not permit of their remaining on board the hulk, I have the honour to communicate to you, that Her Majesty's Government approves and permits both these arrangements, for the reasons alleged in your above-mentioned Note; and consequently, under this date, I send to the Captain-General of Cuba the necessary Instructions to give every aid in his power towards carrying them into effect; but, at the same time, and also by Her Majesty's Command, I inform him:—first, that it being difficult to determine from hence, with certainty, if the stationing of the hulk in the harbour itself of the Havana may not be attended with some difficulties, in consequence of the impediment which it may cause to the entrance, departure, and stay of other vessels, he is to concert with the British Commissioner the port or point in which the said hulk can be stationed, bearing in mind that this measure has no other object than that of greater public convenience, united with the safety of the country; and secondly, that, in concert with the said British Commissioner, he shall select the place or building for the establishment of the depôt or lazaret for the sick negroes, in order that they may be properly taken care of, for which object he is not to lose sight of the Sanitary Regulations, and, in conformity with them, previous to the disembarkation of the sick negroes, a Physician, appointed by the Captain-General himself, is to examine them. Having the satisfaction of making the above communication to you, I do not doubt that, on your part, you will make use of it, as may appear to you best calculated for carrying into effect the objects proposed by both Governments.

I avail myself, &c.

(Signed)

COUNT OF ALMODOVAR.

The British Minister,

&c. &c.

CLASS B.

No. 2.

Mr. Villiers to Viscount Palmerston.—(Received April 18.)

MY LORD,

Madrid, 8th April, 1837.

I HAVE the honour to enclose the Copy of a Note which, in compliance with the Instructions contained in your Lordship's Despatch, Slave Trade, of the 28th of February, I have addressed to M. Calatrava, respecting the means resorted to at the Havana for evading the Treaty of 1835, and the protection afforded to the Slave Trade by the Authorities of Cuba.

I have, &c.

(Signed)

GEORGE VILLIERS.

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

&c.

&c.

&c.

Enclosure in No. 2.

Mr. Villiers to M. Calatrava.

SIR,

Madrid, 6th April, 1837.

I HAVE received Instructions to express to your Excellency the anxiety of my Government to be informed, whether any measures have yet been taken for the fulfilment of the provisions of Article 2 of the Treaty for the Suppression of the Slave Trade, of 28th June 1835, by the promulgation of a law inflicting severe punishment on all those subjects of Her Catholic Majesty who shall take any part whatever in the traffic of slaves.

I deeply regret to have, at the same time, to communicate to your Excellency that certain Authorities of Her Catholic Majesty, in the Havana, instead of zealously endeavouring to carry into effect the Treaty of 1835 for the abolition of this execrable traffic, appear to countenance the means which are resorted to for its evasion.

In order that the trade may be carried on as secretly as possible, since the ratification of the Treaty in question, the regulation that all vessels returning from the Coast of Africa to the Havana should hoist a red flag has been dispensed with. The arrival of such vessels is now forbidden to be noticed in the newspapers; and, what is more, vessels sailing to that Coast are permitted to leave the harbour in the dark,—an act which, in all other cases, involves a severe penalty.

In order to avoid the provisions of this Treaty, well-known Spanish vessels are permitted to enter the harbour under Portuguese colours; and no inquiry appears to be made, nor is any difficulty interposed, which would tend to secure the observance of the provisions of the Treaty.

The crews of captured vessels are permitted to purchase their liberation; and, in short, it would seem that the persons concerned in this trade have resolved upon setting the Government of the mother-country at defiance; and that, with the servants of that Government in the Colony, their misconduct finds favour and protection. It would be idle on my part, in addressing myself to your Excellency, to dwell upon the faith of Treaties, or upon the paramount importance of their provisions being scrupulously fulfilled; for I do not doubt that your Excellency, as strongly impressed with these truths as any one can be, will immediately take such measures, both in Spain and the Spanish Colonies, as will prove that the solemn engagements of Her Catholic Majesty's Government are not to be violated with impunity.

I have, &c.

(Signed)

GEORGE VILLIERS.

His Excellency Don Jose Maria Calatrava,

&c.

&c.

&c.

No. 3.

Mr. Villiers to Viscount Palmerston.—(Received April 30.)

MY LORD,

Madrid, 22d April, 1837.

IN obedience to the Instructions contained in your Lordship's Despatch, marked Slave Trade, of the 30th March, I have addressed a Note to M. Calatrava, of which I herewith enclose the Copy, renewing my application respecting the form of Bond and Certificates to be issued under the Regulations of the Slave Trade Treaty, to vessels carrying out casks to the Coast of Africa for the purpose of trading in palm oil.

I have, &c.

(Signed)

GEORGE VILLIERS.

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

&c.

&c.

&c.

Enclosure in No. 3.

Mr. Villiers to M. Calatrava.

SIR,

Madrid, 19th April, 1837.

IN my Note of the 9th June last, I had the honour to inform your Excellency's predecessor that I had received the Instructions of my Government to apply to the Spanish Government with respect to the form of Bond and Certificates to be granted, under the Regulations of the Treaty for the Abolition of the Slave Trade, to vessels carrying out casks to the Coast of Africa for the purpose of

trading in palm oil. I had also the honour to enclose a Copy of the Bond and Certificate which had been adopted in these cases by the British Government, and to request that, as soon as the Spanish Government had resolved upon their form for these documents, they might be communicated to me for the information of the Mixed Court of Justice sitting at Sierra Leone.

As yet, I have not had the honour of receiving an answer to my Note. I beg, however, to state to your Excellency that it is extremely desirable that some form of Certificate, framed in the spirit and according to the Regulations of the Treaty, should be adopted, in order to relieve the Mixed Court from the embarrassment they may be thrown into by the presentation of irregular documents of this kind, which, though issued by Officers of the Spanish Government, have no legal force, from not being drawn up according to the meaning of the Equipment Article of the Treaty.

I have the honour to enclose a Copy [of one of these documents, found among the Papers of the captured ship "*Luisita*," which your Excellency will perceive loses all its validity from its making no mention of security having been taken for the lawful employment of casks referred to in the document.

His Excellency Don Jose Maria Calatrava.
&c. &c. &c.

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

No. 4.

Viscount Palmerston to Mr. Villiers.

SIR,

Foreign Office, 10th May, 1837.

WITH reference to my Despatch to you of the 23th of February last, containing Copy of the Report made by His Majesty's Commissioners at Havana upon Slave Trade during the year 1836, I now transmit to you for your further information, and for communication to the Spanish Government, the Copy of a Despatch, and of its Enclosures, from His Majesty's Commissioners at Sierra Leone, reporting the state of the Slave Trade in the neighbourhood of that Colony during the year above mentioned.

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

(Signed) I am, &c.
PALMERSTON.

Enclosure in No. 4.

(See Class A. of 1836. Supplement A, No. 3.)

No. 5.

Mr. Villiers to Viscount Palmerston.—(Received May 14.)

MY LORD,

Madrid, 6th May, 1837.

I HAVE the honour to enclose the Translation of a Note, which I have received from M. Calatrava, in answer to the complaints which, at various times, I have addressed to his Excellency, upon the manner in which the stipulations of the Slave Treaty are disregarded by the Authorities of Cuba.

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

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

Enclosure in No. 5.

(Translation.)

M. Calatrava to Mr. Villiers.

SIR,

Madrid, 28th April, 1837.

ON the 5th June last my predecessor had the honour to inform you that, by Her Majesty's Commands he had addressed the most positive orders to the Captain-General of Cuba, directing him, agreeably to the engagements between Spain and Great Britain for the Abolition of the Slave Trade, contained in the Treaties of the years 1817 and 1835, to pay the greatest attention to the scrupulous execution of the stipulations of the said Treaties, in order to insure to the liberated negroes the complete emancipation, which, by those Treaties, is granted to them; and it falls now to my lot to have the honour to satisfy your complaints upon this subject, by transcribing herewith that which the abovementioned Captain-General states with respect to the same subject, and by forwarding to you the enclosed Copies, to which reference is made.

"The Royal Order which I have just mentioned, far from producing any embarrassment in the frank manifestation of my proceedings, places me in the advantageous position of being able to give an exact account of them; to repeat that which upon other occasions I had the honour of representing to Her Majesty; to show that the stipulations of the existing Treaties have been in no way violated; and that the accusation brought forward against the Authorities of the island is founded upon malicious reports.

“Already once before, on the 31st December 1834, upon the occasion of a similar complaint made, by one of the British Commissioners of Arbitration, in this place, I addressed to Her Majesty, through the office which your Excellency so worthily directs, a communication, in which I stated the just dispositions which I had taken with regard to this subject. The contribution of 17 dollars, exacted before my taking this command, upon the hire of each liberated negro, and which contribution was deposited in the office of this Government for the support of public establishments, gave rise to suspicions more or less founded, more or less probable, that other sums were received by the officers who intervened in the distribution of the liberated negroes. In order to strike at the root of a complaint of this kind, always prejudicial to the decorum of the Authorities, I thought it expedient to do away with the abovementioned contribution, and to prevent any sum whatever being received by the officers employed in the Secretaryship of this Government, either under this or any other title. For the custody of the sums destined for the several public works, which I undertook from the moment of my taking the command of this island, I appointed two of the richest persons, who also enjoyed a well-merited reputation, namely, the Count of the Reunion, and Don Joachim Gorney, President of the Tribunal of Commerce; and I recommended that, in the distribution of liberated negroes, those persons should be preferred who, possessing the required qualifications, might prove, with the receipts of the abovementioned depositaries, that they had rendered some service, or contributed with voluntary donations to the funds applied to public works.

“There is nothing objectionable in this method of distributing the liberated negroes: no price is fixed upon them, neither is their civil condition altered. Free at the time of their being delivered, they continue in the enjoyment of their liberty during the whole time that they are employed in service, or in labouring for the person under whose care they are placed; and any one who should abuse such a deposit, and endeavour to reduce to slavery a free man, would be punished with all the rigour of the Spanish laws, which, in this respect, are not less severe than those of England; and those which are in force in other civilized nations. Let, upon this occasion, the regulations, or set of conditions, be examined, under which liberated negroes were distributed before my taking this command, and of which I forward Copies, under No. 1, as well as the new set of conditions established during my government, and of which Copies are enclosed under No. 2, and the good treatment of the liberated negroes will be found to be as much respected in them as in the British Possessions themselves.

“According to these regulations, no person can take charge of a liberated negro if he is not a proprietor of land, or if he does not give proper security; and he is strictly bound to provide both good nourishment and religious education for the negro, and all other things necessary to make them useful individuals. By the 8th Article it is determined, that any person who shall sell one of the abovementioned negroes, or shall report him to be dead or fugitive, shall be prosecuted with all the rigour of the law for the crime of selling a free man; and, besides that, shall be compelled to pay a fine of 500 dollars, half of which is to be paid into the hands of the informer. It was wished to give a stimulus to denunciation, and this circumstance proves the care that has been taken to prevent all abuse from being committed upon a free man. I, therefore, cannot conceive what grounds the British Minister can have had to consider the distribution of liberated negroes in no other light than that of a sale: when a crime of this nature is forbidden by the regulations, and severely punished by the laws: when two persons are both legally entitled to solicit an emancipated negro, does the preference given to that one who may prove that he has rendered some service merit such a qualification? Is the civil condition of the liberated negro altered thereby in the least? Are the conditions altered under which that person receives him? In the note in question also a further accusation is made, because the taking the liberated negroes to the interior of the country is permitted; and, truly, this circumstance does not merit any blame whatever. The 4th Article of the Annex. sub litt. C., which forms a part of the Treaty concluded in Madrid, on the 28th of June, 1835, only stipulates that the Spanish Government shall cause the liberated negroes to be treated in strict conformity with the regulations lately promulgated in this city, or with those which may in future be adopted. No article exists in those regulations enacting that the liberated negroes are bound to reside in the city of the Havana, and if it did exist, the considerable number of this class agglomerated from the year 1817 up to this day would immediately compromise the existence of the island. Their good treatment is recommended in general terms, as well as their being taught useful labours, by which they may acquire sufficient skill to earn their livelihood in future: a religious education is prescribed, and none of these requisites are incompatible with their residence in the country. Moreover, public tranquillity, political considerations of the greatest moment, and impatience, have compelled me to prefer employing liberated negroes in the country. There it is easier to watch over them, and there is more facility for rendering them useful members of society, and preventing their contact with suspected negroes. In the city, on the contrary, the means of dissipation abound, care cannot produce the same effects as in the country, nor preserve them entirely from the intercourse with bad negroes, who, by inspiring them with exaggerated ideas of their condition, may render them dangerous for communicating even with the newly imported negroes.”

I avail, &c.

The British Minister,
&c. &c.

(Signed) JOSE M. CALATRAVA.

No. 6.

Viscount Palmerston to M. D'Aguilar.

Foreign Office, 15th May, 1837.

THE Undersigned, &c., has the honour to return to M. D'Aguilar, &c., the Papers, which M. D'Aguilar communicated to the Undersigned, upon the subject of the proposed removal of Dr. Madden, His Majesty's Superintendent of Emancipated Negroes, resident at the Havana.

The Undersigned must express his regret, that the zeal and perseverance in the performance of a public duty, which have obtained for Dr. Madden the approbation of his own Government, should not have equally secured for him that of the Government of Cuba.

His Majesty's Government have as yet had no reason to think, that Dr. Madden has done anything in the fulfilment of the duties assigned to him, either as Superintendent of Liberated Africans, or as temporary member of the Mixed Court of Justice, which would justly subject him to such a mark of censure on the part of the Crown, as would be his removal from his post: on the contrary, Dr. Madden has given indisputable proofs of that anxiety and assiduity in the discharge of difficult and irksome duties, without which he would not be fit for the appointment for which he has been selected.

As the Captain-General of Cuba Don M. Tacon positively declares, that he in no degree protects, and in no manner encourages the illicit importation of slaves into Cuba, His Majesty's Government is bound to believe, that he is ignorant of the gross and continued misconduct in this respect of all the subordinate authorities under his command. But that an extensive and continual traffic in slaves does take place, in and from Cuba; that slave-ships are notoriously fitted out at the Havana, and sent to the Coast of Africa for slaves; that many of these ships return to Cuba, and there illegally land their cargoes; that this fraudulent traffic is connived at and encouraged by all the subordinate Local Authorities; that the names of ships going to and returning from the Coast of Africa are no longer published in the Official Gazette; that such ships are now no longer required to hoist the distinguishing red flag at the mast-head; that ships destined for the Slave Trade are permitted, for the sake of secrecy, to quit the port after nightfall: all these and many other facts of a similar tendency are well known to His Majesty's Government; and it is of great importance for the honour of the Spanish Government, which suffers by the continuance of such practices, that these facts should, without delay, be made known also to Don M. Tacon, in order that he may, for his own sake, and out of regard for the character of Spain, take those prompt and energetic measures, which will doubtless occur to him, for putting an immediate stop to these scandalous proceedings, which are at variance with all the professions of the Spanish Government, and incompatible with the solemn engagements of the Spanish Crown.

To Monsieur D'Aguilar,
&c. &c. &c.

I have, &c.
(Signed) PALMERSTON.

No. 7.

Mr. Villiers to Viscount Palmerston.—(Received June 11.)

(Extract.)

Madrid, 3d June, 1837.

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 10th ultimo, I have addressed to M. Calatrava.

Enclosure in No. 7.

Mr. Villiers to M. Calatrava.

SIR,

Madrid, 2d June, 1837.

I HAVE the honour to inform your Excellency that my Government, persuaded of the zeal and good will which animate the Government of Her Catholic Majesty in their co-operation with that of His Britannic Majesty in endeavouring to suppress the odious traffic in slaves, has instructed me to inform your Excellency that 51 cases of vessels captured as being engaged in this trade, have been adjudged in the Courts of Mixed Commission established at Sierra Leone, between the 1st of January, 1836, and the 1st January, 1837.

Twenty-eight of these vessels were seized and prosecuted for having equipped for the Slave Trade, under the 10th Article of the Treaty of 1835, between Great Britain and Spain. Of these 28 vessels 24 were condemned, and may, therefore, be looked upon as a clear gain to the cause of humanity, arising out of the conclusion of the Treaty in question. It is, however, to be lamented that a sincere and cordial desire does not exist, on the part of the Authorities of Cuba, to carry into full operation the stipulations of this Treaty, otherwise this inhuman traffic would shortly receive its death-blow. When these Authorities are found clearing out *slave-irons* as an article of merchandize, as I had the honour to represent to your Excellency in my Note of 19th January last, and when, at the same time, in place of the formal Bonds and Certificates drawn up according to the Equipment Article of the Treaty, these same Authorities grant to vessels (foreign as well as Spanish) a loosely worded permission to carry an extraordinary quantity of water-casks, without any security having been taken for the lawful employment of their casks (as your Excellency will find fully detailed in my Note of the 19th April last, requesting the Spanish Government to adopt a similar form of Bond and Certificate to that issued by the British Government), it is clear that a faithful compliance with the letter and spirit of

the Treaty is not to be expected from the agents of the Spanish Government in that Island, unless your Excellency will be pleased to adopt some measure of an efficient character, in order to impress upon these agents that it is their duty to aid, by every means in their power, the undoubted intentions of the Metropolitan Government, honourably and punctually to fulfil its engagements.

I am further instructed to represent to your Excellency, that as the Penal Laws of Spain do not visit with punishment the crime of being engaged in the Slave Trade, and as the stipulation in the Treaty of 1835, that a severe penalty on this offence shall be enacted, has not yet been carried into effect, a feeling of perfect security is entertained by the persons employed in slave-vessels; and immediately after the condemnation of their vessel they are very generally re-engaged in their nefarious pursuits, at some of the slave marts in the vicinity of the seats of the Courts of Mixed Commission.

In my Note of 6th April I have already had the honour to request that your Excellency would inform me what steps had been taken towards carrying through the Spanish Legislature the measure stipulated for in the 2d Article of the Treaty, but as yet I have not been favoured with any communication on the subject.

His Excellency Don Jose Maria Calatrava,
&c. &c. &c.

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

No. 8.

(Circular.)

Viscount Palmerston to Mr. Villiers.

SIR,

Foreign Office, 15th June, 1837.

I HEREWITH transmit for your information Copies of Papers, marked A and B, relating to the Slave Trade, which have been presented, by His Majesty's Command, to both Houses of Parliament.

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

I am, &c.
(Signed) PALMERSTON.

No. 9.

Mr. Villiers to Viscount Palmerston.—(Received June 26.)

MY LORD,

Madrid, 18th June, 1837.

I HAVE the honour to enclose the Translation of a Note, which I have received from M. Calatrava, in reply to one which I addressed to his Excellency respecting the enactment of a Law for the severe punishment of Spaniards, convicted of being engaged in the Slave Trade, in conformity with the 2d Article of the Treaty of 1835.

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

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

Enclosure in No. 9.

(Translation.)

M. Calatrava to Mr. Villiers.

SIR,

Madrid, 9th June, 1837.

I HAVE the honour to inform you, in reply to the Note which you were pleased to address to me on the 6th of April last, that on the 10th of December, 1835, Her Majesty's Government presented to the Chamber of "Proceres" a project of Penal Law, drawn up in conformity with the provisions of the 2d Article of the Treaty concluded in the same year between Spain and Great Britain, for the Suppression of the Slave Trade. On the 20th of May, 1836, the said Chamber was reminded of the discussion on this matter, and ceased to exist without its having taken place.

From the foregoing you will perceive that Her Majesty's Government has desired the due fulfilment of the said Article; and that if it has not been carried into effect, it has been on account of the indispensable necessity in which, in consequence of the change which has taken place in our political institutions since the date of the Treaty, the Government is placed, of obtaining the concurrence of the Cortes for the promulgation of a new Penal Law; but I can assure you that it will continue, as hitherto, to promote in them this affair as much as it possibly can, and that I shall lose no time in informing you of the result.

The British Minister,
&c. &c.

I avail myself, &c.
(Signed) JOSE M. CALATRAVA.

No. 10.

Mr. Villiers to Viscount Palmerston.—(Received June 26.)

MY LORD,

Madrid, 18th June, 1837.

I HAVE the honour to enclose the Translation of a Note, which I have received from M. Calatrava, in answer to a renewed application from me respecting the Bonds to be required for the exportation of barrels destined to contain palm oil.

I have, &c.

(Signed)

GEORGE VILLIERS.

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

&c.

&c.

&c.

Enclosure in No. 10.

M. Calatrava to Mr. Villiers.

(Translation.)

SIR,

Madrid, 15th June, 1837.

IN your communication of the 2d instant you express the wish to be informed of the measures adopted by the Spanish Government for carrying into effect the stipulations of the 2d Article of the Treaty concluded for the Suppression of the Slave Trade; and you renew your application, that in the Spanish Custom-houses a Bond should be required from the Owners of vessels who wish to export barrels or casks destined to contain palm oil, before granting the Certificate required of the said vessels by the 6th Clause of the 10th Article of the Treaty above mentioned.

With respect to this last part, I have the honour to inform you in reply, that I have reminded the Minister of Finance of the inquiry which this Minister has made at his office upon the subject, on the 27th of June, 1836, and 19th of May last, the result of which I shall hasten to acquaint you with immediately; and with reference to the other part of your Note, respecting which I replied to you on the 9th instant, I have, for the present, no remark to offer in addition.

I avail myself, &c.

(Signed) JOSE M. CALATRAVA.

The British Minister,

&c.

&c.

No. 11.

Viscount Palmerston to Mr. Villiers.

SIR,

Foreign Office, 27th June, 1837.

WITH reference to your Despatch, marked Slave Trade, of the 25th of March last, stating that orders had been sent to the Captain-General of Cuba to permit a hulk to be established at the Havana for the reception of liberated negroes, I have to acquaint you that Her Majesty's ship "Romney" has been selected for this service, and is about to proceed to the Havana, under the command of Lieutenant Jenkins.

I have, therefore, to instruct you to communicate this information to the Government of Her Catholic Majesty, and to request that instructions may be issued to the Spanish Authorities at the Havana, for the reception of Her Majesty's ship, above named, at that port.

I am, &c.

(Signed) PALMERSTON.

G. W. F. Villiers, Esq.

&c.

&c.

No. 12.

Mr. Villiers to Viscount Palmerston.—(Received July 26.)

MY LORD,

Madrid, 15th July, 1837.

I HAVE the honour to enclose the Copy of a Note, which I have addressed to M. Calatrava, communicating to his Excellency that Her Majesty's ship "Romney" had been directed to proceed to the Havana for the reception of liberated negroes, and requesting that the Captain-General of Cuba may be instructed to receive the "Romney," and to assist her Commander in the execution of his duties.

I have had the honour to receive your Lordship's Despatches, marked Slave Trade, of the 27th and 30th of June.

I have, &c.

(Signed)

GEORGE VILLIERS.

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

&c.

&c.

&c.

Enclosure in No. 12.

M. Villiers to Mr. Calatrava.

SIR,

Madrid, 12th July, 1837.

I HAVE the honour to inform your Excellency that I have received instructions to communicate to the Government of Her Catholic Majesty, that Her Britannic Majesty's ship "Romney" is about to be sent to the Havana to be stationed there as a hulk for the temporary reception of liberated negroes, under the permission which the Count of Almodovar was pleased to inform me, in his Note of 12th March last, had been accorded by the Government of Her Catholic Majesty; orders to that effect having been sent out to the Captain-General of Cuba.

I have the honour likewise to state, for your Excellency's information, that Lieut. Jenkin has been selected to command the "Romney," who, in addition to the general instructions given for the conduct of British Naval officers in a Foreign Port, has been especially recommended by the Lords of the Admiralty to endeavour, by every means in his power, to conciliate the good opinion and respect of the public Authorities and the inhabitants, of the place at which he is to be stationed.

I have not the least doubt that these instructions will be fully complied with by Lieutenant Jenkin and the Officers under his command; and, on the other hand, I have the honour to request that your Excellency will be pleased to instruct the Captain-General of Cuba to receive the "Romney," and to give such assistance as may be in his power to Lieutenant Jenkin in the discharge of the duties imposed on him.

His Excellency Don Jose Maria Calatrava,
&c. &c. &c.

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

No. 13.

Mr. Villiers to Viscount Palmerston.—(Received July 31.)

MY LORD,

Madrid, 22d July, 1837.

I HAVE the honour to enclose the Copy and Translation of a Note, with its Enclosure, which I have received from M. Calatrava, in reply to mine of the 19th January, complaining that the Custom-House Authorities of Santiago de Cuba had permitted 120 pairs of leg-irons to be embarked on board the "Eliza."

M. Calatrava likewise states (with reference to a verbal request from me, that no unnecessary delay should take place upon the subject) that I shall receive an answer respecting the Bond to be required for barrels intended to contain palm-oil, so soon as the Minister of Finance shall have received the information he has asked for upon the matter.

I have, &c.

(Signed)

GEORGE VILLIERS.

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

First Enclosure in No. 13.

(Translation.)

M. Calatrava to Mr. Villiers.

SIR,

Palace, 13th July, 1837.

IN consequence of that which I had the honour of communicating in the Note which I addressed to you on the 21st of January last, in answer to yours of the 19th of the same month, in which you complain of the proceedings of the employés in the Custom-house of St. Jago de Cuba, who gave permission to the "Eliza" to carry on board 120 pair of leg-shackles, and being desirous of satisfying the above-mentioned reclamation, I hasten to transmit to you the enclosed Copy of the Reply given upon this subject, on the 19th of April last, by the Intendant of the Havana to the Minister of Finance.

At the same time I have the honour to inform you, respecting your proposition, that in the Spanish Custom-houses a Bond should be required from the Owners of vessels who present for export barrels intended to contain palm-oil; that the Minister of Finance has also informed me that the necessary data and inquiries are being made upon this subject, in order to obtain all the necessary information, and, as soon as it is received, the office under his charge will communicate the information which it has been desired to furnish.

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

I avail myself, &c.
(Signed) JOSE M. CALATRAVA.

Sub-Enclosure in No. 13.

(Translation.)

Copy of the Letter addressed by the Intendant of the Havana on the 19th of April last to the Minister of Finance.

IN order to carry into due effect the Royal Order issued on the 21st of January last by the Secretary of State's Office, which was transmitted to me on the 20th of February following, through that of your Excellency, desiring that the necessary measures should be immediately taken for investigating and punishing the guilty employés in the Custom-house of St. Jago de Cuba, who allowed 120 pair of leg-irons to be carried on board the Spanish schooner "Eliza," I have ordered the proper information to be collected, and to be sent to the Intendant of that Province for the necessary investigation to be made. According to its results I shall act, and shall also inform your Excellency of that which ought to be brought under Her Majesty's notice, and other necessary measures.

No. 14.

Viscount Palmerston to Mr. Villiers.

SIR,

Foreign Office, 8th August, 1837.

I HAVE received and laid before the Queen your Despatch marked Slave Trade of the 6th of May, enclosing a Note addressed to you by M. Calatrava, in reply to the representations which you have been instructed to make, respecting the alleged non-execution of those stipulations of the Treaty of 1817 with Spain, which provide for the good treatment of negroes emancipated under that Treaty.

M. Calatrava, it appears, considers, that these representations have been satisfactorily answered by the Despatch of the Captain-General of Cuba, the substance of which is recapitulated in his Note to you of the 28th of April last, and which contains only a general denial of the facts reported to Her Majesty's Government, with a summary of the Regulations now in force for the treatment of emancipated negroes in that Island; but I must observe, that Great Britain complains, not so much of any defect in the Regulations themselves, as of the manner in which they are allowed to remain unexecuted and disregarded.

The Captain-General indeed states, that he has put an end to the contribution of 17 dollars, formerly exacted on the hiring of each negro, and which was applied to the support of public establishments; but in the same Despatch it appears, that, in the distribution of the emancipated negroes, a preference is given to those persons who have rendered some public service, or who have contributed voluntary donations to public works; and there is manifestly little or no difference in principle, between this method of taking money on the hiring out of the negroes, and that which the Captain-General makes a merit of having put an end to.

Again, while it is admitted, that the Treaty of 1817 contains no positive stipulation, under which the negroes are entitled to reside in the city of Havana; still, according to the spirit of that Treaty, the Authorities are bound, not to allow the negroes to be taken by their masters to such a distance as shall preclude the possibility of their being carefully watched over and protected.

The negroes are, it seems, hired out to proprietors of land, that is to say, of sugar and coffee estates; and when once removed from the neighbourhood of the city, and employed with other negroes in a state of slavery, it is obvious, that their condition will be eventually assimilated with that of the slaves with whom they are put to work; for they must be entirely at the mercy of their masters, and utterly unable to avail themselves of the protection of the Government, however good the regulations for their treatment may be, and however heavy the punishment denounced by the law for those who may do them wrong.

I have therefore to instruct you, to express to the Spanish Government the regret, with which Her Majesty's Government perceives, that the only fruit produced by the Royal Order, issued to the Captain-General on this subject last year, is a mere recapitulation by that Officer of Regulations, unsupported by any statement of facts showing that these Regulations are duly executed; while, from the Havana, I receive information, such as is contained in the accompanying Papers, which places the present deplorable condition of the emancipated negroes beyond the possibility of a doubt.

But hopeless as the case seems to be, one course still remains open, by the adoption of which these negroes may at length obtain the good treatment and complete freedom to which they are entitled, and which it seems impossible to secure to them as long as they remain in an Island where slavery is still permitted, and where the authority of the Spanish Government is set at nought and disregarded in all that relates to the Slave Trade.

You will, therefore, state to the Spanish Government, that Great Britain is willing to relieve the Island of Cuba from the burthen of these negroes, by removing them, without distinction of age or sex, to the British Colonies, where, under the protection of the British law and among freed-men of their own colour, they will run no risk either of being treated as slaves, or of relapsing into a state of slavery, through the bad faith and cupidity of the slave-owners, to whose care they must unavoidably be committed under the system at present in force in the Island of Cuba.

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

I am, &c.
(Signed) PALMERSTON.

CLASS B.

Enclosure in No. 14.

Mr. Stephen to Mr. Backhouse.

SIR,

Downing-street, 22d June 1837.

I AM directed by Lord Glenelg to transmit to you herewith, for the information of Viscount Palmerston, an Extract of a Letter from the Havana, dated the 28th April, representing the treatment, by the Spanish Authorities in the Island of Cuba, of those captured Africans who were liberated by the Court of Mixed Commission before the late Treaty with Spain for the Suppression of the Slave Trade came into operation; and I am to state that, if Viscount Palmerston should think it right to act upon the suggestion contained in this Letter, and propose to the Spanish Government to relieve it from the burthen of the negroes referred to, Lord Glenelg anticipates no difficulty in providing for them in the British Colonies.

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

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

Sub-Enclosure in No. 14.

Extract of a Letter, dated Havana, 28th April, 1837.

THOUGH the negroes emancipated previously to the operation of the New Treaty do not come within the sphere of my duties, in the hope that some steps may be taken to rescue them from their lamentable situation, I venture to make known to your Lordship the state in which they are.

They have lapsed into hopeless slavery, unless hope there be for them in the interference, strong and speedy, of the Government which rescued them from slavery, and trusted their liberty to the faith of this Government. The remnant of the many thousands of these poor people who are now alive in this Island would actually be benefited by the terms of common slavery; so great are the hardships they suffer from the contempt and hatred in which they are held, strange to say, both by the slaves and by their masters. The latter, to whom they are hired by the Governor, have no interest, no life interest in their health and strength, and consequently of their comforts. Their interest is in a given time to get out of these *emancipados*, as they are called in mockery, the greatest possible quantity of labour that may fall short of producing death during the term of their service.

The Spaniards now say the New Treaty put all matters relating to it on a new footing; that it provided only for negroes liberated since its operation, consequently, the others are taken out of the power of the Commissioners; nay, are beyond the care of the British Government. The consequence is, the mere form which the Governor formerly went through, at stated times, of inspecting the *emancipados* is done away with. An advertisement appears at the usual period of inspection, calling on the employers of the *emancipados* to produce them; and certificates of death, disease, and distance from the Havana, suffice for the mockery of this ceremony. The Governor no longer affects to distribute them without profit; he now sells their services openly, for terms varying from 5 to 15 years, for sums from 5 to 15 ounces, under the name of a voluntary contribution towards the completion of the public works; and on such terms a Mining Company, at St. Jago de Cuba, has lately procured a number of these unfortunate slaves, called *emancipados*, to work their mines.

The practice, whenever a *bonâ-fide* slave dies in the possession of an Owner holding *emancipados*, being to represent in their Returns, the death of one of the latter, when the other has taken place, it follows that temporary slavery generally becomes perpetual; and where the Governor has the power and the will to prevent that practice, one period of servitude has no sooner elapsed than he hires them out anew; and a change of masters only leads to new and severer claims on labour. In short, my Lord, in every respect the *emancipados* are infinitely worse off than other slaves.

Where there is so strong a desire in our Colonies for the introduction of negro labourers, and little doubt of the willingness of the Colonists to pay all the expenses of their removal, I would venture to suggest, whether an application to the Spanish Government might not be attended with some good effect, proposing to relieve them of the burthen of those liberated negroes, and to remove them to such of our Colonies as might be prepared to receive them on the proposed terms. If the application failed, it would deprive the Spaniards of their great argument for the ill treatment these poor people receive,—that they do not know what to do with them;—and it would show the Authorities here that the British Government has not lost sight of these people.

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

I have, &c.
 (Signed) R. B. MADDEN.

No. 15.

Viscount Palmerston to Mr. Villiers.

SIR,

Foreign Office, 9th August, 1837.

I HEREWITH transmit the Copy of a Letter and of its Enclosures, which have been received from the Colonial Office, respecting certain British negroes, who, it is supposed, are detained as slaves in the Island of Porto Rico.

From the evidence, contained in the depositions enclosed in this Letter, it would appear, that, about the year 1832, 19 British slaves were removed from Anguilla to the Island of St. Thomas, and were there sold, and that of this number 14 were transferred to Porto Rico.

In 1836 His Majesty's ship *Vestal*, Captain Jones, was employed to visit St. Thomas and Porto Rico, for the purpose of recovering such British negroes, as might be found on these Islands.

In the Danish Island he experienced no difficulty, in effecting the freedom of the

British subjects there held in slavery; but at Porto Rico no satisfactory result attended Captain Jones's efforts; and the accompanying Extracts of Reports made by that Officer give reason to believe, that there is no prospect of recovering these negroes, except by the direct interference of the Spanish Government in their behalf.

I have therefore to desire, that you will communicate to the Spanish Government, the Papers enclosed in this Despatch, and request that peremptory orders may be issued to the Authorities of Porto Rico, to cause a strict search to be set on foot, not only for the 14 negroes named in the depositions, but for any others, the subjects of Great Britain, who may be held in slavery in that Island; and to lend all the aid in their power to such Officers of Her Britannic Majesty, as may be employed to procure for these individuals the enjoyment of those privileges as free men, to which they are entitled in their capacity of subjects of Her Majesty.

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

I am, &c.
(Signed) PALMERSTON.

First Enclosure in No. 15.

Mr. Stephen to Mr. Backhouse.

SIR,

Downing-street, 5th June, 1837.

WITH reference to your Letter of the 5th November, requesting to be furnished with such specific and particular information respecting the British negroes said to be detained as slaves in Porto Rico, as may enable Viscount Palmerston to address the Spanish Government on the subject with effect; I am directed by Lord Glenelg to transmit to you, for his Lordship's information, the enclosed Copies of depositions taken before the Chief Justice of the Court of King's Bench and Common Pleas in the Island of Anguilla, on the 25th March, 1835. The deponents are described by Mr. Solicitor-General Claxton, in a Letter to Sir E. Murray Macgregor, as consisting of "those persons in Anguilla who knew the slaves that were removed to St. Thomas's, and who could give evidence of their subsequent disposal."

These depositions contain positive evidence that a number of British slaves (19 in all) have been transferred from Anguilla to St. Thomas's; have been sold in the latter Island, and subsequently removed from it; and are believed to have been transferred to Porto Rico.

No opportunity having been offered of examining persons resident in Porto Rico, it is, of course, impossible to prove, by the direct testimony of eye-witnesses, that these British negroes are now to be found there, or even that they ever actually arrived. But in the case of the greater number of them, we have positive evidence that, after having been sold in St. Thomas's, they were seen to go on board vessels bearing Spanish colours, which were understood to be bound for Porto Rico. Of these, only one has yet been discovered and restored.

Lord Glenelg trusts that the Spanish Government may be induced, on the strength of this information, to give such peremptory orders to the Captain-General of Porto Rico as may ensure the restitution of these persons, if they are to be found in the Island.

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

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

Sub-Enclosure in No. 15.

(Copy.)

No. 1.

Before the Honourable Joseph King Wattle, Esq., Chief Justice of the Court of King's Bench and Common Pleas in the Island of Anguilla.

PERSONALLY appeared Benjamin Hanagan, Joseph Gumbs, and London Ryrie, who, being respectively sworn on the Holy Evangelists of Almighty God, severally make oath and say,—

And, first, Benjamin Hanagan saith, that he went to St. Thomas in the schooner "Deborah," nearly 3 years ago; that a slave named Isaac, the property of William Derrick, went in the same vessel; that he worked with Isaac, as slaves, at a large fire-proof house belonging to Mr. Launce, and shortly Isaac was sold by the late Mr. Benjamin Gumbs to Mr. Cappé, the Vendue Master; that Mr. Cappé afterwards sold Isaac to Mr. Lane, and he was shipped, as he believes, to Porto Rico.

Secondly, Joseph Gumbs saith that he knows Isaac was brought from Anguilla to St. Thomas in the schooner "Deborah;" that he was sold to Mr. Cappé, and afterwards sent to Porto Rico.

Lastly, London Ryrie saith that he knows Mr. Cappé bought Isaac, having seen him working for him as his slave, and knows that he was sold afterwards to Mr. Lane, and subsequently, as he heard and believes, was sent to Porto Rico.

(Signed) BENJAMIN ^{his} × HANAGAN.
mark.

(Signed) JOSEPH ^{his} × GUMBS.
mark.

(Signed) LONDON ^{his} × RYRIE.
mark.

Sworn before me, the same being first read over and explained to the deponents, this 25th day of March, 1835.

(Signed) JOSEPH K. WATTLE,
Chief Justice.

No. 2.

Before, &c.

Personally appeared Benjamin Hanagan, Rosey, and Richard Carter, who, being respectively sworn on the Holy Evangelists of Almighty God, respectively make oath and say,—

And, first, the said Benjamin Hanagan saith that Richard, a native slave of Anguilla, was taken to St. Thomas by Peter O'Boyle, since deceased, and there sold to Mr. Da Costa, who subsequently sent him to Porto Rico; that deponent frequently saw him in the service of Mr. Da Costa; and that the day before he sailed for Porto Rico he shook hands with deponent, and told him, that as he had no friends at St. Thomas to assist him to escape, he had made up his mind to go to Porto Rico with Mr. Da Costa.

Secondly, the said Rosey saith that Richard was taken by his deceased master, Peter O'Boyle, to St. Thomas, in the "Deborah," at the same time that deponent went there; knows that he was sold to Mr. Da Costa, but only heard that he was subsequently sent to Porto Rico.

Lastly, Richard Carter deposes that he has seen Richard, formerly the property of Mr. O'Boyle, frequently in the service of Mr. Da Costa at St. Thomas.

(Signed) BENJAMIN ^{his} × HANAGAN
mark.

(Signed) RICHARD ^{his} × CARTER.
mark.

(Signed) ROSEY. ^{her} ×
mark.

Sworn before, &c., 25th day of March, 1835.

(Signed) JOSEPH K. WATTLEY,
Chief Justice.

No. 3.

Before, &c.

Personally appeared Frankey, George Gumbs, and William Gumbs, who, being respectively sworn on the Holy Evangelists of Almighty God, severally make oath and say,—

And, first, the said Frankey saith that Mingo, a slave in Anguilla of Mr. William Gumbs, went to St. Thomas in the same vessel with this deponent, and was sold by him before deponent left St. Thomas, and sent to Porto Rico.

Secondly, George Gumbs saith that he knew Mingo in St. Thomas, and that he was sold and sent to Porto Rico, but does not know to whom he was sold.

Lastly, William Gumbs saith that he knew Mingo in St. Thomas; that he was sold to a coloured person named Da Costa, in whose employment he saw him frequently working, and was present on the wharf when the said Mingo was shipped by Da Costa in his own schooner, the "Chuaico Blanco," to Porto Rico.

(Signed) FRANKEY. ^{her} ×
mark.

(Signed) GEORGE ^{his} × GUMBS.
mark.

(Signed) WILLIAM ^{his} × GUMBS.
mark.

Sworn, &c., 25th March, 1835.

(Signed) JOSEPH K. WATTLEY,
Chief Justice.

No. 4.

Personally appeared Joseph Gumbs and Frankey, who, being respectively duly sworn upon the Holy Evangelists of Almighty God, severally make oath and say,—

And, first, the said Joseph Gumbs saith that he knew Adam, the slave of Mr. William Pitt Hodge, in Anguilla, and saw his master, the said William Pitt Hodge, trying to sell the said Adam at St. Thomas; and this deponent further saith that he, after the said Adam was sold, saw him go on board a vessel bound to the Island of Porto Rico.

Secondly, Frankey saith, that when at St. Thomas, she saw the said Adam taken by two of the Police down to the King's Wharf, and who, in a small boat, conveyed them on board of a Porto Rico vessel.

(Signed) JOSEPH ^{his} × GUMBS.
mark.

(Signed) FRANKEY. ^{her} ×
mark.

Sworn, &c., this 25th March, 1835.

(Signed) JOSEPH K. WATTLEY,
Chief Justice.

No. 5.

Before, &c.

Personally appeared Frankey Carter, Rosey, George Gumbs, and London Ryrie, who, being respectively sworn on the Holy Evangelists of Almighty God, severally make oath and say,—

And, first, Frankey Carter saith that while she was in St. Thomas, about 3 years ago, she saw there Dinah and her 3 children, slaves of Anguilla, belonging to Mr. William Pitt Hodge; they had been sold by him at St. Thomas; they were working as slaves for their Owners, whose names deponent does not know.

Secondly, Rosey saith she saw Dinah and her 3 children at St. Thomas; knows that they were sent to Porto Rico, as she shook hands with Dinah the day she went away; her Owner in St. Thomas, as this deponent believes, was a Miss Charlotte.

Thirdly, George Gumbs saith that he knew Dinah and her 3 children, and saw them at St. Thomas; they were brought from Santa Cruz by Mr. William Pitt; deponent passed by the Vendue Office just after they were sold at Vendue, and met them going down the street below the Big Market, with the person who had just purchased them, whose name deponent did not know; he saw Mr. William Pitt Hodge immediately after at the Vendue Office, and understood he had just sold them.

Fourthly, London Ryrie saith that he was present when Dinah and her 3 children were sold at auction, in presence of Audley, by the direction of Mr. William Pitt Hodge in St. Thomas.

(Signed) FRANKEY ^{her} × CARTER.
mark.

(Signed) ROSEY. ^{her} ×
mark.

(Signed) GEORGE ^{his} × GUMBS.
mark.

(Signed) LONDON ^{his} × RYRIE.
mark.

Sworn, &c., the 25th March, 1835.

(Signed) JOSEPH K. WATTLEY,
Chief Justice.

No. 6.

Before, &c.

Personally appeared Joseph Gumbs, George Gumbs, and William Gumbs, free persons, who being respectively sworn on the Holy Evangelists of Almighty God, severally make oath and say,—

First, Joseph Gumbs saith that he knew Tom in Anguilla, the slave of Mr. Fleming, and has seen him frequently at St. Thomas working as a slave, but not with Mr. Fleming; deponent left him there in May last; does not know his Owner.

Secondly, George Gumbs saith that he knew Tom in Anguilla, and saw him at St. Thomas, he was sold to a person in the country, whose name deponent does not know.

Lastly, William Gumbs saith that he knew Tom in St. Thomas as a slave, but does not know the name of his master: he attempted to make his escape to Tortola, but was brought back, and was subsequently sent, as this deponent heard, to Porto Rico.

(Signed) JOSEPH ^{his} × GUMBS.
mark.

(Signed) GEORGE ^{his} × GUMBS.
mark.

(Signed) WILLIAM ^{his} × GUMBS.
mark.

Sworn, &c., th's 25th March 1835.

(Signed) JOSEPH K. WATTLEY,
Chief Justice.

No. 7.

Before, &c.

Personally appeared George Gumbs and William Gumbs, who being respectively sworn on the Holy Evangelists of Almighty God, severally make oath and say,—

And first, the said George Gumbs saith that he was formerly the slave of Benjamin Gumbs, Esq., deceased, and accompanied his late master and his family as a free person from Anguilla to St. Thomas, but on his arrival there, he was hired out by him, and treated as a slave by the family until his return to Anguilla; he knows that Jeannette and Abraham, Esther and her son Jack, Bella, Eve, and Adam, were sold after the death of Mr. Gumbs, and were, with the exception of Abraham and Adam, sent to Porto Rico; Abraham was sold to Mr. French, but deponent does not know the name of the person to whom Adam was sold, but left them both at St. Thomas. Deponent heard from Harriet, a fellow-servant, that one evening the police had taken the above-mentioned slaves, who were sent to Porto

Rico, and locked them up in a room in Mr. Gumbs's house until the next morning, when they were shipped.

Secondly, William Gumbs saith that he knows the slaves above-mentioned to have been sold by Mrs. Gumbs, the widow of the late Benjamin Gumbs, at St. Thomas. Adam was sold to a Monsieur Hanks, who keeps a spirit shop near the butcher's stall in St. Thomas, and who put him as an apprentice to a cigar-maker: deponent saw two of the police go down in a bumb-boath with Jeannette, James, Esther, Luke, Bella, and Eve, and ship them from Mr. Tapshire's wharf, on board a shallop belonging to Crab Island, from whence deponent heard that they were sent to Porto Rico. This deponent was informed, that a Mr. Monsanter paid Mr. Gumbs the money for them.

(Signed) GEORGE ^{his} × GUMBS.
mark.

(Signed) WILLIAM ^{his} × GUMBS.
mark.

Sworn, &c., this 25th March 1835.

(Signed) JOSEPH K. WATTLEY.

Chief Justice.

No. 8.

Before, &c.

Personally appeared Violet Gumbs, Bristol Gumbs, and Joseph Brooks, who, being respectively duly sworn on the Holy Evangelists of Almighty God, make oath and say,—

First, the said Violet Gumbs saith that her son Andrew asked his master, Doctor Hodge, to allow him, the said Andrew, to go to St. Thomas to work for himself, which request was acceded to by the said Doctor Hodge, who also told deponent that Mr. Morrison, of St. Thomas, was his attorney, and that he, the said Doctor Hodge, had put the said Andrew under the said Mr. Morrison's charge; and deponent saith that she was told by the said Mr. Morrison himself, in St. Thomas, that some time ago the said Andrew was sold, and sent to the Island of Porto Rico; that the said Doctor Hodge had sent a power of attorney to him, the said Mr. Morrison, authorizing him to sell the said Andrew; that the said Doctor Hodge had got 400 dollars for him, and that deponent never would see the said Andrew again. And this deponent further saith that she has received from Minnah Patterson, of St. Thomas, a Letter, in which she mentions that she had heard of her son Andrew at the Island of Porto Rico, and that he was only allowed 2 hours to sleep was worked day and night, and on Sunday also.

Secondly, Bristol Gumbs saith that he went with Andrew to the Island of Porto Rico; that they were both hired by Mr. Bodaige to work on his estate, called Isidore Platello Town, and that, after they had been in Porto Rico some time, the police took deponent and Andrew, and placed them in confinement. And this deponent further saith, that he, the deponent, was sent back to St. Thomas, when he heard Mr. Morrison say that Andrew was sold by him at Porto Rico.

Thirdly, Joseph Brooks saith that Andrew Gumbs was usually hired out with deponent in St. Thomas; that he knows of his, meaning the said Andrew, going to Porto Rico, and that he, this deponent, has since heard that he was sold there.

(Signed) VIOLET ^{his} × GUMBS.
mark.

(Signed) BRISTOL ^{his} × GUMBS.
mark.

(Signed) JOSEPH ^{his} × BROOKES.
mark.

Sworn before, &c., 25th March, 1835.

(Signed) JOSEPH K. WATTLEY,

Chief Justice.

No. 18.

Before, &c.

Personally appeared Benjamin Hanagan, Joseph Gumbs, Samuel Desbores, Frankey, and George Gumbs, who, being respectively sworn on the Holy Evangelists of Almighty God, severally make oath and say,—

First, Benjamin Hanagan saith that he knows Billy, belonging formerly to Belasse Desbores, and Gift his brother, both native slaves of Anguilla, who were taken to St. Thomas, and sold there. Gift was sold to a resident at St. Thomas, whose name deponent does not recollect. Billy was sold by Mr. Belasse, and deponent saw him working with shackles on his feet in St. Thomas, and afterwards saw him from the King's Wharf go on board a vessel which had Spanish colours, bound to Porto Rico.

Secondly, Joseph Gumbs saith that he knows Billy and Gift, slaves of Anguilla, and that they were a short time ago sold at St. Thomas—Gift to a resident there; and that Billy was sold by Mr. Belasse, and went to Porto Rico.

Thirdly, Samuel Desbores saith that he was at St. Thomas when Billy arrived there with Mr. Belasse; saw him taken from the chain gang and go on board a vessel with Spanish colours bound to Porto Rico.

Fourthly, Frankey saith that Billy and Gift went from Anguilla in the same vessel with this deponent to St. Thomas, and were taken by Mr. Belasse and Mr. Benjamin Gumbs, and were sold there. This deponent left Gift at St. Thomas, but Billy was sold at Porto Rico.

Fifthly, George Gumbs saith that he knows Billy and Gift; the latter was sold to Mr. Dochedra, and was at St. Thomas when deponent left there. Billy was taken by Mr. Belasse to Porto Rico. Deponent heard Mr. Belasse tell Billy when he was working in the chain gang to get ready to go to Porto Rico, and saw them go on board a vessel with Spanish colours.

(Signed) BENJAMIN ^{his} × HANAGAN.
mark.

(Signed) JOSEPH ^{his} × GUMBS.
mark.

(Signed) SAMUEL ^{his} × DESBORES.
mark.

(Signed) FRANKEY. ^{her} ×
mark.

(Signed) GEORGE ^{his} × GUMBS.
mark.

Sworn before, &c.

(Signed) JOSEPH K. WATTLEY,
Chief Justice.

No. 19.

Before, &c.

Personally appeared Joseph Gumbs, Rosey, and William Gumbs, who, being respectively duly sworn, make oath and say, and,—

First, the said Joseph Gumbs saith that he knew Pompey, Hester Pyor, and Mingo, and saw them frequently in St. Thomas; that Pompey and Hester were the slaves of one Mr. Ritchie, of St. Thomas, and saw them frequently in that Island; that Pyor was sold to Mr. Da Costa, of St. Thomas, and that Mingo was sold in that Island; but deponent does not remember the name of his purchaser.

Secondly, the said Rosey saith that she knows the above-named slaves; that Pompey and Hester were the slaves of Mr. Ritchie; that Poyer was sold to Mr. Da Costa in St. Thomas, and was sent to Porto Rico; and that Mingo was sold to a person in St. Thomas, whose name deponent does not recollect.

Thirdly, William Gumbs saith that he knew Pompey, Hester Pyor, and Mingo, in St. Thomas; that he often saw Pompey and Hester working as the slaves of Mr. Ritchie; that he knows that Pyor was sold by Mr. Peter Adolphus Hodge to one Mr. Da Costa, of St. Thomas; that deponent heard this from Pyor himself and the grandson of Mr. Da Costa; and this deponent further saith that he was working in the yard of Mr. Da Costa, when he saw Pyor carried on board a Spanish vessel named "*Chuaico Blanco*;" that he saw the vessel sail out from the harbour under Spanish colours, and that Pyor told deponent that she was about to be taken to Porto Rico; and this deponent further saith that he knows that Mingo was sold in St. Thomas, but does not recollect the name of his purchaser, and that he saw the said Mingo working for his master after Mr. Peter Adolphus Hodge had left St. Thomas.

(Signed) JOSEPH ^{his} × GUMBS.
mark.

(Signed) ROSEY. ^{her} ×
mark.

(Signed) WILLIAM ^{his} × GUMBS.
mark.

Sworn, &c., this 25th March, 1835.

(Signed) JOSEPH K. WATTLEY,
Chief Justice.

Second Enclosure in No. 15.

Extract of a Letter from Captain Jones to Sir E. J. Murray Macgregor.

"Vestal" at Sea, 13th June, 1836.

"I PROCEEDED on the 25th to St. Juan di Porto Rico, off which place I arrived the following day, but when I landed to pay my respects to the Captain-General, I had the mortification to find that he was absent on a tour in a distant part of the Island, and that the time of his return was uncertain; though the Lieutenant-Governor expected him soon, and even in a few days. It was in vain, however, that I endeavoured to engage this functionary in any discussion on the business of my mission. He professed his total inability to enter into any affair of the kind in the absence of the Captain-General, nor could I persuade him to refer to any Register of Secretary for the result of those inquiries which my Instructions led me to suppose had been instituted last year, to ascertain the number of British negroes in Porto Rico. The most I could obtain was a promise that any letter which I thought fit to write to the Captain-General should be immediately forwarded to him by express. I therefore wrote the Letter (No. 1.) which was sent with your Excellency's Letter addressed to the Captain-General.

"I had promised to return for an answer in 8 days, and I arrived punctually off St. Jean de Porto Rico on the 2d June, and sent a Lieutenant on shore with a Letter (No. 2.) addressed to the Captain-General. His Excellency was still absent, and was not now expected to return under 14 days. He was said to be at Ponce, on the south side of the Island, and thither I resolved to proceed immediately in quest of him; but on the 1st June I received intelligence which materially affected my own

position, and induced me to change my plans. By this time I had seen good reason to fear that the success of my mission at Porto Rico was doubtful at best, and would probably be attended with much delay; for though the Spaniards made an outward show of cold civility, I could by no means reckon upon the cordial co-operation which I received from the Danish Authorities, and without which no favourable result could be expected. There was room to apprehend that, when I could no longer be amused and kept from an interview with the Captain-General, difficulties would be made as to the terms on which the liberation of the slaves would be agreed to. As I had now obtained an insight into the high value that was placed upon slaves in Porto Rico, I began to foresee that very serious obstacles to my success might arise from that source, I therefore deemed it advisable to profit by the delays occasioned by the uncertain movements of the Captain-General, to arrive at a clear preliminary understanding with him, as to the footing on which we should treat for the redemption of the slaves within his Government; with this view I addressed to him the Letter No. 3, which I hope your Excellency will approve of, in as far as I have ventured to make use of your name."

Third Enclosure in No. 15.

Extract of a Letter from Captain Jones to Vice-Admiral Sir Peter Halkett, G.C.H.

His Majesty's ship "Vestal" at Sea, 16th July, 1836.

"But at Porto Rico, owing to the absence of the Captain-General from the seat of Government, no satisfactory progress was made, and I am inclined to believe that no other result will be obtained in that Island, except by virtue of a Royal Order from Spain; the grounds of this belief, and the details are fully set forth in the Letter which, under Sir George Cockburn's Instructions, I addressed to Sir Evan J. Murray M'Gregor, and to the Copy of which, enclosed, I beg leave to refer you for the state of the business, as far as it came under my management."

No. 16.

Viscount Palmerston to Mr. Villiers.

SIR,

Foreign Office, 10th August, 1837.

I HAVE received and laid before the Queen your Despatch, marked Slave Trade, of the 18th June last, enclosing the Translation of a Note addressed to you by M. Calatrava, in explanation of the delay in the enactment of a law for the punishment of Spanish subjects convicted of being engaged in the Slave Trade.

This delay is attributed by M. Calatrava to the necessity of obtaining the concurrence of the Cortes to the promulgation of any new penal law; and I have therefore to instruct you to urge the Spanish Government, to propose the law in question to the present Cortes at an early period, in order that time may be given for its consideration and adoption by that body, before the close of the present Session.

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

I am, &c.
 (Signed) PALMERSTON.

No. 17.

Mr. Villiers to Viscount Palmerston. — (Received August 14.)

MY LORD,

Madrid, 5th August, 1837.

I HAVE the honour to enclose the Copies and Translations of a Note, and its Enclosure, which I have received from M. Calatrava respecting the form of Bond to be required from the owners of vessels entering outwards casks intended to contain palm oil.

As no objection is made to the principle of this most necessary measure, and that there appears only to exist a doubt on the part of the Spanish Government, as to the form in which it shall be carried into effect, I have addressed a further Note to M. Calatrava upon the subject, of which I herewith enclose the Copy to your Lordship.

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

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

First Enclosure in No. 17.

(Translation.)

M. Calatrava to Mr. Villiers.

SIR,

Madrid, 27th July, 1837.

FROM the enclosed Copy of the Reply which the Minister of Finance has given to the communication which I made to him respecting your request, that in order to carry into effect the 10th Article of the Treaty between Spain and Great Britain, concluded in 1835, for the Suppression of the Slave Trade, that the Captains of Vessels, who carry on board an extraordinary number of casks or vessels,

should be required to give the same Certificates and Bonds as your Government has ordered should be required from the Captains of British Vessels; you will perceive that Her Majesty's Government has no objection to dispose that, in conformity with the Spanish law, the Bonds given as security by the Captains and Masters, who are capable of giving it, should only bear the general clause, that "the property which they comprise remains tied up as long as the Document is not cancelled."

I have the honour of making you this communication, requesting you to inform me if it is in conformity with your wishes, in which case Her Majesty's Government will order the said determination to be published and executed.

The British Minister,
&c. &c.

I avail myself, &c.
(Signed) JOSE M. CALATRAVA.

Second Enclosure in No. 17.

Mr. Villiers to M. Calatrava.

(Copy.)

SIR,

Madrid, 31st July, 1837.

I HAVE the honour to acknowledge the receipt of your Excellency's Note of the 27th inst., enclosing the answer of the Minister of Finance, respecting the form of Bond to be required from the Owners of vessels trading to the Coast of Africa, entering outwards an extraordinary number of casks to contain palm oil, according to the 10th Article of the Treaty between Great Britain and Spain, concluded in 1835, for the suppression of the African Slave Trade.

I observe, from the statement of the Minister of Finance, that no objection exists to the adoption of the form of Bond used by the British Government, and of which I had the honour to enclose to your Excellency's predecessor a translation, in my Note of the 9th of June, 1836, with the exception of the clause which binds the heirs, administrators, and executors to fulfil the conditions of the Bond. I have the honour to remark that I cannot but think that this clause has been misunderstood; it is not intended thereby, as is supposed by the Minister of Finance, to bind personally the heirs, administrators, and executors to the execution, but only so far as the property they inherit or hold in deposit will bear out the claim to which the estate of the deceased has been made liable.

In this point I believe the legislation of the two countries is precisely similar. By forwarding to your Excellency, however, the forms of Bond and Certificate, it was not meant, in any way, to insist upon the Spanish Government also adopting them; but simply as a means of preserving a certain uniformity between the documents used by the two countries in carrying into effect the Treaty. Any form which is binding upon a Spanish subject, and thus affords the security contemplated by the 10th Article of the Treaty, will be satisfactory to the Government of Her Britannic Majesty; and it is exceedingly urgent that that form, whatever it is, may be adopted with as little delay as possible, in order that it may be sent to the Mixed Courts of Commission, to assist them in coming to just decisions on the cases brought before them.

I beg, therefore, to press upon your Excellency the propriety of urging upon the Minister of Finance the necessity which exists for his causing to be drawn up immediately any such forms as may be binding according to the laws of Spain; and I have the honour, at the same time, to request, that, on your Excellency's receiving them, they may be forwarded to me without delay for transmission to the colonies.

His Excellency Don Jose Maria Calatrava,
&c. &c. &c.

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

Third Enclosure in No. 17.

M. Mendizabel to M. Calatrava.

Translation.)

MOST EXCELLENT SIR,

Madrid, 22d July, 1837.

THE Queen Regent has been made acquainted with the inquiries set on foot, in consequence of a communication from your office, of the 27th of June last year, enclosing a Note from the British Minister at this Court, in which, in order to carry into effect the 6th Clause of the 10th Article of the Treaty concluded between Great Britain and Spain, on the 28th June 1835, for the suppression of the Slave Trade, it is wished that, on the part of the Spanish Government, they should require from the Owners or Captains of vessels, entering outwards an extraordinary number of casks or vessels, the same form of Certificates and Bonds as that which the British Government requires from its own subjects. The object of these Bonds and Securities is to prevent that the Privateers and Masters of British and Spanish vessels should carry on a contraband traffic of slaves with infraction of the Treaty; and although Her Majesty has no objection to the adoption of what is proposed, still her conformity with it can never go beyond what is permitted by the laws of the kingdom to which it is necessary that the Government should accommodate its dispositions. According to them, guarantees, and all classes of obligations, do not bind or affect the persons, but only the property upon which they are formed; the said property remains responsible for the Bond until the Document is cancelled; but the executors are not responsible for the obligations contracted by the testators, as also the heirs are only so far bound as is the property they inherit; consequently, it is impossible to adopt the clauses contained in the form of Bond No. 2 of those enclosed by the British Minister in his Note.

Notwithstanding, the object which the British Government has proposed to itself with these Documents, for carrying into effect the said 6th Clause of the 10th Article of the Treaty, can be completely fulfilled without necessity of infringing our laws, Her Majesty has been pleased to resolve that, in conformity with them, the Bonds taken as security from the Captains and Masters who can give it, should only bear the general "clause, that the property comprised under it remains bound as long as the Document is not cancelled," the said British Minister to be informed of this resolution before its being circulated and made public, in order that he may express his concurrence, and that future complaints be avoided.

I communicate this to your Excellency by Royal Order, &c.

(Signed)

JUAN ALVAREZ Y MENDIZABEL.

His Excellency Don Jose Maria Calatrava,
&c. &c. &c.

No. 18.

Mr. Villiers to Viscount Palmerston.—(Received August 19.)

MY LORD,

Madrid, 12th August, 1837.

I HAVE the honour to enclose the Copy and Translation of a Note which I have received from M. Calatrava, in acknowledgment of mine dated the 31st ultimo, respecting the Bond to be required for empty casks destined 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.

M. Calatrava to Mr. Villiers.

(Translation.)

SIR,

Palace, 7th August, 1837.

I HAVE communicated to the Minister of Finance that which you have been pleased to state to me, in your Note of the 31st of July last, respecting the Bond to be required from the Captains or Owners of vessels entering outwards empty casks or barrels destined to contain palm oil; recommending to him, at the same time, to decide, with all possible speed, upon the terms in which that Bond is to be drawn up, and to issue the proper orders for giving full effect to it, and that the stipulation in the 6th Clause of 10th Article of the Treaty of the year 1835, for the suppression of the Slave Trade, may be carried into full execution; informing me of the resolution which shall be adopted, in order that I may communicate it to you. All which I have the honour to state to you in answer to your above-mentioned Note.

Upon this occasion I reiterate to you the assurances, &c.

The British Minister,
&c. &c.

(Signed)

JOSE M. CALATRAVA.

No. 19.

Viscount Palmerston to Mr. Villiers.

SIR,

Foreign Office, 23d August, 1837.

I HEREWITH transmit, for your information, the Copy of a Despatch and of its Enclosures, from Her Majesty's Commissioners at the Havana, upon the subject of an infraction of the Treaty of June 28, 1835, on the part of Lieutenant Cruz, of Her Catholic Majesty's ship "*Teresita*," who, it appears, has neglected to bring before the Mixed British and Spanish Court of Justice the Spanish schooner "*Matilde*," which he had seized for being equipped for the Slave Trade.

I have to instruct you to communicate the facts of this Case, as detailed in the enclosed Papers, to the Spanish Government, and to express the hope of Her Majesty's Government, that an inquiry will be set on foot into the circumstances under which this vessel was seized, carried into St. Jago de Cuba, and, as it is reported, released by the Authorities there; and Her Majesty's Government also trust, that the necessary orders will be issued, to ensure a more exact compliance with the stipulations of the Treaty on the part of the Officers of Her Catholic Majesty's Navy.

I am, &c.

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

(Signed)

PALMERSTON.

No. 20.

Mr. Villiers to Viscount Palmerston.—(Received September 3.)

MY LORD,

Madrid, 26th August, 1837.

I HAVE had the honour to receive your Lordship's Despatches, marked Slave Trade, of the 8th, 9th, and 10th instant.

In conformity with the instructions contained in your Lordship's Despatch of the 8th instant, I have addressed a Note to M. Bardaji, the Copy of which I herewith enclose, respecting the ill-treatment to which liberated negroes are exposed in the Island of Cuba, and stating, that Her Majesty's Government is willing to remove them, without distinction of age or sex, to the British Colonies.

I have, &c.

(Signed)

GEORGE VILLIERS.

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

Enclosure in No. 20.

Mr. Villiers to M. De Bardaji y Azara.

(Copy.)

Madrid, 25th August, 1837.

SIR,

I HAVE the honour to inform your Excellency that, on making a representation to your Excellency's predecessor, M. Isturiz, on the 27th May, 1836, complaining of the non-execution of those Stipulations of the Treaty for the Suppression of the Spanish Slave Trade of 1817, which provided for the good treatment of negroes under that Treaty, M. Calatrava replied to my representations in a Note addressed to me, under date of the 28th April last.

I regret to have to state to your Excellency that M. Calatrava's answer, which contains only a general denial of the facts reported to Her Britannic Majesty's Government, with a summary of the Regulations now in force for the treatment of emancipated negroes in Cuba, is not considered by my Government as satisfactory.

The complaint of Great Britain was not so much of any defect in the Regulations themselves, as of the manner in which they are allowed to remain unexecuted and disregarded.

The Despatch of the Captain-General of Cuba (the substance of which is recapitulated in M. Calatrava's Note above mentioned) indeed states that he has put an end to the contribution of 17 dollars formerly exacted on the hiring of each negro, and which was applied to the support of public establishments; but, in the same Despatch, it appears that, in the distribution of the emancipated negroes, a preference is given to those persons who have rendered some public service, or who have contributed voluntary donations to public works; but there is manifestly little or no difference, in principle, between this method of taking money on the hiring out of the negroes and that which the Captain-General makes a merit of having put an end to.

I have, moreover, the honour to observe to your Excellency that, while it is admitted that the Treaty of 1817 contains no positive stipulation under which the negroes are entitled to reside in the Havana, still, according to the spirit of that Treaty, the Authorities are bound not to allow the negroes to be taken by their masters to such a distance as shall preclude the possibility of their being carefully watched over and protected.

The negroes are, it seems, hired out to proprietors of land, that is to say, of sugar and coffee estates; and, when once removed from the neighbourhood of the city, and employed with other negroes in a state of slavery, it is obvious that their condition will be eventually assimilated with that of the slaves with whom they are put to work, for they must be entirely at the mercy of their masters, and utterly unable to avail themselves of the protection of the Government, however good the regulations for their treatment may be, and however heavy the punishment denounced by the law for those who may do them wrong.

Upon these considerations, I have been instructed to express to your Excellency the regret with which Her Britannic Majesty's Government perceives that the only fruit produced by the Royal Order to the Captain-General of Cuba on the subject, last year, is a mere recapitulation, by that officer, of Regulations, unsupported by any statement of facts showing that these Regulations are duly executed; while, on the other hand, Her Britannic Majesty's Government continues to receive information from the Havana, which places the present deplorable condition of the emancipated negroes beyond the possibility of doubt. But, hopeless as the case seems to be, I am instructed to state to your Excellency that one course still remains open, by the adoption of which these negroes may at length obtain the good treatment and complete freedom to which they are entitled, and which it seems impossible to secure for them in Cuba. Great Britain is willing to relieve that island from the burthen of these negroes by removing them, without distinction of age or sex, to the British Colonies, where, under the protection of British law, and among freed men of their own colour, they will run no risk of being treated as slaves, or of relapsing into a state of slavery through the bad faith or cupidity of slave owners, to whose care they must unavoidably be committed under the system at present in force in the Island of Cuba.

I have the honour to request your Excellency's early attention to this proposal, that, in case of Her Catholic Majesty's Government consenting to it, immediate arrangements may be made for carrying it into execution.

His Excellency M. De Bardaji y Azara,
&c. &c. &c.

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

No. 21.

Mr. Villiers to Viscount Palmerston.—(Received September 3.)

MY LORD,

Madrid, 26th August, 1837.

I HAVE the honour to enclose the Copy of a Note, which, in conformity with the instructions contained in your Lordship's Despatch, marked Slave Trade, of the 10th instant, I have addressed to M. Bardaji, requesting that a law, for the severe punishment of all persons concerned in the Slave Trade, may be presented by the Government to the Cortes during the present Session of that Body.

I have, &c.

(Signed) GEORGE VILLIERS.

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

Enclosure in No. 21.

(Copy.)

Mr. Villiers to M. De Bardaji y Azara.

SIR,

Madrid, 25th August, 1837.

I HAVE the honour to refer your Excellency to a communication made to your Excellency's predecessor, of the 6th of April last, in which I reminded his Excellency of the Article of the Treaty

for the Suppression of the Slave Trade, concluded between Great Britain and Spain, in 1835, which stipulates that a law shall be enacted for inflicting a severe punishment on Spanish subjects convicted of being engaged in this traffic.

M. Calatrava informed me that the reason of the great delay that had taken place in the passing of this law was attributable to the necessity of obtaining the concurrence of the Cortes to the promulgation of any new penal law.

I have been therefore instructed by my Government to urge upon your Excellency the propriety of proposing the law in question to the present Cortes, with the least possible delay, in order that time may be given for its consideration and adoption by that body before the close of the present Session.

His Excellency M. De Bardaji y Azara.
&c. &c. &c.

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

No. 22.

Mr. Villiers to Viscount Palmerston.—(Received September 17.)

MY LORD,

Madrid, 9th September, 1837.

I HAVE the honour to enclose the Copy of a Note, which, in conformity with the instructions contained in your Lordship's Despatch, marked Slave Trade, of the 9th ultimo, I have addressed to M. Bardaji, respecting the detention of 14 negroes at Porto Rico.

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

P.S.—Since writing the above, I have received from M. Bardaji a Note, of which I have the honour to enclose a Copy and Translation.

(Signed) G. V.

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

First Enclosure in No. 22.

Mr. Villiers to M. De Bardaji y Azara.

SIR,

Madrid, 4th September, 1837.

I HAVE the honour to inform your Excellency that I have received Instructions from my Government to make an application to that of Her Catholic Majesty respecting certain British negroes who, it is supposed, are detained as slaves in the Island of Porto Rico.

Evidence has been laid before the Government of Her Britannic Majesty, by which it would appear that, about the year 1832, 19 British slaves were removed from Anguilla to the Island of St. Thomas, and were there sold, and that, of this number, 14 were transferred to Porto Rico.

In the year 1836, a British vessel of war was employed to visit St. Thomas's and Porto Rico, for the purpose of recovering such British negroes as might be found in those islands. In the Danish island no difficulty was experienced in effecting the freedom of the British subjects there held in slavery; but, at Porto Rico, no satisfactory result was obtained; and the Report of the Officer charged with the Commission gives reason to believe that there is not any prospect of recovering these negroes, except by the direct interference of the Government of Her Catholic Majesty in their behalf.

I have therefore received instructions to lay before your Excellency the enclosed translations of Depositions on oath of the parties who speak to the transfer of these negroes to Porto Rico, with a view of guiding and assisting the inquiries of the Local Authorities in Porto Rico, and to request that peremptory orders may be issued to the Captain-General of that island to cause a strict search to be set on foot, not only for the 14 negroes named in the evidence, but for any others, the subjects of Great Britain, who may be held in slavery in that island, and to lend all the aid in his power to any Officers of Her Britannic Majesty who may be employed to procure for such individuals the enjoyment of those privileges, as free men, to which they are entitled in their capacity of subjects of Her Majesty.

His Excellency M. De Bardaji y Azara,
&c. &c. &c.

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

Second Enclosure in No. 22.

M. De Bardaji y Azara to Mr. Villiers.

(Translation.)

Palace, 8th September, 1837.

SIR,

I THIS day forwarded to the Minister of Marine, Commerce, and Colonies, a Copy of the Note which you addressed to me on the 4th instant, together with the other Documents which accompanied it, in order that, through his office, the most positive Orders may be addressed to the Captain-General of Porto Rico, directing him to proceed, without delay, to the emancipation of the British negroes who, in the manner mentioned in those Documents, are detained as slaves in that island.

The British Minister,
&c. &c.

I avail, &c.
(Signed) EUSEBIO DE BARDAJI Y AZARA.

No. 23.

Mr. Villiers to Viscount Palmerston.—(Received Sept. 17th, 1837)

MY LORD,

Madrid, September 9, 1837.

I HAVE had the honour to receive your Lordship's Despatch, marked Slave Trade of the 23rd ultimo.

In obedience to the instructions it contained, I have addressed a note, of which I enclosed the Copy to M. Bardaji, complaining of the conduct of Lieutenant Cruz of the "*Teresita*," in not bringing a slave ship, which he professed to have captured, for adjudication before the mixed Court of Justice at the Havana.

I have, &c.

(Signed)

GEORGE VILLIERS.

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

&c.

&c.

&c.

Enclosure in No. 23.

Mr. Villiers to Mr. Bardaji.

(Copy.)

SIR,

Madrid, 7th September, 1837.

I HAVE the honour to call your Excellency's attention to a very glaring infraction of the Treaty of 28th June, 1835, for the Suppression of the Slave Trade, which, it appears, has been committed by Lieutenant Cruz, the Commander of Her Catholic Majesty's ship "*Teresita*," on the coast of Cuba.

On the 4th May last Captain Jones, of her Britannic Majesty's ship "*Vestal*," proceeding on his voyage from Port au Prince to Santiago de Cuba, descried a schooner of very suspicious appearance lying at anchor in the entrance of the harbour of Guantanamo; Captain Jones immediately took the proper steps to ascertain the character of this vessel, which had every appearance of being a Pirate. And on sending an officer on board, the people declared that she was a prize to the "*Teresita*" Pilot-boat, in the service of Her Catholic Majesty, which was presently confirmed by Lieutenant Cruz, the Commander of that vessel, who came himself and stated, that he had that day seized the schooner under the Provisions of the late Treaty with Great Britain, for being fitted out for the Slave Trade. And it appeared that Lieutenant Cruz had been fully justified in so doing; for, according to the testimony of the officer and others who examined the schooner, it appears that she was equipped exactly in the manner described in the Article which directs the Capture of Vessels prepared for the reception and detention of Slaves.

Your Excellency is well aware that all cases of this kind can only be tried before the Courts of Mixed Commission, appointed for the especial purpose.

I have, however, the honour to inform your Excellency that, up to the date of the last Despatches from the Havana, Lieutenant Cruz had never brought in his prize for adjudication before the said Court, the Judges of which had accordingly applied to the Captain-General on the subject, but they had received no satisfactory answer.

I have in consequence received instructions from my Government to urge upon your Excellency the necessity of immediately setting on foot an inquiry into the circumstances under which this vessel was seized, carried into Santiago de Cuba, and, as it is reported, released by the authorities there. And to state that Her Britannic Majesty's Government also trust that orders will be issued to ensure a more exact compliance with the Stipulations of the Treaty on the part of the officers of Her Catholic Majesty's navy.

I have, &c.

(Signed)

GEORGE VILLIERS.

No. 24.

Sir George Villiers to Viscount Palmerston.—(Received Sept. 27.)

MY LORD,

Madrid, Sept. 16th, 1837.

WITH reference to my Despatch of the 9th instant, I have the honour to enclose the Copy and Translation of a note which I have received from M. Bardaxi, informing me that orders have been issued for inquiry into the conduct of Lieutenant Cruz of the "*Teresita*."

I have, &c.

(Signed)

GEORGE VILLIERS.

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

&c.

&c.

&c.

Enclosure in No. 24.

M. Bardaxi to Sir George Villiers.

SIR,

Madrid, 14th September, 1837.

I HAVE the honour to inform you in reply to the Note which you were pleased to address to me on the 7th instant, in which complaint is made of an infraction of the Treaty for the Suppression of the Slave Trade, which, it appears, has been committed by Lieutenant Cruz, of Her Majesty's ship "*Teresita*," on the coast of Cuba; that having taken into the most serious consideration all your

observations upon the subject, I have transmitted it to the Minister of Marine and Colonies, in order that the certainty of the said complaint being verified, the guilty party may be proceeded against with all rigour.

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

I avail myself, &c.
(Signed) EUSIBIO DE BARDAXI Y AZARA.

No. 25.

Viscount Palmerston to Mr. Villiers.

SIR,

Foreign Office, October 6th, 1837.

REPRESENTATIONS having been made to this Office through the Colonial Department, of the inconvenience suffered by the negroes of the "*Empresa*," in consequence of their detention on board the vessel, after the sentence had been signed, in order that the descriptive list necessary for the completion of the proceedings of the Mixed Court might be made out; I addressed an instruction to Her Majesty's Commissioners at the Havana, desiring them to propose to the Mixed Court, that, for the future, when the sentence condemning a slave vessel is signed, the negroes should be placed at the disposal of the British Superintendent, as soon as that officer should notify that he is prepared to receive them.

I now transmit to you the Copy of a Despatch and of its Enclosures from Her Majesty's Commissioners, by which you will perceive, that their Spanish Colleagues have refused to accede to this proposal.

It is evident indeed from the Reply of the Spanish Commissioners, that those gentlemen have misunderstood the application made to them by the British Commissioners. They consider, that the effect of their consenting to the proposed arrangement would be, to make the Delivery of the Negroes to the Superintendent dependent upon a notice from that Officer that he is ready to receive them, a condition which they very truly state is not contained in the Treaty; and as they add, that it is not lawful for them to explain the Articles of the Treaty, it has appeared to Her Majesty's Government, that it would be better to address the Spanish Government at once upon the subject, instead of instructing the British Commissioners to discuss the subject farther with their Colleagues, with a view of setting them right, as regards their misconception of the object of the arrangement in question.

I have now, therefore, to request, that you will bring the matter under the consideration of the Spanish Government, and express the earnest wish of Her Majesty's Government, that the Spanish Commissioners at the Havana may be furnished with instructions, to accede at once to the proposed arrangement.

It is true that Article 6 Annex B. stipulates that "the slaves shall receive from the Court a Certificate of emancipation, and shall be delivered over to the Government to whom the Cruizer which made the capture belongs."

But Article 2 of Annex C states that "*immediately after sentence of condemnation on a vessel charged with being concerned in illegal Slave Trade, shall have been passed by the Mixed Court of Justice, established under the Treaty to which these Regulations form an Annex, all negroes who were found on board of such vessel, and who were brought on board for the purposes of traffic, shall be delivered over to the Government to whom belongs the Cruizer which made the capture:*" and Her Majesty's Government trust, that the preference will be given to that stipulation of the Treaty, which would secure to the negroes the earliest possible release from their sufferings in a slave ship.

It may also be argued, that the proposed arrangement is not only desirable on the score of humanity to the negroes, but as tending greatly to facilitate the very proceedings on account of which their detention on board the slave vessel has been thought requisite; for, after the negroes have been removed to a clean and roomy vessel, the officer of the Court will have far less difficulty, in making out the descriptive List of the persons to whom Certificates of Emancipation are to be delivered, than he would experience in performing this duty on board a crowded and unwholesome slave vessel.

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

I am, &c.
(Signed) PALMERSTON.

No. 26.

Mr. Villiers to Viscount Palmerston.—(Received Oct. 9.)

MY LORD,

Madrid, 30th September, 1837.

I HAVE the honour to enclose the Copy and Translation of a Note which I have received from M. Bardaxi, informing me that Instructions had been sent to the Captain General of the Havannah to afford to Lieutenant Jenkins, of Her Majesty's Ship "Romney," all the protection and assistance that he may require in the execution of his duty.

I have, &c.

(Signed)

GEORGE VILLIERS.

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

&c.

&c.

&c.

Translation.)

*Mr. Bardaxi to Mr. Villiers.**Madrid, September 20th, 1837.*

SIR.

I HAVE the honour to inform you, in reply to the note which you were pleased to address to my predecessor, on the 12th of July last, in which, by order of your Government, you communicated that Her Britannic Majesty's ship "Romney," under the command of Lieutenant Jenkins, was about to be sent to the Havannah, to serve there as a dépôt for the reception of liberated negroes; that I have transmitted to the Captain-General of the island of Cuba what is expressed in your above-mentioned communication; desiring him, by order of Her Majesty, to afford all the protection to Lieutenant Jenkin which is due, and to give every assistance to him in the discharge of his mission.

I avail myself, &c.

(Signed)

EUSEBIO DE BARDOXI Y AZARA.

The British Minister,

&c. &c. &c.

No. 27.

Viscount Palmerston to Mr. Villiers.

SIR,

Foreign Office, October 11, 1837.

I HEREWITH transmit to you the Copies of a Despatch, and of its Enclosures from Her Majesty's Commissioners at the Havana, reporting the sale of a number of bozal negroes in that city; and I have to instruct you to bring under the notice of the Spanish Government this public violation of the laws of Spain, and of the Treaty between Great Britain and that Country, for the Abolition of the Slave Trade.

It appears from the correspondence transmitted to this office by the Commissioners, that the Commissioners reported the fact of the sale to the Captain General, and that two days were allowed to elapse, before the place named as the scene of the transaction was visited by the Police; and, as was naturally to be expected, during such a lapse of time, the offending parties took care to remove all the bozal negroes from the premises.

The Assessor, in his report of the search which was made, does not throw any doubt upon the correctness of the information, which was given by the Commissioners; but he attributes the escape of the guilty parties, and the removal of the proofs of their crime, to want of vigilance, and neglect on the part of the officer of the ward. But it is obvious, however, that, if the Captain General had lost no time in instituting an inquiry into the facts, immediately upon receiving the Report of the Commissioners, the offenders would probably not have escaped; and you will therefore point out to the Spanish Government, that the delay which took place in this case, upon the frivolous pretext put forward by the Captain General, was a practical protection of the offence; and affords a proof of the remissness with which the Authorities at the Havana execute their duties in everything that relates to the suppression of the Slave Trade.

I am, &c.

(Signed)

PALMERSTON.

G. W. F. Villiers, Esq.

&c.

&c.

Enclosure in No. 27.

Havana Commissioners, June 30, 1837.

(See Class A.)

No. 28.

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

MY LORD,

Madrid, October 28th, 1837.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked "Slave Trade," of the 6th instant. In conformity with the instructions it contains I have addressed a note to M. Bardaxi, of which I herewith enclose the Copy.

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 M. Bardaxi.

SIR,

Madrid, 27th October, 1837.

I HAVE received the Instructions of my Government to propose to the Government of Her Catholic Majesty a measure of humanity arising out of the execution of the Treaty for the Suppression of the Slave Trade of 1835.

According to the present practice of the Mixed Court of Justice in the Havana, after sentence of condemnation is pronounced against a vessel for having been employed in the traffic of Slaves, the negroes remain on board the vessel until a descriptive list is made of the individuals, in order that their certificate of liberation may be duly drawn out.

This practice is in conformity with Article 6, Annex B, of the treaty which stipulates that "the Slave shall receive from a Court a Certificate of Emancipation, and shall be delivered over to the Government to whom the cruiser which made the capture belongs." But Article 2, of Annex C, states that *immediately* after sentence of condemnation on a vessel charged with being concerned in illegal Slave Trade shall have been passed by the Mixed Court of Justice established under the Treaty to which these Regulations form an annex, all Negroes who were found on board such vessel, and who were brought on board for the purposes of traffic, shall be delivered over to the Government to whom belongs the cruiser which made the capture.

If the latter stipulation be adopted in practice instead of the former one, the Negroes found on board a condemned vessel would, on sentence being pronounced, be immediately taken out of the small and generally unhealthy ship in which they are crowded together, and placed in a large and salubrious one, where the descriptive list which, according to the first quoted article, must be made in the slave vessel itself, could be drawn up with far more convenience to the persons whose duty it is to do it, and with a great relief to the suffering Negroes.

Your Excellency will perceive that this is a difference which, in no respect, deviates from the spirit of the Treaty, and is in strict conformity with the letter of one of its clauses. My Government therefore trusts that your Excellency will see no objection to causing the preference to be given to the interpretation which is most favourable to the cause of humanity, and be pleased to direct the Spanish members of the Mixed Court of Justice in the Havana to act according to Article 2 of Annex C, and in the case of the capture being made by a British ship of war, to deliver up to the British superintendent, as soon after the condemnation of the slave vessel as he shall be prepared to receive them, the Slaves found on board.

Your Excellency will perceive that the only difference this can make in the execution of the Treaty is in the place where the Certificate of Emancipation is made out; whereas, on the other hand, numerous lives and much suffering to the unfortunate negroes will be saved by their immediate removal, after condemnation, from the slave vessel.

I have, &c.,

(Signed) GEORGE VILLIERS.

M. Bardaxi,

&c. &c. &c.

No. 29.

Viscount Palmerston to Sir George Villiers.

SIR,

Foreign Office, November 14th, 1837.

I HEREWITH transmit to you the Copy of a Despatch and of its enclosures from Her Majesty's Commissioners at the Havana, notifying the arrival in that Port of the "Romney," the hulk which is to serve as a receiving ship for the negroes emancipated by Decree of the British and Spanish Mixed Court of Justice established under the Treaty of June 28th, 1835, with Spain, for the abolition of the Slave Trade.

From the correspondence enclosed in this Despatch it appears, that the Captain General has demanded the removal of certain free negroes, belonging to Her Majesty's 2nd West India Regiment, who have been appointed to do duty as marines on board the "Romney," and has threatened to arrest them should they land upon the island; and that he founds his opposition to the presence of these individuals within the limits of the Colony, upon the Royal Orders of March 12th, 1837, in which he is charged, not to permit in any manner the introduction of free negroes, under any pretext whatever, into Cuba.

I have now therefore to instruct you to lay the case before the Spanish Government; and to request, that such orders may be issued to General Tacon upon this point, as may remove the scruples, which a too literal interpretation of his orders seems to have raised in his mind.

It is obvious, that when the Spanish Government directed him not to permit any free persons of colour to be introduced into Cuba, that Government could not have intended its order to extend to the soldiers in Her Majesty's service, who are necessarily employed as a guard on board the "Romney."

You will also take the occasion to draw the attention of the Spanish Government to the considerations pointed out by Dr. Madden, as rendering the Black Troops peculiarly well fitted for a duty which must be performed; and you will express the hope of Her Majesty's Government, that the men so employed may not be kept perpetually prisoners on board the hulk, but may be permitted to enjoy occasionally, and under proper regulations, the indulgence of going ashore.

I am, &c.

(Signed) PALMERSTON.

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

Enclosure in No. 29.

Havana Commissioners, September 23, 1837.
(See Class A.)

No. 30.

Mr. Villiers to Viscount Palmerston.—(Received Nov. 14.)

MY LORD,

Madrid, 4th November, 1837.

I HAVE had the honour to receive your Lordship's Despatch marked Slave Trade of the 11th ultimo.

In conformity with the instructions contained therein, I have addressed a note to M. Bardaxi, of which I enclose the copy to your Lordship, respecting the sale of bozal negroes at the Havana.

I have, &c.

(Signed)

GEORGE VILLIERS.

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

Enclosure in No. 30.

Mr. Villiers to M. Bardaxi.

Madrid, 3rd November, 1837.

SIR,

I HAVE the honour to inform your Excellency that I am instructed by my Government to bring under the notice of your Excellency a public violation of the laws of Spain and of the Treaty between Great Britain and this country for the abolition of the Slave Trade, which has been permitted in the Havana.

In that city the sale of a number of Bozal Negroes has been allowed after being publicly announced, and it appears from the Correspondence of Her Britannic Majesty's Commissioners at the Havana, that after they reported the fact to the Captain-General that such a sale was advertised as being about to be consummated, two days were allowed to elapse before the place named as the scene of the transaction was visited by the Police, and, as was naturally to be expected, during such a lapse of time, the offending parties took care to remove all the Bozal Negroes from the premises.

The Correspondence which took place on the subject, between Her Britannic Majesty's Commissioners and the Captain-General of Cuba, has been transmitted to my Government; and I have the honour to observe, that the Assessor of the Captain-General, in his report of the search which was made, does not throw any doubt upon the correctness of the information which was given by the Commissioners; but he attributes the escape of the guilty parties, and the removal of the proofs of their crime, to want of vigilance and neglect on the part of the officer of the ward. It is obvious, however, that if the Captain-General had lost no time in instituting an inquiry into the facts immediately upon receiving the report of the Commissioners, the offenders would probably not have escaped.

Thus I regret to have to observe, that the delay which took place in this case, upon the frivolous pretext put forward by the Captain-General, was a practical protection of the offence, and affords a proof of the remissness with which the authorities at the Havana execute their duties in everything that relates to the suppression of the Slave Trade.

I have, &c.

(Signed) GEORGE VILLIERS.

His Excellency
Don Eusebio de Bardaxi y Ayara,
&c. &c. &c.

CLASS B.

No. 31.

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

MY LORD,

Madrid, 3rd December, 1837.

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 14th ultimo, I have addressed to M. Bardaxi respecting the free negroes belonging to Her Majesty's Second West Indian Regiment, who have been appointed to do duty on board the receiving ship "Romney."

I have, &c.

(Signed)

GEORGE VILLIERS.

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

Enclosure in No. 31.

Sir G. Villiers to M. Bardaxi.

SIR,

Madrid, 2nd December, 1837.

I HAVE the honour to inform your Excellency, that Her Britannic Majesty's Government have received intelligence of the arrival at the Havana, of the "Romney," the hulk which is to serve as a receiving ship for the negroes emancipated by Decree of the British and Spanish Mixed Court of Justice, established under the Treaty of 28th June, 1835, with Spain, for the abolition of the Slave Trade.

It appears from the communications made to Her Britannic Majesty's Government that the Captain-General of Cuba, has demanded the removal of certain free negroes belonging to Her Britannic Majesty's Second West Indian Regiment, who have been appointed to do duty as Marines on board the "Romney," and has threatened to arrest them, should they land upon the island. The Captain-General, it seems, founds his opposition to the presence of these individuals within the limits of the Colony, upon the Royal Orders of 12th March, 1837, in which he is charged not to permit in any manner, the introduction of free negroes, under any pretext whatever, into Cuba.

I have been, in consequence, instructed by my Government to lay the case before your Excellency, and to request that such orders may be issued to General Tacon, upon this point, as may remove the scruples which a too literal interpretation of his instructions seems to have raised in his mind. I scarcely need remark to your Excellency, that when the Government of Her Catholic Majesty directed that officer not to permit any free persons of colour to be introduced into Cuba, that Government could not have intended its orders to extend to the soldiers in Her Britannic Majesty's service, who are necessarily employed as a guard on board the "Romney."

The fifteen individuals of colour who form the Marine Guard on board the hulk, have been selected for that purpose, because they are in all respects best adapted to the nature of the duties they are required to perform.

They are much easier kept in order than white men, they understand the language and habits of the liberated slaves placed under their charge, and above all Her Britannic Majesty's Government is informed upon adequate authority that the mortality of white men so employed, and kept almost continually shut up in a hulk in the port of the Havana, would be so great as to render the service impracticable. Free men of colour are seen in the ports of Cuba, not only employed as sailors or soldiers on board of Her Britannic Majesty's ships, but in the American steam-boats, occupied in plying between the Havanna and Rigla, they are also constantly employed; so that the argument of novelty even cannot be alleged in favour of the course which the Captain-General has thought proper to pursue.

Until some arrangement could be come to between the two Governments on the point, it has been determined to keep these soldiers in the hulk, and not to permit them to land. I have, however, to express to your Excellency, the hope which is entertained by Her Britannic Majesty's Government, that the men employed in this arduous service may not be kept perfectly prisoners, but may be permitted to enjoy occasionally, and under proper regulations, the indulgence of going ashore.

I have, &c.

(Signed) GEORGE VILLIERS.

His Excellency
Don Eusebius De Bardaxi y Azara.
 &c. &c. &c.

No. 32.

Sir G. Villiers to Viscount Palmerston.—(Received Dec. 12.)

MY LORD,

Madrid, December 3rd, 1837.

I HAVE several times of late urged M. Bardaxi to cause a project of law to be prepared for the punishment of individuals convicted of slave dealing, and to present it to the Cortes, in fulfilment of the stipulations of the Treaty of 1835.

His Excellency assured me yesterday, that a law to that effect should be laid before the Chamber of Deputies, immediately after the conclusion of the debate upon the Address.

I have, &c.

(Signed)

GEORGE VILLIERS.

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

No. 33.

Sir G. Villiers to Viscount Palmerston.—(Received Dec. 19.)

MY LORD,

Madrid, December 10th, 1837.

I HAVE the honour to enclose the copy and translation of a note, which I have received from M. Bardaxi, in acknowledgment of mine, dated the 2nd instant, respecting the free negroes of the 2nd West India Regiment, 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. 33.

M. Bardaxi to Sir G. Villiers.

SIR,

IN the note which you were pleased to address to me, dated the 2nd instant, you state that the Captain-General of the Island of Cuba objects to the landing of certain liberated negroes, who form part of the crew of the hulk "Romney," destined to serve as a depôt in the Bay of the Havana for the negroes declared free by the Mixed Commission, in consequence of the instructions contained in the Royal Order of the 12th of March last; and you request that the individuals employed in the service of the said hulk, may be allowed occasionally, and under proper regulations, to enjoy the pleasure of going ashore.

I have the honour to inform you, in answer to your above-mentioned communication, that I hastened to transmit the contents of it to the Secretary for the Department of Marine, in order that he may communicate the proper directions to the Captain-General of the Island of Cuba, to act in the greatest harmony with the British Commissioners, and endeavour to arrange these small differences in as far as may be compatible with the good of the Queen's service, and the tranquillity of the Island.

Upon this occasion I repeat to you, &c. &c.

Palace, Dec. 5th, 1837.

(Signed)

E. DE BARDAXI Y AZARA.

To the Minister of Her Britannic Majesty.

No. 34.

Sir G. Villiers to Viscount Palmerston.—(Received Dec. 26.)

(Extract.)

Madrid, December 17th, 1837.

I HAVE the honour to transmit to your Lordship the Copy and Translation of a Note from M. Bardaxi, together with its Enclosure, informing me that the Government was dissatisfied with the manner in which the Captain-General had proceeded in the case, and insisting on the necessity of a more punctual fulfilment of the Treaty.

Enclosure in No. 34.

M. Bardaxi to Sir G. Villiers.

(Translation.)

SIR,

Madrid, November 10th, 1837.

IN order to attend in a becoming manner to your reclamation, respecting the sale of a certain number of bozal negroes at the Havana, I have, by Royal command, informed the Captain-General of the island of Cuba, and Governor of the said Capital, that Her Majesty desires that the Treaties be religiously observed, and that she will see with pain, that the slightest infraction of them is tolerated, as appears to have been the case in the matter which has given rise to your reclamation, although Her Majesty feels persuaded that it was not in the power of the said Captain-General to have prevented it, as appears from the testimony which has been sent to this office, and which I have the satisfaction of enclosing to you in original*.

I have the honour of making the above communication to you, in reply to your note of the 3rd instant upon this subject.

I avail, &c.

(Signed)

E. BARDAXI Y AZARA.

* Sub-Enclosures in No. 37.

Papers on the subject of the "Denunciation of the Sale of certain Bozal Negroes," Translations of which are enclosed in Havana Commissioners' Despatch of June 30, 1837.

(See Class A.)

No. 35.

Viscount Palmerston to Sir George Villiers.

SIR,

Foreign Office, December 27th, 1837.

I HEREWITH transmit for your information a Copy of a Letter, which I have received from Commander Nixon, of Her Majesty's ship "Ringdove," containing some information, respecting a cargo of negroes shipped in the Rio Congo, on board the Spanish Schooner "*Vencedora*," and concealed on board that vessel, while she lay in the harbour of Cadiz, prior to her departure for the West Indies.

I have, &c.

(Signed) PALMERSTON.

Sir George Villiers, G.C.B.

&c. &c. &c.

Enclosure in No. 35.

*Mr. Nixon to Viscount Palmerston.**H.M.S. Ringdove, Havana, October 28, 1837.*

I AM well aware, my Lord, it may be irregular my addressing you, but, from reading the documents on the Slave Trade, and observing the strong personal feeling your Lordship appears to have in it, I trust the new and extraordinary case I now state will plead my apology for addressing you. On the 14th of this month I detained and brought in here "*La Vencedora*," Spanish brigantine, for having twenty-six negroes concealed on board. As my correspondence with the Commissioners will of course go by this packet, and be laid before your Lordship, I will not occupy more of your time than informing you that, from private but unquestionable information I have received, however horrid the fact, the "*Vencedora*" shipped a cargo of negroes at Rio Congo, *took them round by Cadiz*, and was there many days with her wretched cargo concealed, but which must have been known to the Spanish sanitary and custom-house authorities. She sailed from Cadiz about the 5th or 6th of September, and during the whole passage out the wretched negroes were not seen by the passengers, but who, from the offensive smell from below, the quantities of rice, &c., cooked, were quite aware what they had in. Much of this information I had from a Spanish boy, a Carlist prisoner, who, by some oversight, I suppose, has been left on board; it has gradually eked out from him, but I have no question of the truth; he has been quite consistent in his information, and it corroborates what all the negroes have declared, that they were never on board another vessel; and the men of the "*Vencedora*" told this boy they were from the coast of Africa: her previous employment is still hid in mystery. This unfortunate boy swore to all he said in the most solemn manner: he was and is in the greatest dread of being assassinated on being taken on shore, if known what he has told us. After being with us a few days, he was most anxious to remain with the English, but from the first I told him it was quite impossible. I had his information reduced to writing, and have it ready, with other corroborative circumstances, to bring before the Court whenever they will allow me, and felt it my duty, both verbally and by letters, to give the Commissioners the first and earliest gleam of information that reached me, as in my letter of October 22nd. I think it may be interesting to your Lordship to know the above facts, whatever may be the decision of the Court; and, should your Lordship care to know any thing of me personally, I beg to state that Admirals the Honourable Charles Fleming and Sir Philip Durham, and Lord Lynedoch, have long known me; and Sir Robert Gore Booth, whose property in the county Sligo marches with some of your Lordship's, is a nephew-in-law of mine.

I am, &c.,

(Signed) H. STOPFORD NIXON.

P. S.—From private information received by Mr. Schenley, I was going to cruise for the "*Socora*," now expected, and will do so the moment I am clear of "*La Vencedora*." Will your Lordship pardon me pointing out the great utility it might be having on board the "*Romney*," amongst the black troops, men from as many different parts of the coast as possible, to act as interpreters in cases of attempted concealment and fraud, like the "*Vencedora*?"

To Viscount Palmerston, G.C.B.

&c. &c. &c.

SPAIN. (*Consular.*)

No. 36.

Lord Palmerston to Mr. Brackenbury.

SIR,

Foreign Office, March 30th, 1837.

I HEREWITH transmit for your information the Copy of a Despatch which I have received from His Majesty's Commissioners at Sierra Leone, reporting the purchase of two condemned slave vessels, the "*Vigilante*" and "*Esperanca*," (A) on account of Pedro Blanco of the Gallinas; and I have to desire, that should these vessels arrive at Cadiz, you will watch them narrowly, with a view to prevent their being again fitted out for the Slave Trade, for which, it is but too probable, they are destined by their present owner.

I have, &c.

(Signed) PALMERSTON.

J. M. Brackenbury, Esq.

No. 37.

Mr. Hardy to Viscount Palmerston.—(Received April 19th.)

MY LORD,

St. Jago, de Cuba, 18th February, 1837.

I BEG leave to acquaint your Lordship, that the Portuguese brig *Boca Negra*, J. Cuamaño, Master, landed on the 6th instant at Juragua (a little to windward of this Port) four hundred Africans of all ages, and subsequently entered this Port.

I have the honor, &c.

(Signed) JOHN HARDY, Jun.

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

Consul.

No. 38.

Mr. Brackenbury to Viscount Palmerston.—(Received April 25th.)

MY LORD,

British Consulate, Cadiz, 13th April, 1837.

IN acknowledging your Lordship's Despatch of the 30th ultimo, enclosing me a Copy of a communication from His Majesty's Commissioners at Sierra Leone, respecting the purchase of two condemned slave vessels by Mr. Robert Hornell of that Colony.

I have the honour to acquaint your Lordship that the "*Esperança*" arrived in this Harbour in ballast on the 11th February last, and was purchased by Mr. Matteu, who states, that he has been too unsuccessful in his slave voyages to employ the "*Esperança*" again in that inhuman traffic, but purposes establishing her as a constant trader between this Port and the Havana.

Her British Register was delivered to me by her late master, Mr. John Tucker, on the 17th of February last, and was forwarded by me on the following day, by Her Majesty's schooner "*Firefly*," to the Honourable Commissioners of Her Customs.

I have, &c.

(Signed) W. N. BRACKENBURY, Jun.

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

No. 39.

Mr. Brackenbury to Viscount Palmerston.—Received April 25th.

MY LORD,

British Consulate, Cadiz, 14th April, 1837.

I HAVE the honour to acquaint your Lordship, that the Russian barque "*Cavallo Marino*," which formed the subject of my Despatch, of the 12th of December, 1835, is on the point of sailing from this Port, under Spanish colours, with a cargo of merchandise for Manilla.

I have, &c.

(Signed)

W. N. BRACKENBURY, Jun.

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

&c.

&c.

&c.

PORTUGAL.

No. 40.

Lord Howard de Walden to Viscount Palmerston.—(Received January 23rd.)

MY LORD,

Lisbon, 14th January, 1837.

ALTHOUGH I can report no progress made in the negotiation of the Slave-Trade Treaty, your Lordship will learn with satisfaction that the Decree of the 10th December has already produced beneficial effects.

Three vessels which were lying in the Tagus, under equipment for the Slave-Trade, have been prevented from sailing. Another, a Spanish vessel, immediately left this Port, for Cadiz, incomplete in equipment.

An English house, which had imported a cargo of 200 barrels of gunpowder from Liverpool, destined for Loanda by one of the reputed slavers, has not ventured to ship it in the vessel in question.

The Owners, or Consignees of the slave-vessels have made angry protests against the application to them of that article of the Decree, which requires security to be given in Lisbon, against their being employed in the Slave-Trade, but without effect.

In this I must do the Viscount Sa da Bandeira the justice to report, that he has acted with perfect good faith. It remains to be seen, whether he can enforce obedience to the Decree, on the part of the Portuguese authorities in general.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

&c.

&c.

&c.

No. 41.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, February 28th, 1837.

Two months having elapsed, since your Lordship was instructed to resume the negotiations for the conclusion of the Slave-Trade Treaty, His Majesty's Government are anxiously expecting some account of the result of your endeavours, to bring this long-pending question to a satisfactory termination.

Ample proof of the mischief arising from delay is furnished by the accompanying Copies of Despatches from Rio de Janeiro, and from the Havana; which show, that, in the Brazils, and at Cuba, the Slave-Trade, continues to be carried on, under the the Portuguese flag, with unabated activity.

You will communicate the facts, reported in these Papers, to the Portuguese Government; and you will state, that the daring conduct of the Slave-Traders is encouraged by the delay in concluding the Treaty.

As your recent Despatches upon this subject do not specify any fresh objections raised by the Portuguese Ministers to the Draft of Treaty, I am not without hopes, that your next communication may announce its acceptance; but, should this not be the case, I have to instruct you to inform His Majesty's Government, what is the actual state of the negotiations.

I have, &c.

(Signed)

PALMERSTON.

Lord Howard de Walden, Lisbon.

Enclosures in No. 41.

Mr. Hamilton, Rio de Janeiro, December 19, 1836.

His Majesty's Commissioners, Rio de Janeiro, December 19, 1836.

His Majesty's Commissioners, Havana, January 2, 1837.

(See Papers of 1836.)

No. 42.

Lord Howard de Walden to Viscount Palmerston.—(Received March 27.)

(Extract.)

Lisbon, 12th March, 1837.

I HAVE the honour to acknowledge your Lordship's Despatch, marked Slave-Trade, of the 28th ult.

I have urged Viscount de Sa da Bandeira not to lose any time in completing, by the signature of the Treaty proposed by His Majesty's Government for the abolition of the Slave-Trade, the work, so well and honourably commenced by him, by the Decree of the 21st December, 1836.

I believe Viscount de Sa to be sincerely well disposed effectually to put an end to the Slave-Trade.

I shall not fail, early this week, again to press His Excellency on this important subject, on making known to him the contents of the papers transmitted to me by your Lordship. I cannot, however, hold out any expectation to His Majesty's Government, that any progress will be made in the negotiation of the Treaty, until after the prorogation of the Cortes.

No. 43.

Lord Howard de Walden to Viscount Palmerston.—(Received March 26.)

MY LORD,

Lisbon, 18th March, 1837.

I YESTERDAY informed the Viscount de Sa da Bandeira, that I had received your Lordship's instructions, to bring under notice of the Portuguese Government the continued abuse of the Portuguese flag, as a cover for the Slave Trade, and earnestly to press upon His Excellency to follow up, by an efficient arrangement under Treaty, the measure of the 21st December, 1836, which had created so good an effect in England, and was so honourable to himself and the Portuguese Government.

His Excellency admitted, that he was fully aware of the extent, to which the Portuguese flag was used as a cover to the Slave Trade, and assured me that he was seriously anxious to put an end to this traffic. He said, he really had so much business on hand, that he had not been able to look into the Project of the Treaty himself; that he thought, the work upon it which he had desired was probably completed; and he promised, that, during the ensuing holidays, he would look it attentively over, and then make his counter-proposition.

The Viscount acknowledged the continuance of the Slave Trade to be extremely detrimental to the Portuguese African Colonies, and that the capital embarked in this inhuman traffic was almost entirely foreign.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

&c.

&c.

&c.

No. 44.

Lord Howard de Walden to Viscount Palmerston.—(Received April 19.)

MY LORD,

Lisbon, 1st April, 1837.

VISCOUNT de a Sa da Baudeira informs me, that he has been working at a project for a Treaty to render effective the late Decree of the Queen of Portugal, abolishing *in toto* the Slave Trade, carried on under the Portuguese flag, and that he hopes in a very short time to be able to enter with me upon the discussion of its provisions.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

&c.

&c.

&c.

No. 45.

Lord Howard de Walden to Viscount Palmerston.—(Received April 25.)

MY LORD,

Lisbon, 8th April, 1837.

THE Viscount Sa da Bandeira informed me yesterday, that he hoped in a few days to send me a counter project of a Treaty for the entire abolition of the Slave Trade, which he had drawn up, with original notes, explanatory of the reasons for deviating from the Draft of that, which he had found in the Foreign Office, so nearly concluded between me and his predecessor.

I expressed my anxious hope that he would fulfil his good intentions, as the delays which had been created in bringing this Treaty to a conclusion, were little creditable to Portugal, and operated injuriously on public opinion in England, as regarded the character of the Portuguese Ministers.

The Viscount then proceeded to inform me, that by accounts which he had received from Brazil, it appeared that many British subjects were among the most active encouragers of the Slave Trade, and, indeed, to such an extent, that it was even insinuated that His Britannic Majesty's cruizers kept sometimes purposely out of the way, in order to afford them opportunities of disembarking their cargoes in safety.

In reply, I pointed out to His Excellency how superfluous it was to seek for corrupt motives for such imputed proceedings on the part of the British cruizers, as His Excellency was aware that the Slave Trade with Brazil was carried on under the Portuguese flag, and that the Portuguese Government had not as yet conceded to the British cruizers off the Coast of Brazil, the right of searching any vessels whatever under their flag, whether the *bonâ fide* property of Portuguese subjects, were suspected of being employed in the Slave Trade, or even known to have slaves on board.

His Excellency acknowledged this, and repeated his determination to do every thing which depended upon him to put down this inhuman traffic.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

&c.

&c.

&c.

No. 46.

Lord Howard de Walden to Viscount Palmerston.—(Received May 2nd.)

MY LORD,

Lisbon, 22nd April, 1837.

In consequence of the suspicious circumstances connected with the "*Latona*," I have during all this week been actively prosecuting my investigation respecting her, for the purpose of obtaining such evidence, as may render it impossible for the Portuguese Government to refuse to seize her as a slaver.

An officer, conversant with the equipment of slave vessels, on going over her observed a considerable number of casks, four large iron tanks, more than was necessary for the ordinary use of the crew of any merchant vessel. The hold was fitted up with transverse beams, ready to receive a platform deck, such as is used only by slavers.

On receiving this information, I reported it to the Viscount de Sa da Baudeira in an official note, of which the enclosed is a copy. I also desired M. Consul Smith to endeavour to elicit further details respecting the vessel.

The particulars thus obtained were most important. The summary is as follows:—

The "*Latona*" (which previously made a successful slave voyage) was sold by a Mr. Oakley, of Philadelphia, to a man of the name of Falcao, an inhabitant of the Havana. Part of the purchase money was paid at Philadelphia, and Mr. Oakley's son proceeded in the "*Latona*" to the Havana, where, in the presence of one of the deponents, an American, he received the remainder of the purchase money in dollars. The crew who brought her to Lisbon were engaged only for the voyage. M. Falcao came in her, as did also a man by name Pauly, who did not make his appearance until some days after leaving the Havana. During the voyage, Pauly talked of the seizure of the "*Diogenes*" at Mozambique, of which vessel he stated that he was then commander.

The Mate, another witness, an Englishman, early in the voyage, in moving some

CLASS B

ballast disclosed some ringbolts; they were, however, immediately put out of sight. He subsequently became acquainted with a secret passage in the lining of the vessel, through which a man could descend into a part of the hold. In this place a stock of ringbolts was concealed. He also stated that there was false wainscoting in the stern, as also a double ceiling to the cabin, in which hiding-place arms and various other things were deposited. This evidence was confirmed by the above-mentioned American, who had also been one of the crew.

The Mate also declared that under the ballast were concealed the guns belonging to the vessel, as also some large tubs or tanks for the use of the slaves.

I desired the above deposition to be taken on oath before the Consul, and recorded in writing. At the same time I applied to the Viscount de Sa Baudiera to institute, in presence of these witnesses, accompanied by a British officer, a rigorous search of the "*Latona*." The Viscount refused to allow of the presence of a British officer, on the plea of its looking like Foreign Intervention. M. Vidal, however, a very honourable man, one of the chiefs of the Foreign Office, called on me by the Viscount's desire, to arrange the necessary proceedings. This gentleman put into my hand a report of a search which had been made the day before on board the "*Latona*" by the Police, in which it was declared that the vessel was free from suspicion!

I explained to him how matters stood, when he immediately proceeded at my request to the Consul's office, and having heard the evidence which had been collected, he requested that the witnesses might accompany him to the Police Office, where their sworn depositions were immediately examined, and desired to be translated, and arrangements were made to institute a fresh search of the "*Latona*."

During the day, the three witnesses in question have been offered by the Captain of the "*Latona*" money and a free passage to England in a vessel which sails to-morrow, provided that they will not divulge anything they know about the "*Latona*."

I trust that unless previous information should have been given of the intended search (which, however, is improbable), and which may afford time for throwing the ringbolts, arms, &c., overboard, a sufficient evidence will at once be obtained to justify the Government in making an immediate seizure of the "*Latona*."

With reference to the letter contained in the "*Nacional*" (transmitted by me in my Despatch No. 130) signed by Senhor Santos, the Adjutante da Praca, at Mozambique, suspecting him to be an interested person, I have made inquiries respecting him, and I find him to be brother to a man of the same name in Lisbon, to whom I have already referred in my Despatch No. 16, Slave Trade of the 13th May, 1836.

The American witness in his deposition further states Crocker the late Master of the "*Latona*," was formerly Mate of a slave vessel called the "*Flying-Fish*," the consort of the "*Maritata*," slave schooner, which was captured by the "*Nimble*," schooner-of-war, commanded by Captain Bolton. The "*Flying-Fish*" landed her slaves on that occasion at a place called Accoreau near Cape Blanco.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

&c.

&c.

&c.

Enclosure in No. 46.

Lord Howard de Walden to Viscount de Sa da Baudeira.

MONSIEUR LE VICOMTE,

Lisbon, 16th April, 1837.

BEING informed that the "*Latona*," the reputed Slaver, is fitted up with ring-bolts, and has 200 water-casks on board, which circumstances constitute evidence considered now sufficient in all tribunals to prove her criminality, as connected with the Slave Trade, I lose no time in bringing the circumstances under the notice of your Excellency.

It further appears that this vessel, which appears to have entered under the American flag, came from the Havana, having some how or other received on board the Commander of the "*Diogenes*," the Slaver, which is said to have been protected lately by the fort at Mozambique, and that she is not navigated according to the navigation laws.

Under these circumstances, considering the laws of Portugal respecting the Slave Trade (and as those of America treat vessels in any way connected with the Slave Trade as Pirates), I submit to your Excellency the policy of seizing on this opportunity for the purpose of affording a salutary warn-

ing to vessels detained for the Slave Trade, and of subjecting the "*Latona*" to the utmost rigour of the law.

The Owner of the "*Diogenes*," as also of this vessel, the "*Latona*," is reported to me as being a Corsican.

(Signed) HOWARD DE WALDEN.

To His Excellency Viscount de Sa da Baudeira.

No. 47.

Howard de Walden to Viscount Palmerston, G.C.B.—(Received May 4th.)

(Extract.)

Lisbon, 26th April, 1837.

WITH reference to my Despatch of the 22nd instant, on the subject of the "*Latona*," I have the honour to transmit the affidavits of three of the late crew, by which the character of this vessel is fully proved. I add also the affidavit of a seaman who was engaged only after the arrival of this vessel in the Tagus, by which it appears that notice had been given of the intended search, by the Portuguese authorities.

I further enclose the affidavit of another individual, as corroborating evidence of the disgraceful connivance, which exists between the Portuguese authorities and the said Slave Trader.

Having represented the circumstances connected with the two last-mentioned depositions to the Viscount de Sa da Baudeira, His Excellency requested me to write to him officially on the subject, which I accordingly did, and I herewith enclose a Copy of my Note to His Excellency, concerning the affidavits before-mentioned.

I understand from the Spanish Minister, Senhor Perez de Castro, that Pauoly, who is to have the command of the "*Latona*," states himself to have been owner of the "*Diogenes*," and, as a Spanish subject, has claimed his intervention with the Portuguese Government, to claim compensation for damages suffered from His Majesty's ship "*Leveret*" while under the protection of the Portuguese flag at Mozambique. I have inquired of M. De Castro what evidence he possessed of this said Pauoly being really a Spanish subject. I have not yet received his answer.

P.S.—I have the honour to transmit the answer, which I have just received from M. Perez de Castro.

First Enclosure in No. 47.

(Affidavit.)

THIS Deponent, John Williams, lately a seaman on board the brig "*Latona*," which arrived in this port under American colours, being sworn on the Holy Evangelists, maketh oath and saith, that on the seventh day of February last he shipped himself as a seaman on board the said brig, then in the port of Havana, understanding that she was bound to Lisbon, and from thence to London, without any fixed ulterior destination, as he was told by the Master Crocker: that deponent observed that there were fifteen water-casks on board, in addition to which fifteen or twenty more were shipped at the Havana, which he, deponent, helped to stow; besides which there were some leigars or water-tanks, capable of containing about twenty-eight pipes, on board: that, during the voyage to Lisbon, he was told by the contramestre, or sailing Master, that Don Francisco de Falconie, who was on board as passenger, had bought the vessel at Havana, and that Mr. Pauoly (likewise on board) was to take the command of her at Lisbon: also that the said Mr. Pauoly was the person who had commanded the Spanish vessel detained off Mozambique by an English ship of war: that the said Don Francisco pressed Deponent to continue on board, and go on in the vessel on a slave voyage to Mozambique, as he would gain more by it than he would on board a fair trader. And, further, that the said contramestre, whose name is Francisco, and who, he believes, is a Spaniard, had also told him that the "*Latona*" was to take from this port a new crew for the vessel detained at Mozambique by the English ship of war: and that the said contramestre further told him that the other vessel was to stay at Mozambique till the arrival of the "*Latona*," when they were to sail together for mutual aid and protection: and Deponent further saith not.

Witnesses to the Signature,

his
JOHN × WILLIAMS.
mark.

(Signed) JOSE DE RUYS E SOUZA,
EUGENE SULLIVAN, of Lisbon, Gentleman.

Sworn before me, by the said John Williams, at Lisbon, this 21st April, 1837.

(Signed) JER. MEAGHER,
B. V. Consul.

Second Enclosure in No. 47.

(Affidavit.)

THIS Deponent, Charles Evans, a British subject, being sworn on the Holy Evangelists, voluntarily maketh oath and saith, that he this Deponent being then at the Port of Havana, in the Island of Cuba, on or about the 20th day of December last past, he shipped as second mate on board the American brig "Latona," then under American colours, commanded by — Crocker, and signed articles to proceed to Lisbon or elsewhere, but he was informed by said Master that the "Latona" was to proceed from Lisbon to London, where she was to take in a cargo of dry goods, with which she was to proceed to the Pacific Ocean. That immediately after he shipped himself said vessel was sold by a Mr. Oakley, who came from New York in the "Latona," as supercargo, to a Spaniard then at Havana, named Don Francisco Falconie, and paid the purchase-money for her to the said Mr. Oakley, who after receiving it, immediately returned to New York. That about a fortnight before he, deponent, shipped on board the "Latona," a Mr. Pauoly arrived at the Havana from Mozambique, and from his having made all the arrangements, and superintended the stores and provisions sent on board the "Latona," as well as Deponent believes that the said Mr. Pauoly is connected and concerned in said brig "Latona." That said vessel received at the Havana four leigars or tanks, capable of containing twenty eight pipes of water, of the sort generally used in the Slave Trade, and thirty-five wine-pipes, besides two gang-casks of rum, and half a pipe of cognac brandy, and two chests of muskets. That the crew consisted of thirteen men, composed of Portuguese, Americans, English, Swedes, and Russians; and that about the end of January said vessel proceeded on her voyage to this port, the said Don Francisco Falconie and Mr. Pauoly being passengers in her: that during the voyage the contramestre or boatswain repeatedly asked deponent if he would consent to remain in the "Latona," which he told him was to be fitted out at Lisbon for the purpose of returning to Mozambique, to be employed in the Slave Trade, a circumstance which was generally made known to all the crew, but that Deponent refused to proceed on such traffic. That Mr. Pauoly informed deponent that he was the person who commanded the Spanish vessel that was detained by the English brig-of-war at Mozambique, which he said also belonged to the said Don Francisco Falconie; and deponent further saith, that in clearing away the dunnage to lay the water-casks on, he discovered four pairs of slave-irons, which he hove down between the partner beams; and that he also discovered that she had a box-cabin, inside of which he discovered a place containing small arms and powder; that the said vessel is also fitted with iron cranks, to sling a slave-deck; and that besides the four guns now on deck, the remainder (of 14) are stowed and hid under the iron ballast. And deponent further saith, that whilst at Havana, the said Don Francisco Falconie and Mr. Pauoly lived together, and that the said Mr. Pauoly repeatedly told him, deponent, that he was to take the command of the "Latona," after she was fitted out in Lisbon for the Slave Trade: and this deponent further saith not.

(Signed) CHAS. C. EVANS.

Witness to the signature,
EUGENE SULLIVAN.

Sworn before me to the truth of the foregoing statement, by Charles C. Evans, at Lisbon, 21st April, 1837.

(Signed) JER. MEAGHER,
B. V. Consul.

Third Enclosure in No. 47.

(Affidavit.)

THIS Deponent, Solomon Collick, lately serving as cook on board the brig "Latona," which arrived in this port under American colours, having been sworn on the Holy Evangelists, maketh oath and saith, that he shipped as cook on board said vessel, in the port of New York, about five or six months ago, and proceeded in her, with a cargo of corn and flour, to the Island of St. Thomas, where as he heard from the then Master, she was intended to be offered for sale, and, if not sold, to proceed to the Havana for the same purpose. That not having found a purchaser, said vessel proceeded from St. Thomas's to Havana, where she arrived on the 24th of December last, and was there sold to Don Francisco de Falconie and Mr. Pauoly by a Mr. Oakley, who came as supercargo of the vessel from New York, and by whose father she was owned. That to Deponent's certain knowledge the purchase-money of said brig "Latona" was paid by Don Francisco de Falconie to Mr. Oakley. That Mr. Oakley told deponent that he had sold the vessel, and advised him to proceed in her to Lisbon. And deponent further saith, that about eight years ago, being then in the city of Philadelphia, employed as a porter, he was sent on board said vessel to bring the Captain's luggage on shore, when he was told in conversation by the Mate, that said brig "Latona" had just returned with a cargo of cotton from New Orleans, to which port she had proceeded, after having landed a cargo of slaves at a creek near Matanzas, in the Island of Cuba, which fact was corroborated in Deponent's mind, by his seeing a quantity of fire-arms, cutlasses, boarding-pikes, and tomahawks. That while the "Latona" was at the Havana in January last, this Deponent and Charles Evans were stowing casks and leigars, or water-tanks, on the dunnage (the ballast having been removed), in doing which they discovered a number of slave-irons, hid by the keelson, where they were covered by the ballast. That he also knows that the "Latona" has got false lockers behind the berths, and secret places by the rudder-case and in the ceiling. That the said Don Francisco de Falconie and Mr. Pauoly came as passengers in the "Latona" to this port; and that the contramestre or sailing-master had pressed him to remain in said vessel, and go in her on the slave voyage she was intended for after she was fitted out at Lisbon, which request said contramestre likewise made to the rest of the crew. That said contramestre told him, Deponent, that Mr. Pauoly was the identical person who commanded the vessel which had been detained at Mozambique by a British vessel of war: and further Deponent saith not.

(Signed) SOLOMON ^{his} COLLICK.
mark.

Witness to the signature,
EUGENE SULLIVAN.

Sworn before me, to the truth of the foregoing deposition, by Solomon Collick, before me, at Lisbon, this 21st day of April, 1837.

(Signed)

JER. MEAGHER,
B. V. Consul.

Fourth Enclosure in No. 47.

(Affidavit.)

This Deponent, Jacinthe Patigneau, a native of the Isle of France, being sworn on the Holy Evangelists, voluntarily maketh oath and saith, that he, Deponent, on the 29th ultimo shipped on board the brig "*Latona*," lately arrived in this Port under American colours, as seaman, where he has continued until yesterday evening. That on some day last week the said ship's boats conveyed from on board a quantity of bottles, containing gunpowder (he having seen the men filling the bottles with it) which were landed near Boa Vista (Bull Bay); and that the boat immediately returned empty, and then conveyed another quantity of bottles, also containing gunpowder. That a few days since, whilst shifting the ballast, he, Deponent, observed *under it*, about one hundred manacles, under the run of the vessel, and which are covered over with stones. That yesterday all of a sudden the contra-mestre (boatswain) told him, Deponent, that the "*Latona*" was going to be sold, and desired him to quit the vessel, which he did last evening, and that he has reason to believe that his being ordered on shore was for the purpose of preventing his being acquainted with what was doing on board, and to avoid his making the same known: and Deponent further saith not.

his
JACINTHE X PATIGNEAU.
mark

Witness to the Signature,
EUGENE SULLIVAN.

Sworn before me at Lisbon, this 22nd April, 1837.

JER. MEAGHER,
B. V. Consul.

Fifth Enclosure in No. 47.

(Affidavit.)

This Deponent, Samuel Grady, of Lisbon, lodging-house keeper, and a British subject, voluntarily maketh oath and saith, that on the 21st day of April instant, he, Deponent, of his own accord, went on board the brig "*Latona*," (which vessel lately entered this port under American colours) together with the Proveda, or Magistrate, appointed by the Portuguese Government to search said vessel for certain chains, manacles, and other instruments used in the Slave Trade, which were said to be concealed in said brig. That said Magistrate was accompanied by two persons, one of whom acted as interpreter, and was escorted by a guard of four soldiers. That with Deponent the following persons likewise went on board of their own accord, viz., Charles Evans, Solomon Colliett, John Williams, John Baker, and John Lewis, all lately belonging to the said brig "*Latona*." That the said Proveda and the persons who accompanied them having got on board said brig, called for the captain, and said he had a warrant to search the vessel. That the late captain was not on board at the time, but came before Deponent and the others quitted the vessel. That the Contra-mestre or Sailing Master having furnished a light, said Provedor went below accompanied by Deponent and all the others (except the soldiers) who had gone on board with him. That the Provedor and his two Portuguese attendants went into the cabin, and having merely looked round, returned again on deck, without having made any search whatever. That in the mean time Deponent, with Evans, Collick, Williams, Baker and Lewis, went down into the and began to search in the place where some of them recollected that the irons had been stowed away at the Havana, that is near the Keelson, and between the water casks and the ballast, but found nothing but a file and a key, which seemed to belong to the padlock with which the slave chain is fastened. That before they had time to make any further search, the captain who had just returned on board, called out from the hatchway, ordering them all to come up, which they accordingly did. That when they got on deck again they saw the Proveda and the two other persons who came with him standing by the after hatchway. And the Captain was pacing the deck apparently in great anger, and saying that if he had been on board he would not have allowed any one of them to enter the ship. That Deponent did not see said Proveda, nor either of the persons who meet with him, make any search whatever on board said brig; and that in a few minutes after Deponent came up from the hold, they all returned on shore. That before they quitted the vessel the late Captain asked Colliett what business he had on board, to which Colliett in Deponent's hearing replied that he (the Master) had no business on board, as the "*Latona*" had been sold at Havana to Don Francisco Falcone and Mr. Pauoly, and that the purchase-money had been paid for her.

And this Deponent further saith, that from the interest he felt in this case, arising from the circumstance that several of the "*Latona's*" former crew were lodging at his house, he on the 22nd instant again accompanied another Magistrate on board said brig, for the purpose of making a second search. That said magistrate, with three persons who accompanied him, and Deponent, together with all the individuals who had gone with him on the preceding day, went before, first to the cabin and then to the after-cabin, in both which places they searched very carelessly, although Deponent repeatedly remarked to them that he thought they were very negligent, and even pointed out places which he said ought to be examined, for which purpose he recommended that a plank should be taken out of the sheathing on each side, which could have been done without injuring the vessel. That Deponent's remarks were addressed to the interpreter and by him conveyed to the Magistrate, who, however did not attend to them further than by observing that if any injury were done to the vessel he (the Magistrate) would have to pay for it. That Deponent heard Solomon Colliett assure the inter-

preter that there were lions on board; and likewise heard Jacinthe Patigneau, another of the former crew of the "*Latona*" tell the interpreter that he had assisted in stowing them away in a place whence on search being made it was found they had been removed. That the whole of the time during which the said Magistrate was on board was about an hour: and further Deponent saith not.
(Signed) SAMUEL GRADY.

Witness to the Signature,
EUGENE SULLIVAN.

Sworn before me at Lisbon, this 24th April, 1837.

JER. MEAGHER,
B. V. Consul.

Sixth Enclosure in No. 47.

Lord Howard de Walden to Viscount Sa da Baudeira.

M. LE VICOMTE,

Lisbon, 25th April, 1837.

IN compliance with your request, I have the honour to transmit to your Excellency, herewith the affidavits of three seamen lately of the "*Latona*," the contents of which had several days ago been communicated by your Excellency's desire to the Police Office. I further add, a fourth affidavit made by a man who had been engaged on board the "*Latona*," after the dismissal of the crew which brought her from the Havana to Lisbon; by which your Excellency will perceive, that what I had anticipated from any delay, took place, namely, that notice had been immediately given on Friday of the intended search of the vessel on Saturday, and that effects had in consequence been landed, which would have tended to afford additional proof of the character of the "*Latona*." The fifth affidavit enclosed denounces the conduct of the officers intrusted with the search of the "*Latona*," which is a mere repetition of the disgraceful proceedings which took place with regard to the "*Esperanza*," when the Duke of Palmella was Minister.

Having already requested that a British officer conversant with the fitting up of slavers, should be allowed to be present at the search to be instituted on board the "*Latona*," for the double purpose of pointing out to the Portuguese authorities what would constitute conclusive evidence as to the destination of this vessel, and of securing the witnesses from intimidation, and which your Excellency refused to allow, I trust your Excellency will bear in mind the extent to which the honour of the Portuguese Government will have been compromised, unless now, by the praiseworthy exertions of more zealous officers, they may still obtain (in addition to the affidavits which I now place in your Excellency's hands) evidence equally conclusive as were those incontestible proofs, with which I offered to furnish your Excellency, on board the vessel itself. I am informed that the "*Latona*" this day hoisted American colours, although His Britannic Majesty's Consul has seen in the American Consul's hand her register as an American vessel cancelled.

I have, &c.
(Signed) HOWARD DE WALDEN.

His Excellency Viscount Sa da Baudeira.
&c. &c. &c.

Seventh Enclosure in No. 47.

(Translation.)

M. de Castro to Lord Howard de Walden.

Lisbon, 26th April, 1837.

LE Chevalier Perez de Castro has the honour to present his respects to Lord Howard de Walden, and wishing to satisfy his Excellency's wish, to have some idea of the reasons on which M. Peoli, Captain of the "*Latona*" founds this claim to his protection; he has now the honour to state to his Excellency, that he has received letters from a Spanish commercial house at Bordeaux, recommending M. Peoli, Captain of the "*Diogenes*," and announcing at the same time, that the prouction of the Government as Her Catholic Majesty, had been claimed for him: that the publicity caused by the debates which have taken place in the Chamber of Deputies, since the representations addressed to the Government on the subject of the affair of Mozambique, and the answer of the Minister of Mariue, have confirmed him in the persuasion that M. Peoli is the Captain of the Spanish brig "*Diogenes*," detained at Mozambique; and lastly, that the authentic documents of which M. Peoli is the bearer from Mozambique, prove him, beyond a doubt, to be the Captain of the brig "*Diogenes*," whose papers were detained in the last-mentioned town, and are now on their way to this capital, M. Peoli having a formal certificate of their existence.

According to these very positive proofs, the Chevalier Perez de Castro has not been able for a moment to doubt that M. Peoli is the Captain of the "*Diogenes*."

Moreover, he has informed his Government of what has passed, and he will thus be enabled to know how far the claims of the said Captain are carried.

The Chevalier Perez de Castro had no previous knowledge of the suspicions raised by His Excellency as to the part which M. Peoli may have taken in the Slave Trade; but he is very thankful to Lord Howard for the information, by which he will not fail to profit, if possible.

The Chevalier Perez de Castro, begs, &c.

To His Excellency Lord Howard de Walden.
&c. &c. &c.

No. 48.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, 6th May, 1837.

I HEREWITH transmit to your Lordship the Extract of a Letter from the Havana, stating that Don Jozé Fernandez, a notorious slave dealer, has been nominated Portuguese Consul in that city.

Your Lordship will make inquiry into this matter; and, if the information furnished to the writer, as to the appointment of Don José Fernandez, should prove correct, you will communicate to the Portuguese Government the fact of his connexion with the Slave Trade, and will at the same time point out to the Portuguese Government, how much the selection of such a person for this particular post must tend to assist the Slave Traders at Cuba, and to encourage a belief, that the Portuguese Government favours, instead of discountenancing that traffic.

I am, &c.
(Signed)

PALMERSTON.

Lord Howard de Walden.
&c. &c.

Enclosure in No. 48.

Extract of a Letter dated the Havana, 24th February, 1837.

A REPORT has reached me upon creditable authority, that Don José Fernandez, a partner of the American House of George Night and Co., has lately been nominated Portuguese Consul for Havana. This individual is one of the most notorious slave dealers either here or upon the Coast of Africa. His brother resides at Whydato, having various establishments likewise for slave dealing. An appointment of such a nature by the Portuguese Government, could only be made with the intention of forwarding the Slave Trading enterprises (now carried on to such an extent under her flag), by an act of the most open barefacedness.

No. 49.

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

MY LORD,

Lisbon, 30th April, 1837.

WITH reference to my Despatches of the Slave Trade Series, of the 22nd and 26th instant, respecting the "*Latona*" Slaver, I have the honour to inform your Lordship, that the American Chargé d'Affaires has withdrawn his protection from this vessel.

I have made known to him all the particulars connected with her, and have furnished him with certified copies of the depositions of the various witnesses against her.

Viscount de Sa da Baudeira also assured me yesterday, that she should not be allowed to use the Portuguese flag, but he could not tell me what course of proceeding against her was in progress.

It remains now to be seen whether Pauoly will address himself to the Spanish Minister for protection.

I have, &c.
(Signed)

HOWARD DE WALDEN.

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

No. 50.

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

MY LORD,

Lisbon, May 1st, 1837.

I AM informed to-day that the "*Latona*" has been purchased by a British merchant at Lisbon, by name of Shore.

Your Lordship will perceive by the proceedings of this case, how hopeless it is to expect the punishment of any parties in Portugal connected with the Slave Trade.

It is probable that Pauoly and Falconie have disposed of the "*Latona*," her character having become too notorious for their purpose, and that they will purchase some other vessel in this port, which may answer their purpose equally well, without attracting the vigilant attention of His Majesty's cruisers in the same way they apprehend the "*Latona*" would have done.

I shall have the proceedings of Pauoly and Falconie closely watched. The two

houses here of Perfumo and Scheffer, the reputed principal and agents in the Slave Trade, have failed within the last week.

I have, &c.
HOWARD DE WALDEN.

(Signed)

To Viscount Palmerston, G.C.B.

No. 1.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, May 10th, 1837.

I HEREWITH transmit to you, for your information, the copy of a Despatch from His Majesty's Commissioners at Sierra Leone, containing a Report upon the Slave Trade, during the year 1836, together with the extract of a letter from a respectable merchant in the Rio Minez upon the same subject.

You will communicate the information contained in these papers to the Portuguese Minister, pointing out to his particular notice the open manner, in which the Portuguese Authorities at Porto Praya, and at other Settlements belonging to Portugal, supply Spanish vessels engaged in the Slave Trade, with the means of sheltering their unlawful transactions under the Flag of Portugal; and you will state, that if this fraudulent use of the Portuguese colours shall continue to be permitted, the Portuguese Government must not be surprised, if a flag, thus deliberately prostituted to such base purposes, should no longer be respected by British cruisers.

I am, &c.
(Signed) PALMERSTON.

First Enclosure in No. 51.

*Sierra Leone Commissioners, January 5, 1837.
(See Class A., 1836. Supplement A., No. 3.)*

Second Enclosure in No. 51.

Extract of a Letter dated Rio Minez, 24th February, 1837.

THERE have arrived in the river Rio Ponzas during the last three weeks, four vessels under Portuguese colours, which, it appears, are now readily obtained at the Cape de Verde Islands, on payment of a douceur of 15*l.* per cent. on the value of the vessel and cargo. From what you know of Portuguese Governors, you may judge what is the probability of any of them having the virtue to resist the temptation of 1500 or 2600 dollars, freely given by any Spanish slaver for a set of Portuguese papers. I am told, and I believe it to be a fact, that no less than fifteen from Cuba have, within the last two months, received Portuguese papers from Porto Praya, on payment of sums varying from 1500 to 2000 dollars, according to the size of the vessel and the value of the cargo.

No. 52.

Lord Howard de Walden to Viscount Palmerston.—(Received May 14th).

(Extract.)

Lisbon, 5th May, 1837.

I REPORTED to your Lordship in my Despatch, of the 1st instant, that an English merchant, by name Shore, had purchased the "*Latona*." On reference to that gentleman, I find this not to be the case; although it was so stated by those on board, and, moreover, that they were going to hoist British colours.

I have now to add, that the "*Latona*" continues to carry Portuguese colours; and I am assured that she has been transferred (nominally only I suspect) to the notorious Gil dos Santos, the owner of the "*Rapina*," and brother to the Adjudonte de Praco, at Mozambique, to which place the "*Latona*" is bound.

No. 53.

Lord Howard de Walden to Viscount Palmerston.—(Received May 14th.)

(Extract.)

Lisbon, 5th May, 1837.

THE Viscount de Sa da Bandeira has at last transmitted to me his counter project of a Treaty for the Abolition of the Slave Trade.

This document is much at variance with the project transmitted to me under your Lordship's instructions, as to principle, spirit, and efficiency.

No. 54.

Lord Howard de Walden to Viscount Palmerston.—(Received May 27.)

MY LORD,

Lisbon, 13th May, 1837.

I HAVING signified to the Viscount de Sa Bandeira, that in transmitting to me the counter-project for a Treaty of Abolition of the Slave Trade, it would have been a more regular proceeding, if it had been accompanied by an Official Note of transmission, his Excellency accordingly addressed such a Note to me, which I received only late last night, and of which I now have the honour to transmit a Copy and translation.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

&c.

&c.

&c.

Enclosure in No. 54.

M. Sa da Bandeira to Lord Howard de Walden.

(Translation)

Foreign Office, 12th May, 1837.

THE Undersigned, &c. has the honour to transmit to Lord Howard de Walden, &c., the Counter Project of a Treaty for the Abolition of the Slave Trade, such as it ought to be concluded, in order to make it harmonize with the Decree of the 10th December, 1836, which completely abolishes that odious traffic throughout the Portuguese dominions. Certain stipulations are also adopted therein, similar to those of the Treaty for the Abolition of the Slave Trade, concluded between France and Sweden on the 21st of March 1836, a printed Copy of which is annexed, and which is based throughout upon the Conventions concluded for the same object between Great Britain and France, on the 30th November 1831, and the 22d March 1833, to which both the said Powers have requested and obtained the consent of other Powers. These stipulations of the Counter Project, at the same time that they are founded upon a perfect and just equality, and are in complete conformity with what Great Britain has latterly agreed to with other Powers upon this point, are mutually honourable to both Crowns, and are consequently deserving of the approbation of His Britannic Majesty's Government.

The Undersigned, &c.

(Signed) SA DA BANDEIRA.

Lord Howard de Walden,

&c. &c.

No. 55.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, 9th June, 1837.

I HEREWITH transmit to your Lordship, for communication to the Portuguese Government, the accompanying Extracts from a Letter addressed to Lord Glenelg by His Majesty's Superintendent of Liberated Africans at the Havana, reporting the continued use of the Portuguese flag and Papers by Spanish vessels engaged in the Slave Trade.

I am, &c.

(Signed) PALMERSTON.

The Lord Howard de Walden,

&c.

&c.

Enclosure in No. 55.

Extract of a Letter, dated Havana, 14th February, 1837.

THE Spanish slavers now, almost universally, and without the slightest impediment, adopt the Portuguese flag, and by this means get rid altogether of the Equipment Clause, the most valuable part of the Treaty.

CLASS B

This facility with which the Portuguese flag is adopted, and the exemption from all inquiry here into its adoption, even in cases of vessels known in the Havana to have sailed under the Spanish flag—except in a single case, that of the "*Soccoro*,"—has now made the practice general. There is neither difficulty nor danger in it, the Commanders are Spaniards;—an oath to a Custom-House—a bribe to a Consul—fictitious Papers and false colours—and a Spanish slaver is at once converted into a Portuguese merchant vessel.

No. 56.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, 7th October, 1837.

WITH reference to my Despatch to your Lordship, "*Slave Trade*," of the 10th of May last, upon the subject of the facilities afforded to persons engaged in the Slave Trade, by the Authorities of the Portuguese Settlements on or near the Coast of Africa, I herewith transmit to your Lordship the Copies of 2 Despatches, and of their Enclosures, which I have received from Her Majesty's Commissioners at Sierra Leone, containing an account of the condemnation of 2 vessels, the "*Flor de Tejo*" and the "*Providencia*," captured with slaves on board, under Portuguese colours.

From the evidence produced at the trial of these vessels before the Mixed Court of Commission, it appears, that the "*Flor de Tejo*" sailed from the Havana bearing the character of a Spanish schooner, and under the name of "*Flor de Mar*," and that while at the Cape de Verde Islands she assumed the flag of Portugal; and that the "*Providencia*," in like manner, arrived at Princes Island, under the Brazilian flag, and there assumed the flag of Portugal.

Both cases, indeed, afford the plainest proofs of the readiness, with which the Portuguese Authorities at the above-mentioned places extend, by mock transfers, the protection of the flag of Portugal to vessels engaged in the Slave Trade; and I have, therefore, to instruct you to renew the representations, which, by my Despatch above mentioned, you were desired to make to the Portuguese Government upon this subject.

On referring to the First Enclosure in my Despatch of the 10th of May above mentioned, your Lordship will find that F. Cardozo de Mello, and Ribeiro, the Master of the "*Flor de Tejo*," have already been reported to Her Majesty's Government, as parties concerned in transactions of this nature, and you will, therefore, further demand from the Portuguese Government, that the necessary steps be taken for the due execution of the Decree of the 10th December, by the trial and punishment of the above-named Portuguese subjects, as implicated in offences against that Decree.

I am, &c.

(Signed)

PALMERSTON.

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

Enclosures in No. 56.

Sierra Leone Commissioners, 8th July, 1837.

" " 14th " "

(See Class A.)

No. 57.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, 16th October, 1837.

I HEREWITH transmit for your information the accompanying Copies of 3 Despatches and of their Enclosures, which I have received from Her Majesty's Commissioners at Rio de Janeiro, containing Returns of vessels that arrived from, and sailed for, the Coast of Africa during the months of May, June, and July; and I have to instruct your Lordship to draw the attention of the Portuguese Government to the statements therein contained, as affording an additional proof of the increasing extent to which the flag of Portugal is used, to cover transactions in Slave Trade.

I have, &c.

(Signed)

PALMERSTON.

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

Enclosures in No. 57.

His Majesty's Commissioners at Rio de Janeiro, June 15th, 1837.

” ” *July 1st, ”*

” ” *August 14th, ”*

(See Class A.)

No. 58.

Viscount Palmerston to Lord Howard de Walden.

(Extract.)

Foreign Office, 27th October, 1837.

YOUR Lordship's Despatches of the Slave Trade series have been received at this Office up to that of the 24th May last.

With reference to your Despatch of the 5th of May last, inclosing the counter-project of Treaty which the Portuguese Government then proposed for adoption, instead of the project submitted to them on the part of Her Majesty's Government, I have to inform you, that Her Majesty's Government deeply regret, that, after nearly two years' negotiation, the Government of Portugal should have refused its consent to the Draft, which was proposed by Great Britain, and which was nearly word for word the same with the Treaty which Spain, so much to her honour, has agreed to.

Her Majesty's Government cannot refrain from expressing its great disappointment at this refusal, which it had no right to expect; and Her Majesty's Government has learnt with some surprise, that, in reply to a proposal to conclude a Treaty, founded upon one already concluded between England and Spain, the Portuguese Government has asked it to take for its model a Treaty concluded between France and Sweden, to which England is not directly a party.

Your Lordship will now acquaint the Portuguese Minister, that the Draft proposed to you by M. Sa da Bandeira is inadmissible, and you will again make a vigorous effort to persuade the Portuguese Government to accept the Draft first sent out to you, with the addition of the 2 Articles, the insertion of which you were instructed to admit by my Despatch, of 25th April, 1836.

No. 59.

Lord Howard de Walden to Viscount Palmerston.—(Received November 24.)

MY LORD,

Lisbon, 14th November, 1837.

I HAVE spoken to Viscount de Sa da Bandeira on the subject of the renewal of the suspended negotiations on the Slave Trade; and his Excellency has assured me of his disposition to enter into a consideration of the question in its general bearings without delay.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

&c.

&c.

&c.

No. 60.

Lord Howard de Walden to Viscount Palmerston.—(Received November 29.)

MY LORD,

Lisbon, 21st November, 1837.

I have been informed by the Under Secretary of State, that the Portuguese brig "*Eugenia*," suspected of being a slaver, has been captured by the Brazilian sloop-of-war "*Regeneração*," and sent by her to Rio de Janeiro.

I have &c.

(Signed)

HOWARD DE WALDEN.

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

&c.

&c.

&c.

No. 61.

Lord Howard de Walden to Viscount Palmerston.—(Received November 29.)

MY LORD,

Lisbon, 21st November, 1837.

I HAVE again urged Viscount de Sa to lose no time in resuming negotiations for a Treaty with Great Britain, under which the Slave Trade, carried on

under the Portuguese flag contrary to law, may be effectually suppressed. His Excellency has promised to give his early attention to the subject, and has requested me to furnish him with a Copy of the Treaty concluded on the 28th June, 1835, between Great Britain and Spain for this object, which I have done.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

&c.

&c.

&c.

No. 62.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, 4th December, 1837.

I HEREWITH transmit to your Lordship, for communication to the Portuguese Government, the accompanying Copy of a Letter, addressed by Rear-Admiral Hamond to Her Majesty's Minister at Rio de Janeiro, containing a representation, that the Portuguese Authorities at that port allow slave-vessels to navigate under the Portuguese flag, in open defiance of the laws of Portugal.

I am, &c.

The Lord Howard de Walden,

(Signed)

PALMERSTON.

&c.

&c.

Enclosure in No. 62.

Sir E. Hamond to Mr. Hamilton.

SIR,

Dublin, Rio de Janeiro, September 9th, 1837.

I HAVE the honour to acknowledge the receipt of your letter of this date, with an extract from one addressed to you by the Imperial Secretary of State for Foreign Affairs, requesting you will exert your influence in order that Her Majesty's ship-of-war under my command may be instructed to cruise on the coasts of this province, for the suppression of the Slave Trade, and in reply, I request you will be pleased to make known to the Imperial Government, that the limited number of Her Majesty's ships-of-war under my command, stationed on the east coast of South Africa, cruise for that purpose, as much as possible, consistently with the other duties which they have to perform; and that I consider it would not be proper to withdraw from the distant provinces, and from the river Plate, the vessels now necessarily stationed there for the protection of British commerce, with the sole view of guarding the province of Rio de Janeiro from the scandalous illicit traffic in Slaves, which although unhappily so prevalent, it is so easy for the Imperial Government itself to check in the very outset, by simply giving orders that no vessel shall be cleared outwards or inwards at the Custom Houses of any of the ports of Brazil without producing the *national register* and other documents required by the law of the country, whose flag the vessel may show to prove that she is lawfully navigated as a merchant vessel of that country, instead of allowing merchant vessels (as is now notoriously the case) to shift their flag, and change their names, at will, and proceed to sea with the most irregular and incomplete papers; and to return, entering inwards from the coast of Africa, 50 pipes of *salt water* and *one parrot*, to the reproach of all good governments, and the effectual encouragement of the illicit traffic in question.

I have, &c.

(Signed)

G. E. HAMMOND.

Vice-Admiral.

P.S.—In the "Journal de Commercio" of this day, there is recorded the "Entrada" of the Portuguese schooner, "*Andorinha*," from *Benguela*, cargo 10 gamelas of wax and 21 tusks of ivory. It is *not possible* that such a cargo can pay the freight of the vessel, and that alone makes her more suspicious, but it is more than probable, that vessel has not *one* of the papers required by the law of Portugal, to enable her to navigate under that flag.

Similar entries are recorded almost daily, and are passed by the authorities of the country; thus attempting to cast the blame upon the few English ships-of-war on this station.

Will the Brazilian Government authorise me to examine and search the vessels so coming into port, after evading the cruisers on the coast, and prove (if the Government is blind to the fact) the wilful remissness of the Portuguese authorities here, in suffering such vessels to navigate, in open defiance of the laws of Portugal.

(Signed)

G. E. HAMMOND.

No. 63.

Lord Howard de Walden to Viscount Palmerston.—(Received December 18.)

MY LORD,

Lisbon, 11th December, 1837.

I HAVE the honour herewith to enclose a Copy of a Note which I have addressed to the Viscount de Sa da Bandeira, in execution of your Lordship's Instructions, conveyed to me in your Despatches of the 24th July and 16th October,

of this year, marked "Slave Trade," relative to the encouragement given to that disgraceful traffic by different Portuguese Authorities, and the extent to which the national flag of this country has been prostituted for the ends of that inhuman commerce.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

Enclosure in No. 63.

Lord Howard de Walden to Viscount de Sa da Bandeira.

Lisbon, 6th December, 1837.

THE Undersigned has been instructed by Her Majesty's Government to communicate to that of Her Majesty's Foreign Minister the Documents herewith enclosed, demonstrating the encouragement continued to be given by Portuguese Authorities and subjects in the Dominions of Portugal to the disgraceful and prohibited traffic in slaves.

By the Returns of the vessels which have sailed from the Coast of Africa, his Excellency will receive a convincing proof of the extent to which the Flag of Portugal is used to cover transactions in the Slave Trade.

From the Reports of Her Majesty's Commissioners at Sierra Leone, containing an account of the condemnation of two vessels, the "*Flor de Tejo*" and the "*Providencia*," and from the evidence produced at the trial of these vessels before the Mixed Court of Commission, his Excellency will learn that the "*Flor de Tejo*" sailed from the Havana bearing the character of a Spanish schooner, and under the name of "*Flor del Mar*," and that, while at the Cape de Verde Islands, she assumed the flag of Portugal; and that the "*Providencia*" in like manner arrived at Princes Island under the Brazilian flag, and there assumed the flag of Portugal. Both cases afford the plainest proofs of the readiness with which the Portuguese Authorities at the above-mentioned places extend, by mock transfers, the protection of the flag of Portugal to vessels engaged in the Slave Trade.

The Undersigned is therefore instructed to address the Portuguese Government, calling upon them in virtue of the assurances and declarations so repeatedly made to the British Government, to cause the necessary measures to be taken for the due execution of the Decree of the 10th December, 1836, by the trial and punishment of the above-mentioned subjects as implicated in offences against that Decree.

The Undersigned is now addressing his Excellency the Viscount de Sa da Bandeira, the Minister to whom everlasting honour is due for having relieved the institutions of his country from the debasing stigma of legalized Slave Trade, cannot too strongly urge his Excellency to complete the noble work he has so honourably commenced, by rendering effective the law prohibiting this inhuman traffic, and thus raising the national character of Portugal to its proper station among civilized nations.

The Undersigned, &c.

His Excellency Viscount de Sa da Bandeira.

(Signed) HOWARD DE WALDEN.

PORTUGAL. (*Consular.*)

No. 64.

Viscount Palmerston to Mr. Egan.

SIR,

Foreign Office, 10th May, 1837.

WITH reference to my other Despatch to you of this day's date, containing Instructions for your guidance in the performance of the duties of His Majesty's Consul at the Cape de Verde Islands, I herewith transmit to you printed Copies of the Treaties concluded between this country and foreign powers for the suppression of the Slave Trade, together with printed Copies of the Correspondence of His Majesty's Government with the British Commissioners appointed under certain of those Treaties, and with Foreign Governments on the same subject.

One of the principal reasons, which have induced His Majesty's Government to nominate a British Agent to reside at the Cape de Verde Islands, is the fact that slave-vessels are much in the habit of touching at those Islands on their way to the Coast of Africa. So far back, indeed, as the year 1828, it was considered that much useful information with respect to the real character and the intended movements of such vessels might be obtained from these Islands, and be communicated to His Majesty's cruizers and the other Officers of the British Government specially employed in the execution of the Treaties above referred to; and I now send to you a Copy of the Instruction, addressed with this view by the Earl of Aberdeen to Mr. Consul Goodwin.

The Reports recently received from Sierra Leone and the Havana, give reason to believe that the Cape de Verde Islands are now more than ever frequented by slave-vessels, and particularly by those under the Spanish flag, to whom an opportunity is there afforded of assuming the colours and character of a Portuguese vessel, under which they escape the provisions of the Treaty with Spain, which are stricter and more efficacious, than those of the Conventions at present in force between Great Britain and Portugal.

I have, therefore, to desire, that you will use your best endeavours to obtain every information with respect to the Slave Trade, and that you will communicate to His Majesty's Cruizers, and to the British Commissioners, at Sierra Leone, those facts which may appear to you worthy their attention, and likely to conduce to the capture and condemnation of slave-vessels; taking care to transmit to this Office Copies of your Despatches to the functionaries above mentioned, together with any particulars, as to the part borne in these transactions by the Local Government and the Merchants resident in the Islands.

Your Despatches upon this subject should be marked "Slave Trade," and numbered separately from the series of your Despatches on Consular Service.

In conclusion I must point out to you that great caution and prudence, as well as vigilance, are essentially necessary to the effectual performance of the duties sketched out for you in this Despatch.

To Joseph Egan, Esq.
&c. &c.

I have, &c.
(Signed) PALMERSTON.

No. 65.

Mr. Consul Egan to John Bidwell, Esq.—(Received December 18.)

SIR,

Madeira, 17th November, 1837.

CAPTAIN Rosenberg, touching at Madeira, affords me the opportunity of informing you that we have on board a Portuguese, called Don Rafael José Alvares, a prisoner in charge of a Mate (Mr. Shannon) of His Majesty's brig "Racer," Captain Hope, who brought him from the West Indies to Plymouth, where he was put on board the "Forester," to be taken to Sierra Leone. This man commanded the slave-ship "Quorda Marina," but in consequence of her fast sailing, was afterwards called "Traga Millas," and was taken off the Island of Cuba, with 283

slaves on board. The crew and slaves were landed at Port Antonio, in the Island of Jamaica; but as there is no Portuguese Commissioner attached to the Mixed Commission at the Havana, it became necessary to send the Captain of the slaver to Sierra Leone before the vessel can be condemned. I felt it my duty to have some conversation with this man and as he seems to take pride in his nefarious trade, he was communicative. He tells me the voyage on which he was taken was the first he made, but the sixth made by the vessel; she got all her slaves at the Gallinas; was built at Baltimore, purchased for the Slave Trade by merchants at the Havana, and obtained her Portuguese Papers and colours at the Cape Verdes; had when taken a crew of 12, of whom 8 were Spaniards and 4 Portuguese; one-fourth of the crew, including the Captain, must be Portuguese to give a right to the colours of that nation. This man is a native of Lisbon, and was banished by Don Miguel's Government to the Cape Verdes, where he remained 5 or 6 years. From thence he went to the Coast of Africa and became acquainted with and employed by Pedro Blanco, a Spaniard, at the Gallinas, who is the chief encourager of the Slave Trade in that quarter.

To *John Bidwell, Esq.*
&c. &c.

I have, &c.
(Signed) JOSEPH EGAN.

NETHERLANDS.

No. 66.

Viscount Palmerston to Sir E. C. Disbrowe.

SIR,

Foreign Office, June 30.

WITH reference to my former Despatches upon the subject of General Verveer's mission to Ashantee, I herewith transmit to you, for communication to the Government of His Netherlands Majesty, the extract of a Letter which has been received at the Colonial Office from the London Committee of Gold Coast Merchants, announcing General Verveer's arrival at Coomassie, and containing some remarks on the tendency of that Officer's mission.

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

I am, &c.
(Signed) PALMERSTON.

Enclosure in No. 66.

Extract of a Letter from the London Committee of Gold Coast Merchants to Sir George Grey, dated 6th June, 1837.

The Dutch General Verveer had undertaken his Mission to the King of Ashantee, and was received with all the honours which that Chief could confer on his entrance into Coomassie.

That mission, being to stimulate the King to send recruits, as they are termed, to enlist into the service of the King of the Netherlands, has already had the effect of suspending the entire commerce of the country; and it cannot but be feared that, if the Ashantees incline to the negotiation, they will make aggressions on their neighbours to obtain prisoners, and for these people procure the head-money and pay that is allowed at Elmina. Should such a course be pursued, the country will again become involved in a general war; and, however harmless the professed intention of the Dutch Government may be, it cannot be denied that the measures pursued are a specious covering to a traffic in slaves. It is so considered in that country, not only by the natives themselves, but by the European traders who visit the Gold Coast; and, should the Dutch Government continue this system, the most injurious effects to the improvement of the natives and to legitimate commerce must follow.

No. 67.

Sir E. C. Disbrowe to Viscount Palmerston.—(Received July 13.)

MY LORD,

The Hague, 7th July, 1837.

I had yesterday the honour to receive your Lordship's Despatch, marked "Slave Trade," of the 30th ultimo.

I beg to inclose the Copy of a Note which I have consequently addressed to the Minister for Foreign Affairs.

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

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

Enclosure in No. 67.

Sir E. C. Disbrowe to Baron Verstolk.

M. LE BARON,

Hague, 6th July, 1837.

IN referring to the communications which, by the order of my Government, I have already had the honour of holding with your Excellency, on the subject of the Mission of General Verveer to the Coast of Africa, I now take the liberty of drawing your further attention to this important point; for, although the explanations which I have already had the honour to receive and transmit to my Government, and more particularly those in your Excellency's Note, of the 21st December, were certainly satisfactory as to the intentions of the Netherland Government not to take any steps which it deemed likely to encourage a renewal of the Slave Trade; still it appears that the tendency of the arrangements entered into by that Officer have, in fact, already been made by the natives a specious covering to a traffic in slaves; and, should the system be persevered in, it must cause a renewal of this detestable traffic all along the Coast; at the same time that, by putting an end to legitimate commerce, it will counteract those means by which alone any hope can be held out of a permanent improvement in the

social condition of this unfortunate race: an improvement which I am confident your Excellency will agree with me in deeming it a Christian duty to promote.

In transmitting, therefore, to your Excellency the enclosed Document, I do so, not with the intention of offering the remotest reproach to General Verveer, still less to the Government which employed him; but I transmit the Extract exactly as it was received by the Colonial Office in London, in order to point out the unfortunate impression which that Mission has made in Africa; and I feel perfectly confident that His Netherlands Majesty will at once give the necessary orders to counteract its baneful effect.

His Excellency Baron Verstolk,
&c. &c. &c.

I avail myself, &c.
(Signed) E. C. DISBROWE.

No. 68.

(Extract.)

Sir E. C. Disbrowe to Viscount Palmerston.—(Received July 20.)

The Hague, 17th July, 1837.

GENERAL VERVEER has brought back with him from Africa two Ashantee Princes, of the age of 8 and 9 years, for the purpose of educating them in this country.

They were represented as extremely intelligent and willing to learn, but they have not made much progress in the Dutch language during the voyage.

General Verveer is represented to have been extremely well received by the King of the Ashantees.

No. 69.

Viscount Palmerston to Sir E. C. Disbrowe.

SIR,

Foreign Office, 11th August, 1837.

I HEREWITH transmit to you the Copy of a Communication, which I have received from the Colonial Office, containing a Report made by the British Authorities at Cape Coast Castle, with respect to the proceedings of General Verveer in the neighbourhood of that settlement, in fulfilling the mission with which he was charged by the Dutch Government, for the purpose of raising recruits for the Dutch East India Possessions.

Her Majesty's Government have learnt with much satisfaction from these Papers, that the system formerly practised by the Dutch Governor Laus, of giving, to the masters of slaves who enlisted, a monthly note to draw part of the pay, has been put a stop to, and that the recruits who now quit the Coast leave no claims whatever existing against them. But, with every desire to do justice to the promptitude, with which the Dutch Government has attended to the representations made to it, through you, upon these points, Her Majesty's Government feels it right again to draw the serious attention of the Government of the Netherlands to the statements, contained in the accompanying Papers, respecting the tendency of the measures, taken for procuring these recruits, to revive and foster among the native chiefs the practice of slave-dealing.

It is true, that the facts now reported afford no evidence of an actual traffic between the Dutch Agent and the chief, from whose dominions the recruits were obtained, beyond the circumstance, that, in Ashantee, the formal process of emancipation was not gone through, until *after* the payment of the bounty money; but all the men so engaged were slaves, and in all probability procured as such by the Native Authorities, for the purpose of being disposed of as recruits; and experience has proved, that, so long as it is the interest of the head-men to continue this barter, the Slave Trade will be promoted by it.

You will therefore lay these considerations before the Dutch Government, and express the hope of Her Majesty's Government that, measures so prejudicial to the cause of humanity will not be persisted in.

Sir E. C. Disbrowe, G.C.B.
&c. &c.

I am, &c.
(Signed) PALMERSTON.

Enclosure in No. 69.

James Stephen, Esq., to the Hon. W. Fox Strangways.

SIR,

Downing-street, 4th July, 1837.

WITH reference to the Correspondence which has passed, relative to General Vermeer's Mission to Coomassie, I have received Lord Glenelg's directions to transmit to you, for Viscount Palmerston's information, a Copy of a Letter from the Committee of Gold Coast Merchants, covering an Extract of a Report from the President and Council of Magistrates of Cape Coast Castle, respecting General Vermeer's proceedings at Coomassie. Lord Palmerston will perceive that the Dutch Envoy has been completely successful in the object of his Mission; that the King of Ashantee has bound himself to supply 1,000 recruits for the Dutch service; that 2 vessels have already transported 150 recruits to Batavia, and that 200 more are awaiting their embarkation.

On the general aspect of these proceedings, Lord Glenelg would observe that, although they furnish no evidence of a distinct traffic, yet, that they afford little doubt of the establishment of a practice which must have the effect of nourishing the Slave Trade. It is clearly shown that the native Authorities are induced to acquire slaves for the purpose of disposing of or selling them as recruits; and so long as it shall be made, by presents or other inducements, the interest of the head-men to continue this barter, the Slave Trade must be promoted by it.

Lord Glenelg recommends this view of the subject to the serious consideration of Lord Palmerston.

Hon. W. Fox Strangways,
 &c. &c. &c.

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

First Sub-Enclosure in No. 69.

The Committee of Gold Coast Merchants in London to Sir G. Grey, Bart., M.P.

SIR,

London, 21st June, 1837.

WE have the honour to transmit for the information of Lord Glenelg, extract of a Letter, addressed to us by the President and Council at Cape Coast Castle, dated 18th April last, on the subject of the proceedings of the Dutch Authorities on the Gold Coast, for procuring recruits for the East Indian Possessions, which we beg leave to submit without comment, and to apprise his Lordship that General Vermeer, is now in London, having arrived yesterday from Elmina, on the Gold Coast.

Sir G. Grey, Bart., M.P.

We are, &c.
 (Signed) JOSEPH REID.
 WILLIAM HUTTON.
 J. G. NICHOLAS.

Second Sub-Enclosure in No. 69.

Extract of a Letter from the President and Council, dated Cape Coast Castle, 18th April, 1837.

"We have used every attention in keeping our eye on the proceedings of the Dutch Government on this Coast, in raising recruits for the Dutch East India Possessions, and, according to your request, have to lay before you the following information on that subject:—

"As you are already aware, General Vermeer, about 3 months ago, proceeded to Coomassie, accompanied by several Officers, and having at his disposal presents of various sorts, amounting to a large sum, for the avowed purpose of procuring recruits, and afterwards establishing a recruiting depôt, and entering into a Treaty with the King of Ashantee, to bind himself to supply a certain number more within a limited period. Induced by the splendour of the presents, and flattered by the appearance and attention of Officers of so high a rank in his capital, the King has consented to his wishes.

"He has entered into a Treaty of Alliance, binding himself also to supply 1,000 recruits from his dominions, within the space of one year from the date of the Treaty, independently of 200 raised during General Vermeer's stay there, and who accompanied him to Elmina, and for whom the bounty money paid, was, according to circumstances, from 8*l.* to 10*l.* Two vessels have been at Elmina within these last six weeks for the purpose of transporting these recruits to Batavia. The former of these carried away 80 and the latter 70, and we are informed there are still upwards of 200 in Elmina Castle. All those raised in Ashantee have been slaves, with whom a formal process of emancipation was gone through in the King's presence, after the payment of the bounty money. The system formerly practised by Governor Laus, of giving the friends or masters of these slaves a monthly note to draw part of the pay, has been put a stop to, and these recruits now leave the country, having no claims existing either against them, or for any service from them.

"Many of those enlisted at Elmina belong to towns situated on the sea coast, and several from towns or districts claiming British protection. Amongst all these care has been taken to acquaint the natives, that should any of them be compelled by their masters, or others having any claims upon them, to enlist for the Batavian service, it was only necessary to convey information thereof to the Authorities of Cape Coast Castle, and every protection would be promptly afforded to them. The number of those, however, who have left the tribes, over which we have control, is very small indeed.

"While upon this subject we may mention, that General Vermeer has induced the King to give him 2 Princes, 1 a son and the other a nephew (sister's son) of his own, to be carried to Holland and there educated.

* We suppose, however, that the design is to make the King more cautious in observing the terms of the above-mentioned Treaty. It is probable that the latter of these 2 Princes (the nephew) will eventually succeed to the throne."

The Dutch and the Danes are using every exertion to increase their influence on the coast.

No. 70.

Sir E. C. Disbrowe to Viscount Palmerston.—(Received August 24.)

MY LORD,

The Hague, 21st August, 1837.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked "Slave Trade," of the 11th instant, and I beg to enclose the Copy of a Note, which, in obedience to your commands, I have addressed to his Excellency Baron Verstolk.

I have, &c.

(Signed)

E. C. DISBROWE.

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

&c.

&c.

&c.

Enclosure in No. 70.

Sir E. C. Disbrowe to Baron Verstolk.

M. LE BARON,

The Hague, 2st August, 1837.

I HAD the honour on a former occasion (July 6th) of transmitting, in a Note to your Excellency, the Copy of a communication received by the British Government, relative to the impression which, unfortunately, the mission of General Verveer had made on the Coast of Africa.

I now beg leave to enclose a Copy of the further communications which have reached Her Majesty's Government.

It is with great satisfaction that Her Majesty's Government has learnt that the system formerly practised by the Netherlands Governor Laus, of giving the masters of slaves who enlisted a promissory note to draw part of the pay, has been put a stop to, and I am particularly charged to offer the thanks of Her Majesty's Government for the promptitude with which that of His Majesty the King of the Netherlands has acted on this point. Still it must be observed that, from the statements contained in the accompanying Paper, the measures taken for procuring recruits have revived among the native Chiefs the practice of slave-trading. Although we can perfectly understand that the Article in the Treaty of Alliance which General Verveer has signed in the name of his Government with the King of Ashantee, binding him to supply 1,000 recruits from his dominions, within the year, for the Netherland regiments in Batavia, is a *bona-fide* Treaty, and not intended as a renewal of slave-trading; still it must be remembered that it is a Treaty with a state which, till the present epoch, has known no convention regarding men, except one having for its basis the actual purchase and sale of human beings. It will, therefore, be extremely difficult for the uninformed minds of the natives, to comprehend the difference between a Treaty for the purchase of slaves, and a Treaty for paying a bounty to slaves for enlisting as recruits, and more particularly if those very slaves are emancipated in the presence of the authorities, after that bounty is paid.

However possible it may be for future generations, without the danger we are now deploring, to enter into such conventions, whenever the united efforts of all European Governments have completely succeeded in putting an end to the recollection of Slave Trade on that Coast, it is much to be feared that the execution of such a Treaty as that which has been signed by General Verveer will postpone so desirable a consummation of our wishes.

If it be not practicable at once to put an end to this Treaty, it is to be hoped that for the future the Government of His Majesty the King of the Netherlands will be enabled to discover some other method of recruiting its black regiments, less open to the remarks which, according to my Instructions, I have found it my duty to lay before your Excellency; and I have done so with the freedom which the conviction that the Government of His Netherland Majesty (fully alive, as it is, to the iniquity of slave-dealing) will not scruple to make any sacrifice of self-interest to obtain its complete suppression.

I avail myself, &c.

(Signed)

E. C. DISBROWE.

Baron Verstolk,

&c. &c.

No. 71.

Sir E. C. Disbrowe to Viscount Palmerston.—(Received October 5.)

MY LORD,

The Hague, 3d October, 1837.

BARON VERSTOLK has expressed to me the desire which he entertains, of vindicating the Mission of General Verveer from the charge, of encouraging the traffic in slaves, which the British Authorities on the Coast of Africa conceive, will be the effect of the Treaty, signed by that Officer with the King of the Ashantees. His Excellency has replied, in the accompanying Letter, to the Notes, which, in obedience to your Lordship's commands, I addressed to him on the 6th of July and on the 21st of August; and, at the same time, encloses the Copy of a Report from General Verveer, of the whole of his proceedings on that Coast, a Translation of which I have the honour to annex.

I have, &c.

(Signed)

E. C. DISBROWE.

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

&c.

&c.

&c.

Enclosure in No. 71.

(Translation.)

Baron Vertholk to Sir E. C. Disbrowe.

MONSIEUR LE CHEVALIER,

The Hague, 6th Sept. 1837.

THE Colonial Department having taken into consideration the further observations which you had the goodness to address to me in your Notes of the 6th of July and 20th of August last, touching the recruiting of negroes for the Netherland Army in the East Indies, in virtue of the Convention lately concluded by Major General Verveer with the King of Ashantee, has transmitted a Report made on this Question by the said Officer in such detail, that it may be considered as entirely working out the subject.

I believe, sir, that I cannot act more frankly than by sending you the enclosed Copy of this Report; from which it results that the Government of the Netherlands, far from having, by this recruiting, given new life to the Slave Trade on the Coast of Guinea, has, on the contrary, taken all possible precautions to prevent this culpable traffic more and more; that the bounty on the recruits, far below the ordinary price of a slave, has been fixed at the present low rate for the very purpose of preventing slaves from being destined to military service; and that in order that the Convention may not give rise to wars among the various nations, it has been expressly stipulated with the King of Ashantee that no individual shall be presentable to the Netherland Resident at Coomassie, or be accepted by him, who shall have been made prisoner of war; who shall have been condemned to slavery as a criminal; who shall have become a bondsmen in consequence of debts or obligations contracted either by himself, his relations, or others; or who shall have been taken by force from his country.

I venture to flatter myself, sir, that this communication will dissipate the fears which have given rise to the observations above alluded to, and will suffice to prove that the enlistment of negroes for the military service of the Netherland Colonies, tends rather to liberate a considerable number of unhappy men from the deplorable destiny which awaited them, and to convert them to Christianity, which several of the recruits have already embraced.

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

I avail myself, &c.
 (Signed) VERSTOLK DE SOELEN.

Sub Enclosure No. 71.

General Verveer to the Minister of the Colonial Department.

SIR,

The Hague, 29th August, 1837.

I HAVE the honour to acknowledge the receipt of your Excellency's Despatch of the 13th ultimo, No. 179, enclosing a Letter, dated the 10th, from His Majesty's Minister for Foreign Affairs, accompanying the Copy of a Note from the British Minister at the Court of the Netherlands, dated the 6th of the same month, together with Extract of a Letter from the London Committee of Merchants trading to the Coast of Guinea, to Sir George Grey, concerning which Documents, having all a reference to my Mission to, and Operations on the West Coast of Africa, and at Coomassie, and particularly to the enrolling of men for the Netherlands Indian Army, at present proceeded at Elmina, and in the country of the Ashantees, your Excellency desires to receive my advice and opinion.

From the abovementioned Note of Sir E. Disbrowe, it appears that that Minister had received orders from his Government to make fresh representations to that of the Netherlands on the subject of the said enrolments, and this in consequence of the amount already mentioned as received by the London Committee from the Coast of Guinea, in which the establishment at Elmina is represented as giving reason to fear, that in case the Ashantees should enter into the object of my Mission, that nation might be disposed to commit aggressions on their neighbours for the purpose of making prisoners, the consequence of which would be, again to involve the country in one general war; and further, that the enrolments on the part of the Dutch have already produced an entire suspension of trade on the coast.

My first remark on perusing these complaints laid before the said Committee was, that they must have been transmitted from the coast either before my departure thence, or else with the very vessel in which I performed the passage to London, viz., the English brig the "Governor Maclean;" it therefore follows that at the time these representations were committed to paper, no person could have a better opportunity than myself, who was at Coomassie and transacted business with the African Princein person, of receiving the impression that enrolments on the part of the Dutch had, or even might have the dreadful consequences pretended by the writer of the Letter in question. Such an objection, therefore, must have lain beyond the reach of my cognizance, or else I must have been willing gratuitously, and in contempt of every feeling for the honour of my Sovereign and my country, to lend myself to the revival of the traffic, which, as a Christian, as a Hollander, and, let me add, as a Soldier, I must abominate, and thus blindly, if not designedly, have given occasion to a barbarous warfare throughout a considerable portion of the world! But no! the European inhabitants of the west coast know better. In the most unreserved manner I explained to them the whole plan of the Netherlands enrolment, and not only did they never express their present pretended fear of war and kidnapping; they even, on the contrary, repeatedly applauded the enrolments at Elmina, as having, in many respects, a direct philanthropical and beneficent tendency towards improving the deeply miserable condition of at least some of those wretches, who, along the west coast of Africa, are submitted to the yoke of slavery.

The Elmina was visited particularly by Mr. William Topp, Vice President of the British Possessions in Guinea, who, with an opportunity of minutely examining them, might, and certainly did, witness the careful treatment, even in the most trifling details given to the African recruits. That gentleman was likewise more than once witness how completely the young soldiers are themselves sensible of the amelioration of their fate, and how impassioned was the expression of their satisfaction, particularly at their unequivocal change from the most wretched state of cruel slavery, to that of free men.

I cannot for a moment suppose that facts so well known should require to be proved, or that it should be necessary to repel with the indignation it deserves, the doubt mysteriously yet obviously expressed, respecting the real destiny of the persons enrolled, by the writer of the letter to Sir George Grey, but should such proof be necessary, it were easy to be found. A number of Fantees, British

subjects, or living under British protection, were enlisted at Elmina for the Netherlands Indian army, and those of them who had been slaves, were, before their engagement, and by a public notarial act, conducted before the competent Authorities at Cape Coast, where, according to the form and custom of Great Britain, they were entered and manumitted, and that such took place with an entire foreknowledge that the object of the enfranchisement of the slave was to enable him to serve under the Netherlands standard, I call with confidence upon those authorities themselves to witness.

These individuals, as I have already stated, were all seen and spoken with at the Castle of Elmina by Mr. Topp. On my own part, as will appear from my latest instructions to the Commander Tonneboeyer, dated at Elmina the 21st April last, I have all along taken care that whenever British subjects were concerned, it should be scrupulously required at the establishment that the Instruments of Manumission and Emancipation should be passed before their own Authorities.

But it may be urged, All this, though it afford the satisfactory explanation required by the British Minister's Note respecting the moral effect of the Netherland enrolments on the African West Coast, yet it does not entirely remove the fear of war and of kidnapping expressed in the abovementioned Letter to Sir George Grey. No!—I repeat it, no. The Europeans settled in Guinea, the Authorities representing the British Government there; in a word, the whole population of the coast, as well as that extending into the northern interior, know better.

I am, probably, trespassing on your Excellency's patience, but I owe it to my government, to myself, to have this question probed to the bottom.

The Netherlands enrolment is calculated to revive the spirit of the Slave Trade; to excite the cupidity of the King of Ashantee; and, consequently, to give rise to war, and to encourage the capture and enslaving of human beings! And this is written from the coast of Guinea, and officially, as it appears, submitted to the attention of their government by persons perfectly aware that in the kingdom of Ashantee, as at Elmina and Cape Coast, the slave may purchase and obtain his entire freedom and emancipation for 2 or 2½ ounces of gold (at most 100 florins, or about £8); whereas the same individual, conducted by his master to the lower Coast, by whom it may be done with impunity, may be sold for double, treble the price, to the slave dealers settled there under the very smoke of the European forts; and who live in luxury, and amass treasures by the blood of their countrymen and fellow-creatures. It is to these wretches, the tools not only of the Brazilians and Cuba Spaniards, but also of infamous European and North American individuals, who provide themselves with other or duplicate Charters at Bahia, or other ports of Brazil. It is to these that the slave whose freedom has been purchased for a compensation even below his local value at Elmina and Cape Coast may be sold, I repeat it, for double and treble the sum. Let it not be urged, that the easier and more legitimate emancipation of the slave as a recruit for the Netherlands Indian army, for there is no authority, no power existing on the Coast, to prevent the conveyance of slaves to places south of Acræa, even with respect to the inhabitants of the Coast. This conveyance is carried on uninterruptedly from Dahomey, from the low-lying districts adjoining, and even from the Niger, while embarkation is but too much promoted, undoubtedly promoted, by the facility afforded to the slave dealers at Elmina, at the Danish settlement Acræa, and at the British Commenda, and elsewhere, for providing themselves with canoes and rowers for that purpose.

What now becomes of the pretended fear, lest the Netherlands enrolment should encourage the chief of the Ashantees to war with his neighbours by way of cloak, for carrying off men by force, in order to furnish slaves? It is not to be disputed that if the desire of gain on the part of the prince, or his subjects, had such an unhappy tendency, it would be natural for them to endeavour to obtain the utmost compensation for their trouble, danger, and sacrifices; in other words, is it to be supposed, or are we to be made believe, that the Autocrat will, for the sum of 100 florins, do that for which he could gain double and treble the sum, and with no European power in Africa to prevent him?

Nor will I stop here: in the full consciousness of the truth which I owe to my Government, I here declare, that I found the reigning Prince of Ashantee, the persons more immediately about him, and the Ashantees in general, if not positively averse, at least altogether indifferent to the Slave Trade. I do not mean by this that I ascribe to the Ashantees a higher degree of moral feeling than to their neighbours. I should rather believe that the distinction in their favour arises chiefly from the abundance of gold possessed, either actually or in their mines, by this nation, and which is always more than sufficient to exchange against European or other "foreign commodities;" whereas, in the countries more to the south and north-east, where the *Cowries* and *Romale-cloth* are almost the only articles available for such traffic, the minus must be made good by the sale of slaves on the lower Coast.

Moreover,—and I am probably the first to make the remark,—even before the abolition of the Slave Trade, the Ashantees, of all the Western Tribes of Africa, had the smallest share in that traffic. The reason, perhaps, is, that unlike the slaves in the European East and West Indian possessions, the slaves here, in as far as they are natives of Ashantee, according to the institutions of the country (which greatly resemble the old feudal system of Europe), are by no means considered as movable property. In fact, the slaves throughout the whole Ashantee dominions rather rank among the serfs common to our part of the world in the Middle Ages, and still found in some of the Eastern countries of Europe. They are *attached to the soil*, and consequently cannot be alienated, unless it be with the consent of the males of the collateral branches of their families: for in this kingdom, as in almost all Western Africa, the latter are exclusively the lawful heirs.

I have one more remark, and a most important one, to make;—it is, that I feel convinced in my own mind, that the present Ruler of Ashantee, and all his family, together with many, very many, among his subjects, are, if not absolutely disgusted with the cruel practice of human sacrifices on solemn festivals, and at the graves of their relations,—at least disposed to co-operate in the abolition of those butcheries. And I must be greatly mistaken in the personal character of the Prince, if the otherwise explicable facility with which he entered into the spirit of the Netherlands Indian enrolment is not chiefly to be attributed to a hidden desire on his part to see those inhuman practices gradually abolished, and to attain this laudable object the more easily by connecting it with the individual interests of his subjects.

The efforts made to put an end to the African Slave Trade are undoubtedly among the chief duties of Christians, and worthy of the age in which we live; but do those noble efforts cast entirely into the shade all the moral merit felt in the consciousness of having delivered at least several hundreds of unhappy beings from the horrors of the slaughtering knife? of having existed in the African slave

the idea that a better fate may yet be his? of having joined hands with the chief of a barbarous tribe in the attainment of an object honourable, humane, and lofty, beyond anything that might have been expected of him? Should this, my conviction, be called in question, I appeal at once from all contradiction, to the full and eager consent of the King of the Ashantees to confide one of his sons, and one of his near relations, to the care of the Netherlands Government, with the absolute foreknowledge that his children should return to him—return with the privilege of an European civilization, and consecrated in the religion of Christians.

If I have anything to regret in the performance of my mission, it is, that none of those who now censure the Netherlands African levy, witnessed the passionate feelings of the slaves at the moment when, by their enrolment in the Register of the African Depôt, they obtained the certainty of an amelioration of condition, which, till then, could not have come within the range of their ideas;—that none of them witnessed their religious gratitude, and their first use of freedom in calling out to their former masters: “Now at least my head is safe from your bloody law.”

On this point I have now only to call your attention to the words of the Treaty, in which it is resolved and solemnly agreed upon by the Princes,—“That no person shall be offered as a recruit, and accepted as such by the Netherlands Agent at Coomassie, who has been made prisoner in war; who has been condemned to slavery for crimes committed; who is *pledged* on account of debts, or an engagement contracted by himself or relations; and who has been carried off by force from his native country.”

“But,” says the writer of the Letter to Sir G. Grey, “But the Netherlands enrolment has occasioned a suspension of trade between Ashantee and the coast.” It is true, that on my way to Coomassie, and before I had crossed the Bozempra, I received information that the King of the Ashantees had taken measures to prevent the trading journeys of his subjects to the coast; but it is false that that Decree, or whatever it may have been, was in any way connected with our African levy, or with my mission. So far from this being the case, the Prince, if not wholly ignorant of the chief object of the mission, was, at all events, not sufficiently acquainted with it to make it a motive for a change of views with regard to the interests of trade.

The sole and entire truth is, that the Governments of the Dutch, British, and Danish possessions on the coast, in conjunction with the principal merchants at Elmina, Cape Coast, Annaboo, and Airaci, had, on the 30th of November, 1835, entered into a kind of written agreement, or rather they had issued a Decree, by which the direct conveyance of saleable articles to the interior, on account of merchants settled on the coast, was prohibited on pain of the *confiscation of such goods*; and it was adopted as a principle, that the inland dealers should thenceforth be waited for on the coast.

I deem it unnecessary to enlarge on the merits of this measure, as far as regards the principle; but, on my return to the coast, I considered it my duty not to give it my approbation, and for a twofold reason; first, because in as far as the Dutch Governor was concerned, he had no authority for entering into such an engagement; I have seen reason to suspect, that no notice of such an arrangement has been transmitted by him to the Colonial Department here; and, secondly, because, though the interests of the merchants of the second and third rank were equally involved in it, yet no opportunity had been offered them of expressing their consent to, or dissent from, the same. In one word, I considered the whole measure as being adopted exclusively in the interests of the wholesale importers, and as having the unquestionable tendency to ruin, or at all events to cripple, the retail trade in a most arbitrary manner. In addition to this, it must be observed, that the so called Treaty of the 30th of November, 1835, was concluded without the King of Ashantee taking any part in, or even of his having any knowledge of it.

Such an arrangement was naturally calculated to disgust the Ashantee Prince, but the refractory spirit afterwards shown by him, was excited chiefly by his learning that the Directors of Commerce at Cape Coast, without consulting him, or even the subscribers to the agreement concluded, either at Elmina or Acrää, had thought proper, it would be difficult to say for what reason, again to repeal the prohibition, thereby “to open the paths anew,” as it is termed in the language of the country. But the prohibition of direct importation from the coast to the interior had already been displeasing to the King of the Ashantees, forcing, as it did, his subjects to travel through the Assim and Fantee countries, the only paths then remaining open, and to subject themselves to annoyances of various descriptions. And here I must observe, as I did to the Vice President Topp, that the hostile feelings between the Ashantees and the inhabitants of Assim and Fantee are far from being extinguished, and that it is only the united influence, and, if need be, the united power, of the British and Dutch authorities on the coast, that can prevent quarrels, and, sooner or later, even a war from breaking out in the South-western countries of Africa.

The instructions given by me to M. Tonneboeyer on this head, before leaving the coast, will testify the anxiety I felt upon that important subject.

After this explanation, is it still to be maintained that the suspensions of the trade of the interior with the coast, or rather, if you will, of the coast with the interior, which then took place, and has in all probability ceased by this time, are to be attributed to the simple and open enrolment of recruits on the part of the Dutch Government, or to my operations at Coomassie? With regard to the latter, I trust I have a right to appeal to M. Topp himself; and the forcible measures, chiefly in the interests of British subjects on the coast, to which I resorted against the Chief Priest of the Fetchis and his party at Elmina, will, as I have reason to expect from the character of that Gentleman, ere now have been reported to his Government.

Thus far I had proceeded in the task imposed upon me, when I had the honour of receiving your Excellency's Letter of the 28th current, No. 203, inclosing a later Note from the British Minister at the Court of the Netherlands, dated the 20th, and containing Extract of a Letter from the President and Council of the British possessions on the Coast, all relating to the Netherlands enrolment in Africa. It is worthy of remark, in the last-mentioned Document, (likewise dated Cape Coast, before my departure thence, and probably despatched by the same vessel,) that there is not even the most remote mention made of that fear of war, of the encouragement of slave-dealing, of the suspension of trade on the Coast, which occupy so prominent a place in the Letter to Sir G. Grey; whatever may be the reason of this, the Letter of the President and Council (I am happy to acknowledge it) bears the stamp of a Report free from all express prejudice. I should therefore have no remark to make on it, did I not conceive that I was rendering a service by pointing out certain mistakes of a very trifling description which occur in it, and which most probably originate in incorrect information.

The writers of the Report speak of "*presents of immense value for the King of the Ashantees.*" From the account handed to your Excellency before my departure for the Coast, it is known to you that the sum total paid for those presents did not amount to 5,000 guilders in all, exclusive of a gilt copper cuirass and helmet, 4 or 5 small silver table articles, and a few yards of gold and silver fringe and lace, which latter had been asked for in the reign of the former King of the Ashantees, and by that Monarch himself.

The British Embassy, under Messrs. Bowdich and Dupuis, presented to the then reigning Prince, presents which, if they did not exceed, at least equalled ours in value. "Splendid presents" and "immense value," therefore, are far from being justifiable expressions.

Further, there is mention made of a Treaty of Alliance said to have been concluded between the Prince and me; now, though I received more than one hint at Coomassie to bring about a close connexion between the Dutch Government, or at least the establishment at Elmina and the Government of Ashantee, I not only expressly avoided every political point, but even refrained, as much at least as was possible, from involving the person of my Sovereign or his Government in the question.

My Treaty with Hevakoo Dua, concluded on the 18th March, and exclusively referring to the subject of the levy, will bear testimony to this; and I think I may flatter myself that your Excellency will do me the justice to allow that my precaution in this respect was by no means an imitation of the test of the Treaty concluded by Messrs. Bowdich and Dupuis.

An agreeable recollection was excited in me by the mention made in the Letter of the highly respectable and meritorious President of Cape Coast, of the measure I adopted for the total suppression of the former so called Delegations of African recruits in favour of any one whatsoever. Indeed I must have much misunderstood the instructions with which your Excellency honoured me, had I allowed a system so entirely opposite to the principle of our enrolment to continue. It was no less flattering to me to receive the other day the approbation of my conduct in this particular from the Lieutenant-General the Governor of Netherland India, as well as his promise to support my proposal to your Excellency for doing away with the system of stopping part of the pay of the African soldiers formerly levied, at least in as far as those in the employ of Government are concerned.

I have besides to thank President Topp for his care in warning the British subjects on the Coast against all force and unlawful influence on the part of masters with regard to the engagement of their slaves in the Indian service. This measure gives me the assurance anew, that my instructions to the Commanding Officer at Elmina, and to the Officers of the Depôt under his command will be followed, strictly followed, in the full spirit of the example given them by me, by leaving it to the choice of every recruit at the moment of embarkation, to consider himself free from this military engagement, and *yet still to retain his emancipation*, by allowing the free egress and ingress of the forts to all the troops in the intervals between military service; and even to give the preference to the Ashantee recruits in their full uniform as conductors of the transports from Coomassie to Elmina.

I may not venture to give your Excellency any advice respecting the answer to be returned to the 2 Notes of the British Minister, nevertheless I trust that the foregoing may not be found utterly inadequate to that purpose.

With the present I have the honour to return to your Excellency inclosed the Documents sent for my perusal.

(Signed)

GENERAL-MAJOR VERVEER.

BRAZIL.

No. 72.

Mr. Hamilton Hamilton to Viscount Palmerston.—(Rec. May 4th, 1837.)

MY LORD,

Rio de Janeiro, 27th February, 1837.

I HAVE the honour to enclose for your Lordship's information the answer returned, by the Imperial Government, to my note on the subject of the "*Mindello*" slaver, captured on the Coast of Africa, which was sent home in my Despatch of the 17th of January last.

The same note, however, launches out into very many other topics, connected with this detestable traffic, and seemed to require the detailed rejoinder, which also I have the honour to forward herewith, under No. 2.

Inclosure No. 3 contains a report of arrivals in this vicinity from the Coast of Africa during the month of January.

Accounts from England, brought by Her Majesty's Ship "*Conway*," speak of the conclusion of the definitive Convention between Great Britain and Portugal for the Abolition of this commerce; and reports, direct from Senhor Galvao to the Imperial Government, speak also to the same point. Considerable anxiety is in consequence felt for the arrival of the next packet. Intelligence of such an event would be hailed by the Government with great cordiality.

I have, &c.

(Signed) HAMILTON HAMILTON.

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

&c.

&c.

&c.

First Enclosure in No. 72.

M. d'Agular Pantoja to Mr. Hamilton.

(Translation.)

Rio de Janeiro, 30th January, 1837.

THE Undersigned, &c. &c., has the honour to acknowledge the receipt of the note addressed to him on the 1st instant by Mr. Hamilton Hamilton, &c. &c., accompanied by a Despatch from the British Commissioners in Sierra Leone, announcing the capture and condemnation of a vessel named the "*Mindello*," employed in the Slave Trade, under the Portuguese flag; and by two reports, one showing the number of vessels which had entered and landed slaves in Rio de Janeiro, and other provinces, or which were fitting out for the same object; and the other, the names of several officers of the Brazilian navy, who are said to have commanded some of these vessels! The Undersigned can assure Mr. Hamilton that the Imperial Government detests the infamous traffic, and has taken, and continues to take the most active measures for its suppression, and will immediately issue the most positive orders to institute the most rigorous inquiries respecting the persons mentioned in the said reports, in order that, in case of their protection or connivance being proved, they should be exemplarily punished with the utmost rigour of the law.

The Undersigned cannot, however, omit to observe to Mr. H. Hamilton, that the person who supplied the information relatively to the landing of slaves on the estates of Brazilian proprietors, renders himself liable to suspicion, inasmuch as he did not scruple to impugn the honour of an upright magistrate, such as Señor Joze Carlos d'Almeida Torres, with whose probity and honour the Undersigned is well acquainted, and whom he knows to be incapable of committing an unworthy action; his estate, moreover, being situated in the interior, on which, in consequence, negroes could not, as was affirmed, have been landed.

The Undersigned must also inform Mr. H. Hamilton that the Imperial Government has learnt with great surprise and regret, that several English merchants, moved by the desire of gaining great profit, have imported from Great Britain merchandises calculated only for the Slave Trade, and which has had the effect of encouraging the said traffic; these illegal dealers in human flesh, supposing that it is only philanthropists belonging to the African Society who oppose the traffic, and not the general mass of the English nation. Were it not the wish of the Imperial Government to use the greatest circumspection in such a scandalous affair, it would now point out the English houses and merchants who encourage this nefarious commerce, and of whom it has received information.

It being necessary, however, to correct this terrible abuse, the Undersigned brings this fact to the knowledge of Mr. Hamilton Hamilton, in order that the enlightened English Government, which has acquired indelible glory from having been the first to employ its utmost efforts to destroy this scourge, may take the necessary steps to prevent the exportation of the said merchandise to Brazil.

The Undersigned, however, cannot but regret that the continual communications made by Mr. Hamilton Hamilton on this subject, should appear to indicate that the Brazilian Government does not employ all its means in order to crush at once a monster so criminal as the traffic in question, it

being obvious that the Imperial Government, struggling as it is with civil war at the two extremities of the empire, where nearly all its naval force has been employed, has not been able to assist effectually in its suppression, and having, moreover, to contend with the opinion, erroneous, but unfortunately very general with the public (from what may be inferred from representations to the Legislative body), that African labour is absolutely necessary for agriculture; whilst Great Britain, more interested in the execution of the Treaty which she herself proposed, and to effect which she has laboured so strenuously, does not employ the cruisers, or the necessary activity stipulated for in the same Treaty.

The Imperial Government, without designing in the slightest degree to tolerate, and still less to exculpate Brazilian subjects, thus violating the laws, cannot but observe that persons employed in the service of Great Britain seem desirous to exercise on the territory of Brazil alone a degree of vigilance which is far from becoming them, when they might employ it with greater benefit to the cause of humanity on the sea.

The Undersigned, &c.,
(Signed) GUSTAVO ADOLPHO D'AGUILAR PANTOJA.

Mr. Hamilton Hamilton,
&c. &c. &c.

Second Enclosure in No. 72.

Mr. Hamilton to M. d'Aguilar Pantoja.

Rio de Janeiro, February 22d, 1837.

MONSIEUR LE MINISTRE,

I HAVE the honour of replying to your Excellency's note of the 30th ultimo, on the subject of certain reports relating to Slave Trade, which were submitted to your consideration in my note, dated the 7th of the same month.

It ought not to be assumed that the representations which I may have to bring forward respecting the traffic in slaves, I should pledge myself for the exact truth of every essential particular contained in them. It must often be very difficult to procure full and satisfactory proof even in cases of the most atrocious delinquency, where so many individuals are implicated, and so many interested in concealment, but whenever any are pointed out by public rumour as connected with the traffic in question, it must surely be both desirable and convenient to a Government bound by Treaty to its suppression, to be made acquainted with these rumours, and even these individuals themselves, if innocent, are benefited by the opportunity thus afforded for establishing and proclaiming that innocence.

But with reference more particularly to the case of the slave cargo of the brig "*Silencio*," said to have been landed on the Fazenda of Senhor José Carlos d'Almeida Torres, in the month of December last, I have to state that immediately after the receipt of your note of the 30th ultimo, in which that information is called in question, I caused further inquiries to be made, and have again been assured that such a landing did take place, if not on, at least near to the said Fazenda; for although not absolutely on the coast, the estate is said to be not very far from it, and to be accessible by a river: and furthermore, that it is believed the negroes were still on the property for sale a short time back. It is by no means asserted that the debarkation was effected with the privity of Senhor d'Almeida Torres, or that he was a party to the transaction; but if he has lately visited his estate, he may be able to explain, probably, in what the erroneous report may have originated, and who are the persons really concerned.

Far be it from me, M. Le Ministre, to question for one moment the probity and integrity of Senhor Almeida Torres, or to consider him capable of a base or derogatory action, because I do not enjoy the honour of his acquaintance. But it is unfortunately notorious that numberless individuals here, of characters most reputable in other respects, are still engaged in the traffic now under the ban of almost all the civilized world; and that from being promoted and protected by such characters, it is rarely considered in Brazil in the light even of a moral blemish, much less as a crime of the blackest die of inhumanity and of irreligion.

I could here mention other estates in the country, depositories of slaves, of which the proprietors are exalted alike in rank and in reputation, together with other corroborating circumstances, in testimony that this rank and reputation does not always scruple to participate in a commerce so degrading; but I refrain from doing so, for I believe the Imperial Government to be quite sincere in its desire to abolish it; and that its desire to abolish it, and that its labours to that end, how much soever thwarted and opposed at the present juncture, by individuals eminent in authority, or powerful through their wealth, must ultimately prove successful.

But Your Excellency advances that the traffic in negroes is encouraged and supported by English commercial houses established in this place, who import merchandise suitable to its demands; and in consequence you recommend that the British Government prohibit the exportation of such merchandise to Brazil. This certainly appears a strange argument, and a still more strange proposal, but I will endeavour to reply.

The Brazilian market calls for, and the British merchant supplies, certain manufactures. With the final destination of these goods neither the artisan who prepares them, nor the shopkeeper who sends them, need be supposed acquainted: their interest in them ceases with the sale. But when once it is sought to establish a system of prohibition with regard to certain exports, it matters little from what country, in order to obviate any possible subsequent misapplication, it must be exceedingly difficult to decide where the system shall cease and determine; ammunition, arms, knives, &c., are all in like manner liable to be converted to undue and illegal uses; and they are so converted continually, and being so ought to be included in the schedule.

The manufactures, however, of which Your Excellency more particularly prohibits the exportation from England, are not all employed or consumed in illicit trade, even on the coast of Africa; an honest and legal barter exists for them in exchange for gold-dust, ivory, &c. &c., and even a very large portion of them is annually consumed in Brazil itself by the natives and residents.

It is, however, not exclusively from Great Britain that articles adapted to the African Slave Trade are brought to this market. Many other parts of Europe also contribute their quota of manufactures, but in the like manner, indirectly to the same contraband commerce.

CLASS B.

But if Your Excellency is really serious in your argument ; if the Brazilian Government does really conceive that certain merchandise brought into Brazil has a tendency to encourage and augment Slave Trade, why, I would ask, does it not take the *initiative* in this instance ? Why does it not, pledged as it is equally with Great Britain, to the abolition ; why does it not prohibit at once the exportation of every description of merchandise from the Brazilian territory to the shores of Africa, knowing as it must know, that the greater part of such exportation is intended expressly for the purchase of negroes destined for the Brazilian market ?

With reference to those petitions addressed to the Legislative, mentioned in Your Excellency's note, petitions which proclaim that importations of slaves are indispensably necessary for the agricultural purposes of the country, I will just remark that they appear solely to proceed from those districts where the Slave Trade is in most active co-operation, and where consequently indolence and inhumanity, and all its concomitant demoralizing influences, are more fearfully and deeply prevalent.

But it is to be hoped that in the approaching Session of the General Assembly, the wisdom of the Executive will demonstrate the fallacy of these representations, and its power provide for the evil we deplore, a suitable, prompt, and permanent remedy.

Aware, M. le Ministre, that the disastrous state of affairs in the northern and southern provinces of the empire rendered its navy less disposable for other objects, His Majesty's Government has refrained from pressing on the Imperial Government the fact of the little assistance which that marine has contributed to the suppression of the Trade. Indeed that assistance, even in the opinion of the Imperial Legislature, has been so inconsiderable, and so few ships have been provided for the service in question, that, as must be well known to Your Excellency, the one hundred Contos de Reis, which for several years antecedently had been appropriated to it in the annual budget, has been looked upon as superfluous, and discontinued in that of 1837-8. But the issue of events both to the north and to the south promises auspiciously for the cause of legality ; and the executive will doubtless seize the very earliest moment when that branch of the military power of the empire shall be at liberty to direct its energies to the attainment of this other most salutary purpose.

Your Excellency further complains that some of the authorities of Great Britain wish to exercise within the territory of Brazil a right of vigilance which does not belong to them ; a vigilance, too, which might be more properly be exercised at sea, and with effects more beneficial to the cause of humanity. I must be permitted to observe in answer, that Great Britain has interfered through her authorities in Brazil, there only where by Treaty she is justified in interfering ; and when, however zealous and upright may be the intentions, and however sincere the promises of the Government, the remissness and connivance of many among the subordinate authorities of the State has amounted to an infraction of the engagements it has contracted towards Great Britain.

Any balance account of the services rendered by the two Governments respectively towards the humane object they have in view, must be unnecessary ; and I will abstain therefore, though not for want of matter, from any further observations connected therewith. I limit myself only to repeat once more the conviction entertained by my Government, that the Government of His Imperial Majesty is sincerely disposed to labour for its attainment ; but that my Government cannot but regret at the same time that the system of irresponsibility and impunity which seems to be followed with regard to so many public officers whose contumacy is notorious, should render those labours almost entirely useless.

Your Excellency will find enclosed herewith a statement of arrivals in this port and the neighbourhood, from the coast of Africa, with slaves during the month of January last.

I avail myself, &c.

(Signed) HAMILTON HAMILTON.

His Excellency Senhor G. A. d'Aguiar Pantoja.
&c. &c. &c.

Third Enclosure in No. 72.

(Copy.)

Particulars of sundry Vessels engaged in the Slave Trade, under the Portuguese Flag, that have arrived at this Port of Rio Janeiro in Ballast during the month of January, 1837, after having landed their cargoes of Slaves on the coast of Brazil.

Rio de Janeiro, 1st February, 1837.

Brig, "*Don Manoel de Portugal*," from Angola, embarked 600 slaves ; of these 73 died on the voyage, and 527 were landed at the lake of Roderigo de Facitas, in the vicinity of this city. The slaves were for some days deposited near to the Botanic Gardens. This vessel remained two days off this port, and fired six guns at intervals as signals, which were ultimately answered from the shore by a balloon being let off into the air. The slaves on board belonged to a person named Roderigo, a Brazilian subject.

Patacho "*Jove*," from Loanda. Landed 335 slaves in the neighbourhood of the island of St. Sebastiao.

Patacho "*Andorinha*," from Loanda. Landed 312 slaves in the neighbourhood of the island of St. Sebastiao.

Schooner "*Flor de Loanda*," from Angola. Landed 297 slaves in the neighbourhood of the island of St. Sebastiao.

Patacho "*Luíza*," from Angola. Landed 287 slaves at the port of the island of St. Sebastiao.

Patacho "*Dous d'Abril*," from Angola. Landed 297 slaves at Campos.

Brig "*Adamastor*," from Quillimane. Embarked 800 slaves ; of these 304 died on the voyage, and 496 were landed near to Santos.

Patacho "*Eliza*," from Angola. Landed 337 slaves at Paraty.

Brig "*Leao*," from Angola. Landed 614 slaves at Campos.

Brig-Schooner "*Rio Zua*," from Angola. Landed 319 slaves at the estate of a person of the name of Guimaraes, at the Ilha Grande, being for the account of José Bernadino de Sa, a Brazilian subject.

Brig "*Diligencia*," from Angola. Landed 475 slaves at Machai.

Brig "*Leao*," from Quillimane. Embarked 855 slaves ; of these 283 died, or were thrown over

board alive, during the voyage. The smallpox having appeared among the slaves, 30 of them were immediately thrown overboard alive; afterwards, the measles made its appearance, of which 253 died. The remaining slaves, 572 in number, were landed on the coast of Brazil at Mozambayo, near to Ilha Grande, but in so miserable a state that the greater number could not walk, but were carried on shore. Some of the crew of the vessel also died from the sickness on board.

Total number of slaves imported as above by 12 vessels during the month of January last, 4870.

(Signed) DAVID STEVENSON.

No. 73.

Mr. Hamilton Hamilton to Viscount Palmerston.—(Received May 13th.)

MY LORD,

Rio de Janeiro, March 22nd, 1837.

I HAVE the honour to transmit for your Lordship's information the reply returned by Senhor Limpo de Abreo to my confidential communication to His Excellency's predecessors, dated February 22nd (sent home in my Despatch of the 27th ultimo), on different points connected with the traffic in slaves, together with my rejoinder.

I transmit, at the same time, a report of the Slave Trade arrivals, in the vicinity of this Port, during the month of February.

I have, &c.

(Signed) HAMILTON HAMILTON.

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

&c. &c. &c.

First Enclosure in No. 73.

(Translation.)

M. Limpo de Abreo to Mr. Hamilton.

Palace, Rio de Janeiro, March 6th 1837.

MOST ILLUSTRIOUS AND EXCELLENT SIR,

I HAVE the honour to acknowledge the receipt of the confidential letter that Your Excellency addressed to my predecessor, dated the 22nd ultimo, in which you make several observations on the contents of the official note, which he had addressed to you on the 30th of January last; and being desirous of responding to the frankness with which your Excellency expresses your sentiments, will, in like manner avail myself of the form of a confidential letter, in order to reply to the points to which Your Excellency refers.

I am much gratified that Your Excellency recognises the obstacles which oppose the obtaining full and satisfactory proof, even in cases of the most atrocious delinquency: this sufficiently explains the necessity for caution which ought to guide the decisions of Government with regard to the judiciary power, to which it exclusively belongs to investigate, and to institute proceedings in cases of the illicit introduction of Africans, as at different times it has been ordered to do. Your Excellency will allow that a special order on the part of the Government to inquire into the conduct of individuals, could not fail to wound, to a certain extent, their credit and reputation, and for that reason should only be instituted on the authority of documents or other proofs, or on such clear presumptive evidence, as would protect the Government from all undue responsibility as well as the danger of incurring censure for want of prudence and consideration, when the case should be tried, and the innocence of those same individuals perhaps ultimately established.

I was also pleased to find that later information obtained by Your Excellency regarding the landing of Africans, said to have been effected on the estate of Senhor José Carlos d'Almeida Torres, modified that previously received; and I duly appreciated the frank declaration on the part of Your Excellency, that you were far from asserting in your first note, that that gentleman had the least concern or part in that debarkation and sale. It is not only from his public character, from the eminent post that he has filled, nor from the important services that he has rendered, that Senhor Almeida Torres has claims to the credit and reputation which he enjoys in his own country, but also for the moral and just principles which characterize and distinguish him, and which avert from him the slightest shadow of suspicion of consenting, favouring, or tolerating in any manner whatever, directly or indirectly, a traffic so inhuman and abominable.

The suggestion which my predecessor made in his note before mentioned, with regard to the prohibition in Great Britain, of the exportation of goods which can only be intended for the purpose of purchasing negroes on the coast of Africa, does not appear to me to have the signification which Your Excellency attributes to it. In my opinion it should be regarded as an invitation to further discussion on the subject, and as a declaration, which being confirmed by subsequent and circumstantial investigation, may be agreeable to the English Government, interested as they evidently are in counteracting every measure that the thirst for gain might prompt, and which tends to advance such a detestable trade.

With regard to Your Excellency's observations, concerning the representations which have been addressed to the Legislative Assembly, respecting the continuation of the Slave Trade, since it is thought necessary for the agricultural wants of the country, Your Excellency does but justice to the feelings of the Government, in believing, that notwithstanding those representations (which nevertheless are numerous, and from many districts) they will not fail to advocate and to vindicate with their utmost efforts before the Legislative Assembly, the rights of humanity, and the real interests of Brazil. It is also fit here to remind Your Excellency, that the Legislature was always animated

by the same desire, of which, among others, the law of the 7th of November, 1831, is a proof; and that the Government have not ceased to assist effectually in the suppression of the illicit traffic in slaves, by urging the authorities to proceed criminally against the delinquents, and by promoting the colonization of free labourers, as may be seen by the registers in the different officers of state; in short, by many other means well known to your Excellency.

Nor can I omit to remind Your Excellency, that the Imperial Government, previous to the outbreaking of the disturbances which have desolated the two provinces of Para, and Rio Grande de Sul, had always kept cruisers on the coast of Brazil, and even subsequently to these untoward events, never diverted its attention from that object: inasmuch as besides having sent vessels to cruize on the coast of the Algoas, where it was reported the disembarkation of negroes was effected, they have recommended to the vessels-of-war, anchored in the ports of some of the northern and southern provinces of the empire, the greatest vigilance and care in order to prevent such landings. The Imperial Government are persuaded that cruisers are one of the most efficacious means of repressing the unlawful trade in Africans, and succoured by the powerful assistance of the British ships-of-war, entertain the hope of seeing that desirable and philanthropic object attained.

The non-application of the 100 contos of reis, intended for the purchase of small vessels, in order to suppress the Slave Trade, does not authorize the conclusion that Your Excellency draws. They were to have ceased at a given period, and the Legislature in its wisdom, considered that period arrived.

Being informed of the contents of the list, transmitted by Your Excellency, of vessels which arrived in ballast at this port in the month of January last, after having landed slaves on the coast of this province, and on that of St. Paul's, I can assure Your Excellency that the Imperial Government are about to issue the necessary orders to proceed in form of law, with regard to the facts pointed out in the same list, inciting the zeal and activity of the Presidents and judiciary authorities of those provinces.

I avail myself, &c.

ANTONIO PAULINO LIMPO DE ABREO.

(Signed)
His Excellency Hamilton Hamilton, Esq.
&c. &c. &c.

Second Enclosure in No. 73.

Mr. Hamilton to M. de Abreo.

Rio de Janeiro, March 18th, 1837.

THE Undersigned, &c., has the honour to acknowledge receipt of the letter of Senhor A. P. Limpo de Abreo, of the 6th instant, written in reply to one addressed by the Undersigned, to Senhor Gustavo Adolfo d'Aguilar Pantoja, on the 22nd ultimo.

On this occasion the Undersigned will limit himself to one observation, and that a very brief one, relative to the suggestion made by Senhor d'Aguilar Pantoja in a preceding note, that the exportation from Great Britain of all manufactured goods which are to be employed ultimately as a means for the purchase of negroes on the coast of Africa, be prohibited by the British Government.

The Minister of Foreign Affairs interprets this suggestion in a manner different from the Undersigned. His Excellency conceives it should be regarded in the light of an invitation made to the British Government, for further discussion on the subject, &c., &c.

Without stopping to inquire here which interpretation may be the more correct, the Undersigned will merely remark to His Excellency, that as a proposition emanating from the Imperial Government to the British Government, it can, in the opinion of the Undersigned, be brought regularly under the consideration of the latter, only through the medium of the Imperial Minister at London.

The note, however, in which is found the suggestion in question, has been submitted to the King's Government, and it may perhaps be considered advisable to provide the Undersigned with instructions on the subject.

The Undersigned avails himself of the present opportunity to submit to the consideration of His Excellency a return of African Slaves landed on the coast of this province, and to the southward, during the month of February.

The Undersigned, &c., &c.

(Signed)

HAMILTON HAMILTON.

His Excellency Senhor Antonio Paulino Limpo de Abreo,
&c. &c. &c.

Third Enclosure in No. 73.

Particulars respecting sundry Vessels engaged in the Slave Trade, under the Portuguese Flag, that have arrived at this port of Rio de Janeiro, in Ballast, during the month of February, 1837, after having landed their cargoes of Slaves on the coast of Brazil.

Rio de Janeiro, March 1st, 1837.

Brig, "*Flor de Quilmane*," from Quilmane, embarked 850 slaves, of these 163 died on the passage, and 697 were landed at Campos in a very sickly state.

Brig, "*Mercurio*," from Angola. This vessel has made two voyages since she left this port. The first voyage she landed 572 slaves at Campos, and on the present voyage 512 slaves at the islands of Palmas.

Brig, "*Johovah*," from Angola. This vessel, since she left this port thirteen months ago, has made three voyages without entering any port. The first voyage she landed 700 slaves, very sickly, at Ponta Negra, about half way betwixt this port and Cape Frio; on the second voyage 600 slaves at the island of Saint Sebastiao; and on the present voyage 520 slaves at Tapier, close to the entrance of this port. The greater number of these last were put into boats and fishing canoes and brought to town.

Smack, "*Henriqueta*," from Angola, landed 263 slaves, in canoes, at the house of an officer, near the fort of Saint Joao, at the entrance of this port.

Total number of slaves imported by four vessels as above, during the month of February last, 1992.

No. 74.

Mr. Hamilton Hamilton to Viscount Palmerston.—(Received June 18th.)

MY LORD,

Rio de Janeiro, April 18th, 1837.

WITH reference to your Lordship's Despatch of the 22nd of October last, relating to certain evils, which result from the delays experienced in the adjudication of slavers brought before the Mixed Court sitting in this capital, which Despatch conveyed instructions, that I should employ all the means in my power, to induce the Brazilian Government to accede to, and enforce the execution of, any plan which His Majesty's Commissioners might devise for the removal of those evils, I have the honour to forward herewith a note which, in obedience to these instructions, I addressed to the Foreign Department, together with the answer, recently received.

Although this answer does not pledge the Imperial Government to go quite so far as might be wished, in conforming itself to the recommendations proposed by His Majesty's Commissioners, still it is satisfactory to perceive therein evidence of a disposition favourable, on the whole, to the attainment of the humane object held in view. The Minister encourages a hope, that the assistance of a hulk for the reception of negroes who might hereafter be captured by His Majesty's cruizers, and be sent hither for adjudication, may, eventually, be conceded; and he engages, that the question of abrogating the existing system of embargoes on the sentences of the Mixed Court shall be brought before the Legislature on the approaching Session.

I have, &c.

(Signed)

HAMILTON HAMILTON.

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

&c.

&c.

&c.

First Enclosure in No. 74.

*Mr. Hamilton to M. Limpo de Abreo.**Rio de Janeiro, February 18th, 1837.*

INSTRUCTIONS having been received from His Majesty's Secretary of State for Foreign Affairs by His Majesty's Commissioners in the Mixed Court, to consult with their Brazilian Colleagues as to certain arrangements calculated to remedy the great evils suffered, not only by the negroes, but also by the prize crews, on board vessels brought into this Port under the Treaties for Abolition of Slave Trade, and detained during the proceedings before the said Court, His Majesty's said Commissioners did in accordance with such instructions bring this important affair before their colleagues on the 31st December last.

In consequence of the Christmas holidays, the Court did not assemble again until the 13th January, but on that day the Brazilian Commissary Judge, although he did not deny the existence of all the wretchedness and misery which form the basis of the minute of December, 1831, yet declined to recommend to his Government the measures therein proposed for its abatement, under the plea that the objects to which they were to be directed are essentially and solely British, and could not but involve the former in considerable trouble, responsibility, and expense.

Of the two minutes recorded in the Court at those sittings, the undersigned, &c. &c. has the honour to enclose Copies to His Excellency the Minister for Foreign Affairs, and to accompany them with the following observations:—

The evils adverted to in the minute of the 31st December, have been long notorious, and it is to mitigate them that the propositions submitted by His Majesty's Commissioners are directed. But their Brazilian Colleague in answer pleads incompetency, and refuses to interfere in a question which he assumes to be foreign to Brazilian interests, suggesting that if it must be brought forward it be treated diplomatically.

Instructed then as he is by His Majesty's Government to use all the means in his power to induce the Imperial Government to accede to, and enforce the execution of any plan which the Commissioners may devise for the attainment of the humane object in view, the undersigned only fulfils his duty by referring in this manner to the consideration of the Imperial Government, the proposition which the Imperial Commissary Judge declined to entertain.

It is, as that Government must be aware, not only on subjects of the King that these evils fall, although to them certainly a very heavy share is allotted: these evils are felt also by many amongst His Imperial Majesty's subjects, other than those implicated in the illegal and nefarious traffic, but still more intensely by those unfortunate beings who are its immediate object.

The pretension of the Brazilian Commissary Judge, that measures intended to afford relief to negroes under detention, &c., are to be considered wholly as a British concern, appears to the undersigned to be fallacious, the spirit of all the compacts between the two countries for the destruction of Slave Trade, being a sincere and zealous co-operation of the contracting parties. But independently of this consideration, the deplorable evils in question are the work, if not exclusively, at least to a considerable degree, of Brazilian citizens; and surely, therefore, by way of atonement for this delinquency of its subjects, it is only the more incumbent on the Brazilian Government to adopt the remedial measures for which the emergency of the case represented by the British Commissioners seems to call.

With regard to any expenses to be incurred by preventive arrangements. Subsidiary to this matter, a similar participation seems reasonable, and the adjustment thereof to come properly within the scope of the labours of the Mixed Commission.

The Imperial Government professes to desire most sincerely the total eradication of slavery: it has pledged itself indeed repeatedly to the adoption of measures fitted to the attainment of such a philan-

thropic purpose. For the complete redemption of this pledge much remains to be done; some little advance, however, may be made even at this moment. By a frank and cordial union with Great Britain, in the sense of the project recommended by her Commissioners, it is possible to temper and abate materially the minor calamities by which the commerce is accompanied; and the undersigned is pleased to believe that the Imperial Government, in deference to that consideration, will enable him to inform his Government that the Imperial Commissioners in the Mixed Court have been instructed to enter into concert and arrangement with their British Colleagues on the proposition brought forward by the latter on the 31st December; and where reference to the Legislature may be found requisite, that such reference shall be made immediately after the opening of the Session.

In soliciting His Excellency, Senhor Gustavo Adolfo d'Aguilar Pantoja, Minister of Foreign Affairs, to bring the important topic discussed in this note under the consideration of the Government of His Imperial Majesty, the undersigned has the honour to reiterate to His Excellency the assurances, &c. &c.

(Signed)

HAMILTON HAMILTON.

His Excellency Senhor Antonio Paulo Limpo de Abreo,
 &c. &c. &c.

 Second Enclosure in No. 74.

(Translation.)

*M. Limpo de Abreo to Mr. Hamilton.**Rio de Janeiro, 22rd March, 1837.*

THE Undersigned has the honour to acknowledge the note which Mr. Hamilton Hamilton addressed to him, dated the 18th February, with copies of a Proposition made by the British Members of the Mixed Commission established at this place, in which are set forth the great hardships endured, not only by the blacks, but likewise by the crews of vessels, which are brought into this port in conformity with the Treaties for the Abolition of the Slave Trade, and detained during the proceedings before the said Commissioners, as well as a representation relative to the delays which occur from the commencement of the proceedings until their conclusion, and the delivery of the negroes to the Brazilian authorities, suggesting as means proper for lessening those evils, the grant by the Imperial Government of a Hulk in which the negroes might be placed, immediately on their arrival here, and likewise the necessity of abridging still more the proceedings by means of just and philanthropic provisions with reference to the delays which the parties may oppose to the sentence of the Mixed Commission, conformably with the usages of the country, alleging that, in the opinion of the British Commissioners, such delays are contrary to the spirit of the Treaties. This proposition of the British Commissioners was by them brought before the Brazilian member of the same Commission, inviting the latter to determine by common accord, on the manner of obtaining from the Executive such provisions as had been indicated; but since the Brazilian Commissioners Senhor Jozé Carneiro de Campos did not consent to enter into a discussion of this nature, replying to the invitation of the British Commissioners, that it appeared to him more proper that such decision be solicited of the Brazilian Government through the Minister Plenipotentiary of Great Britain resident there. Mr. Hamilton Hamilton, adhering to this suggestion, submitted the said proposition to the consideration of the Imperial Government, together with some general observations, the object of which is to demonstrate both, that the hardships and evils to which it refers, are principally felt by the unhappy beings who, from the chief object of the provisions required, and also that the spirit of the Treaties for the Abolition of the Slave Trade, is that of a sincere and zealous co-operation of the two contracting parties; and likewise that the deplorable evils in question are the work, if not exclusively, at least to a considerable extent, of Brazilian subjects. Mr. Hamilton Hamilton deducing from the premises, which he thus establishes the corollary, that it is incumbent on the Brazilian Government, by way of atonement for this delinquency of its subjects for which the emergency of the case represented by the British Commissioners seems to call.

The Undersigned, in answering this note, will commence by informing Mr. Hamilton Hamilton, that the Imperial Government approved of the reply made by the Brazilian Commissary Judge, Senhor José Carneiro de Campos, inasmuch as the Mixed Commission, not being able to go beyond the Powers defined in the Regulation of the 28th July, 1817, the Brazilian Members thereof were assuredly not authorized to enter into a discussion of the point which was proposed to them, and for which, on the other hand, the British Members had received instructions from their Government.

The undersigned, likewise, cannot omit submitting to the consideration of Mr. Hamilton Hamilton, that the Imperial Government takes on itself, without any assistance from the British Government, the guard and expenses of the negroes who may be captured by Brazilian vessels and authorities, and that it pays equally its share of the expenses which, after sentence is given, until execution thereof, are incurred for those negroes who may have been captured by British vessels, it thereby being clearly evident that the proposition, which has for its end and object to share with the Imperial Government a portion of the expenses of the negroes taken by British vessels, and brought into the harbour of Rio de Janeiro, far from being founded on arguments of reciprocity, would encroach on it materially, and tend, contrary to the spirit of the Treaties, and even to the principles of justice, to establish an intolerable inequality. The two first arguments brought forward by Mr. Hamilton being thus confuted, nor assuredly does the argument which is deduced from the share taken by Brazilian subjects in the Slave Trade, appear of greater weight in defending the propriety of this demand. In the first place, it must be acknowledged, that this traffic is carried on ostensibly under the Portuguese flag; and besides this, since it is incontestable that the Imperial Government has concurred, and is always ready to concur in its repression with all the means within its reach; no principle of right or justice can render it responsible for acts done in despite of its orders, and the efforts it has made so appropriately to prevent and punish them. But, notwithstanding all this, the simple grant of a hulk without any other obligation on the part of the Imperial Government, might form the subject of a special requisition, whenever a case where it may be necessary should arise, and on such occasions the Imperial Government will consider the possibility or impossibility of this assistance.

With respect to the delays consequent on the embargoes to which the sentences of the Mixed Commission are liable, the Undersigned considers them conformable to the letter of Article I. of the Regulation of the 28th July, 1817, which alone prohibits the power of appeal, and also consistent with the spirit of the Treaties which could never have been intended to withhold from the parties sufficient

means of defence, it being on such motives that the Imperial Government based its decision of the 17th April, 1836. In the mean time, however, the Undersigned will not hesitate to bring this subject before the Legislative body to whom alone it belongs to alter the laws of the country.

From the explanatory detail which the Undersigned has now made, Mr. Hamilton Hamilton will find no difficulty in perceiving the serious attention which the Imperial Government has given to his note of the 18th February, and that the resolutions of which the adoption has been deemed advisable are dictated by that spirit of impartiality and of justice by which it is guided, and those feelings of philanthropy by which it is animated.

The Undersigned, &c.
(Signed) ANTONIO PAULINO LIMPO DE ABREO.

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

No. 75.

Mr. Hamilton Hamilton to Viscount Palmerston—(Received June 18th.)

MY LORD,

Rio de Janeiro, April 18th, 1837.

I HAVE the honour to forward for your Lordship's information copy of a note which I addressed to the Imperial Government on the 8th instant, founded chiefly on your Despatch of the 24th of December last, relative to the slaver "*Vintodous de Setembro*."

One or two recent movements, on the part of this Government, appear to show some disposition to depart a little from the apathy which it has so long evinced on the Slave Trade Question. The following are the circumstances to which I allude.

A charge being brought against a Juiz de Paz at Mangaratiba, that he had taken bribes to deliver up to the importers 38 slaves, newly arrived, whom the Juiz himself had apprehended, a true bill was found against this magistrate in February last; and the cause appointed to be tried at the town in question. The result is not yet known, but the decision will be of the more importance, on account of its probable bearing, on the conduct of other justices of the peace in similar cases; and these are innumerable.

Secondly: On the 18th ultimo, an instruction was issued to the President of this province, requiring him to redouble his vigilance and activity for the discovery and punishment of transgressors of the Law of November 7th, 1831; the observance of which, it is added, is very closely connected with the reputation and dignity of the Government.

It is not improbable, and perhaps not unreasonable, that the Government, in its correspondence with the Imperial Representative at London, may take credit to itself, for having resisted the clamour of the opposition in the two Chambers, together with that of the very numerous and powerful body out of doors, whose individual interests are involved in a continuance of the traffic; and for having preserved the Law above-mentioned on the statute-book. I do really believe, that the Executive is sincere in the opinions and intentions which it professes on the subject; but its ability to perform is yet a problem, for the solution of which we must wait patiently till the opening of the Legislature.

The Slave Traffic Report, transmitted by the last mail, presented a list of importations less considerable than those of the two preceding months; but this was not to be taken as a criterion of diminished trade. Unfortunately, the accompanying Report for the month of March shows the augmented number of 7395.

As a satisfactory proof of the general accuracy of these Reports, it may be observed here, that the Government has excepted to two only of the numerous items they comprehend.

I have, &c.

(Signed) HAMILTON HAMILTON.

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

&c. &c. &c.

No. 76.

Mr. Hamilton Hamilton to Viscount Palmerston—(Received July 26th.)

(Extract.)

Rio de Janeiro, May 24th, 1837.

I FORWARD herewith to your Lordship copies of my note, communicating to the Government the Report of slavers, which entered the Port of Rio during the

month of March last; and their respective cargoes, (transmitted home in my Despatch of the 18th ultimo) and of the answer sent by M. Limpo de Abreo.

I believe the late Minister to have been perfectly sincere, in his reprobation of the Slave Trade, and to have used, at all times, his best endeavours to give effect to the measures long since concerted for its abolition, and to such suggestions as it has been my duty frequently to press on the Government, for the furtherance of this humane object.

What may be the particular opinions of Senhor Montezuma, Senhor Limpo de Abreo's successor on this important subject, I have not yet had an opportunity of ascertaining from himself; but I hear, from what I consider creditable authority, that he is a decided abolitionist. At all events, your Lordship may be assured, that the most strenuous exertions on my part shall not be wanting to obtain, through his official interference, the execution of those engagements in this matter into which Brazil has entered with Great Britain.

It was the actual Minister of Finance, Senhor Branco, who signed, on the part of this Government, the Additional Articles to the Convention of November, 1826, which were negotiated by Mr. Fox in 1835.

The list of slavers which entered in April is enclosed; and, I regret to add, that, in the teeth of the Portuguese decree of December last, 21 vessels are now fitting out in this harbour, destined for the African Coast, under the Flag of Her Most Faithful Majesty.

First Enclosure in No. 76.

(Confidential.)

Mr. Hamilton to Senhor Antonio Paulino Limpo de Abreo.

Rio de Janeiro, 30th April, 1837.

MONSIEUR LE MINISTRE,

I HAVE the honour to transmit to your Excellency herewith a report of vessels employed in Slave Traffic, which entered the Port of Rio de Janeiro during the month of March last; the number of said vessels being 16, and of slaves imported therein 7395, showing a very considerable augmentation of this illegal and detestable commerce.

With respect to the brig "*Ceres*," No. 6 on the list, which arrived on the 4th of March, I beg leave to press on your Excellency's observation that her real Commander, and the individual specially charged with the expedition, appears to have been, although it is not so expressed in the list, the same Senhor Francisco Perez de Carvalho, who was one of the Brazilian Officers of the Imperial Marine, noticed by me on a former occasion as being engaged in the trade in question, and who was then stated to have sailed from Bahia to Mozambique in the prosecution of it; that he landed with the slaves composing the cargo of the "*Ceres*" at Campos, the vessel having been brought thence to this Harbour by the Flag Master, but that the name of Senhor de Carvalho, whether as her Commander, or as a passenger on board of her, is nowhere reported, although it is understood that his having so landed, is well known both in the Marine Arsenal and to the Marine Department.

I would take the liberty to inquire whether the Government of His Imperial Majesty does not consider the case more particularly referred to here, to constitute a manifest and remarkable contravention of the Compacts into which Brazil has entered for the Abolition of the Slave Trade.

I have, &c.

(Signed)

HAMILTON HAMILTON.

His Excellency Senhor Antonio Paulino Limpo de Abreo.

&c.

&c.

&c.

Second Enclosure in No. 76.

(Translation.)

M. de Abreo to Mr. Hamilton.

MONSIEUR L'ENVOYÉ,

Rio de Janeiro, 11th May, 1837.

I HAVE the honour to acknowledge the receipt of the confidential Letter which you addressed to me on the 30th ultimo, enclosing a list of vessels employed in the Slave Trade, which entered the Port of Rio de Janeiro during the month of March, together with the number of Africans on board these vessels. You informed me at the same time that the Commander of the brig "*Ceres*," and the person specially charged with the negotiation, is to all appearance the same Francisco Peres de Carvalho, who is one of the three officers of the Brazilian Navy whom you denounced to me, as being engaged in the trade in question; and you conclude with the inquiry, if the Imperial Government does not consider that the above-mentioned fact constitutes a clear and remarkable breach of the Conventions to which Brazil is bound, for the Abolition of the Slave Trade.

I regret doubtless, Monsieur l'Envoyé, the recurrence of such practices; but I am bound to observe to you that if such practices do recur, it is by no means because the Imperial Government has not employed, to avoid them, all the means which it has in its power according to the law of the country; but it is because these means are unfortunately become insufficient, on account of the obstacles which the popular prejudices, and the sordid desire of obtaining great advantages by these detestable speculations, oppose to them. It is unnecessary to recall to your mind, M. le Chevalier, either the Law of the 7th of November, 1831, or the Order of April 12, 1832. These two measures bear witness to the co-operation of the Legislative and Executive bodies, for the annihilation of this contraband trade,

and although they have not produced the result which was in view, we must expect that they will ultimately succeed. The Imperial Government had also no doubt of completing the Additional Articles signed on the 27th of July, 1835, between the Brazilian Minister for Foreign Affairs, and the Envoy Extraordinary of His Britannic Majesty. Since these Articles depend on the approbation of the Chambers, I shall not lose an instant in demanding it, and in proposing other measures which may contribute to the extinction of the Slave Trade. It follows hence, that it is easy to conclude that the Imperial Government has been faithful to its promises, and that it has done and will do everything in its power to fulfil religiously those engagements, in order that the offenders may be punished, as its duty obliges it to do. Lastly, I have to inform you, that I have sent the Instructions and necessary Orders to the competent Authorities, to take measures in consequence of the facts of which you informed me, and that the three Officers of the Brazilian Navy who are suspected of being employed in contraband, should have the leave of absence which had been granted them rescinded, in order that their conduct may with greater facility be examined, and that they may be hindered from embarking in merchant vessels.

Receive, &c.
(Signed) ANTONIO PAULO LIMPO D'ABREO.

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

Third Enclosure in No. 76.

Particulars respecting sundry Vessels engaged in the Slave Trade, under the Portuguese Flag, that have arrived at this Port of Rio de Janeiro, in ballast or otherwise, during the month of April, 1837, after landing their cargoes of slaves on the Coast of Brazil.

Rio de Janeiro, May 1, 1837.

- No. 1. Bark "*Constante*," from Loanda, landed 694 slaves at Campos.
 - No. 2. Brig "*Paquete de Loanda*," from Angola; has made two voyages since she left this port. On the first voyage landed 427 slaves, at Paramqua, and now 393 slaves at St. Sebastiao.
 - No. 3. Brig "*Duas Irmãas*," from Angola, landed 520 slaves at Campos.
 - No. 4. Brig "*Asseiceira*," from Angola: landed 417 slaves at Marica.
 - No. 5. Bark "*Carolina*," from Quilimane: landed 976 slaves at the Island of Parcos, near to Ubatuba.
 - No. 6. Patacho "*Lealdade*," from Angola: landed 321 slaves at Ponta Negra.
 - No. 7. Smack "*Zenobia*," from Benguela: landed 319 slaves at Ponta Negra. When this vessel was visited by the Officers of the Customs, the Master, in conversation, told them that he had shipped a large monkey, which for safety he put into the apartment for female slaves; thus admitting his having had slaves on board, but the Officers were not authorised, because of the existing Instructions from the Imperial Government, to take cognizance of the fact.
 - No. 8. Brig "*Doze de Outubro*," from Benguela: landed 513 slaves at Paraty.
 - No. 9. Schooner "*Ligeira*," from Benguela: landed 411 slaves at Mangaratiba. This vessel, on her arrival, was reputed as having touched at Mangaratiba; yet that circumstance, and having an extra number of water-casks on board, is not considered to be sufficient to warrant proceedings against her for being engaged in the illicit traffic.
 - No. 10. Bark "*Resolucao*," from Angola: landed 710 slaves at Taipú, almost in sight of the forts. Has made two voyages since she left this port; and on the former voyage landed 794 slaves at St. Sebastiao.
 - No. 11. Schooner "*Triumfante*," from Angola: landed 322 slaves in canoes off this harbour, the greater number at the house of a Major named Vasco, who has a chacara at the Fort St. Joao, for the purpose; the remainder of the slaves were landed at the Praza of Santa Luzea.
- Total number of slaves imported by 11 vessels, as above, during the month of April last, 5596.

No. 77.

Mr. Hamilton Hamilton to Viscount Palmerston—(Received August 22nd.)

MY LORD,

Rio de Janeiro, June 24th 1837.

SEVERAL weeks of the present Session of the Legislature having passed away, without the adoption, or even the agitation, of any measures, in fulfilment of the engagements entered into at different times by Brazil towards Great Britain with regard to the Slave Trade, I addressed to the Minister of Foreign Affairs, on the 5th instant, the accompanying note, urging his immediate and most serious attention to the subject. No answer has been returned to this representation, but I have received from Senhor Montezuma a verbal assurance of his immediate compliance with my wishes.

My exertions, however, on this subject have not been restricted to this.

I have made it my duty to represent also, personally, to the Regent, how indispensable it has become, to redeem, without further delay, the innumerable pledges given by the Imperial Government; that this necessity is more particularly cogent, in what concerns the ratification of the Additional Articles to the Slave Trade Convention, negotiated by Messrs Fox and A. Branco, now 2 years ago; and that, however disposed to thwart the measures of the present Administration, and, especially, such as may have for their object the repression of Slave Trade, a large division of the Chamber of Deputies may be presumed to be, still it was

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imperative on the Government, to submit this question, and meet this opposition, under peril of incurring, in the contrary case, the imputation of bad faith.

His Excellency assented, and promised, that the Minister of Foreign affairs should be instructed accordingly, but, he added, that, there was but a very indifferent chance of obtaining the desired co-operation of the Chamber; and the hands of the Executive are powerless without it—at least to any useful purpose. I am sorry to say that there is but too much truth in all this; and that the difficulties of the question are augmenting, day after day, in proportion as the breach widens between the Executive and the more influential branch of the Legislature.

I have, &c.

(Signed) HAMILTON HAMILTON.

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

&c. &c. &c.

First Enclosure in No. 77.

Mr. Hamilton to Senhor Montezuma.

Rio de Janeiro, June 5th, 1837.

THE Undersigned has the honour to invite the particular attention of Senhor Francisco Je Acayaba de Montezuma to the very extensive correspondence which has passed between himself and the predecessors of His Excellency in the Foreign Department of the Government, relatively to the traffic in slaves between the coast of Africa and Brazil.

In the series of notes from the undersigned, treating of this disgraceful commerce, will be found a mass of evidence, showing its constant progression in this part of His Imperial Majesty's dominions, the perfect impunity, not to say indulgence, which it meets with, and even the connivance of many of the imperial authorities.

These communications refer particularly to the long-suspended ratification by Brazil of the additional articles to the Treaty for its abolition, which were negotiated in July, 1835, by Mr. Fox and Senhor A. Pranco; to the expediency of a new law, having for its object to prevent the transfer of Brazilian vessels to Portuguese subjects, &c. &c., and to other important measures of remission, which in the judgment of the British Government it behoves the Brazilian Government to adopt, as well on the ground of expediency as in deference to engagements solemnly contracted between them.

In its answers to the representations of the undersigned, the Imperial Government does not contest, in any one instance, either the inhumanity or the impolicy of the commerce, nor the sacred nature and the extent of its obligations to effect its abolition; but it declares without hesitation such powers as it holds at present to be inadequate to that end; and that in order to be enabled to work effectually in the spirit of those obligations, other and more extended provisions by the Legislature are found to be indispensable.

That it would use its most strenuous endeavours to obtain from the Chambers the more extensive authority here indicated, the Imperial Government has pledged itself repeatedly to the predecessors of the undersigned in this mission, and it has taken again and again the same engagements in its communications to the United States. But hitherto these pledges have not been redeemed, and a fourth-part of the allotted duration of the present Session has already expired.

The Undersigned, therefore, cannot longer delay again to solicit most urgently from the Minister of Foreign Affairs, the immediate and mature consideration of these important matters, and of the obligations, contracted or implied, to which they have given rise.

The instructions which the Undersigned has received from his Government, for his guidance on this point, are most peremptory; but it is agreeable to him to believe that the enlightened views on the subject, which are attributed to His Excellency, are a sufficient guarantee that his solicitation will not be made in vain; and that the zealous co-operation of His Excellency will not be wanting to produce a satisfactory result.

A memorandum is enclosed, showing the dates as well of the notes addressed to the Imperial Government on this subject, as of the answers returned; but to the one transmitted on the 8th of April, no answer has yet been given.

The Undersigned takes advantage of this opportunity to submit to the consideration of His Excellency Senhor Francisco Acayaba de Montezuma, the enclosed report of ships engaged in slave commerce, which arrived in this port from Africa, in the month of April last, and of their respective cargoes.

The Undersigned, &c.

(Signed)

HAMILTON HAMILTON.

To His Excellency Senhor Montezuma.

Sub-Enclosure in No. 77.

Dates of Notes addressed to His Britannic Majesty's Minister to the Imperial Government, relatively to Slave Trade.

		1836.	
No. 2.	.	.	June 29.
9.	.	.	August 23.
12.	.	.	September 4.
30.	.	.	December 4.
		1837.	
7.	.	.	January 7.
11.	.	.	February 18.
13.	.	.	" 22.
18.	.	.	March 18.
20.	.	.	April 8.
23.	.	.	" 30.

Dates of Notes addressed by the Imperial Government to His Britannic Majesty's Minister relatively to the Slave Trade.

1836.

August 9.

" 30.

September 13.

1837.

January 7.

" 30.

March 6.

" 22.

May 11.

No. 78.

Mr. Hamilton to Viscount Palmerston.—(Received August 22nd.)

MY LORD,

Rio de Janeiro, June 26th, 1837.

I HAVE the honour to forward to your Lordship an ordinance, just promulgated by the Government for the more perfect execution of the Law of the 7th November, 1831, in what respects the visiting and searching of vessels arrived from the Coast of Africa.

I cannot doubt, that the intentions with which this Regulation has been framed were strictly honest, but with whatever success it may be brought into execution ultimately, it has failed, I am sorry to say, in the first and only trial it has had. Some modifications it is susceptible of; and the Minister assures me, they shall be introduced; but the internal evidence afforded by the vessel thus examined, of her having been employed in the contraband traffic of slaves, would have proved quite sufficient to justify her seizure, even with all the imperfections of the Regulation heretofore in force, had there not existed some very flagrant collusion.

I have, &c.

(Signed)

HAMILTON HAMILTON.

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

&c.

&c.

&c.

Enclosure in No. 78.

Extract from the "Correio Official," of 14th June, 1837.

(Translation.)

June 6th, 1837.

WHEREAS it is expedient to adopt fresh precautions in the mode of visiting and searching vessels which arrive from the coast of Africa, so that the orders of Government, with regard to the faithful and rigid execution of the law of the 7th November, 1831, may not be eluded: and whereas the chief of the police has received instructions, that immediately on the arrival in this port of one of the above-mentioned vessels, he should cause it to be detained for three days, and should communicate the same to you. The Regent decrees, in the name of the Emperor Don Pedro II., that, immediately on receiving such communication, you will intimate officially to the Portuguese Consul-General, that, on the second day of the detention, and at the hour you may indicate, he do appear on board the vessel which may have arrived, to proceed to the examinations which, in accordance with the laws lately published in his country, it is his duty to institute; and that, being present yourself on this occasion, assisted by competent individuals, whose attendance must be required from the Inspector of the Marine Arsenal; and having previously officially instructed the *guarda mor da alfandega* (chief tide-waiter of the custom-house) to be likewise present at the same hour, you do then and there proceed to the necessary examinations, causing to be drawn up a report of the result; the same to be signed by yourself and by the aforesaid competent individuals and the *guarda mor*.

The Government hopes that you will scrupulously direct all your attention to detect every indication which may prove the transport of Africans in contravention of the above law, in order to put an end to the abuse so scandalously persisted in, of this inhuman traffic.

God preserve you, &c.

(Signed)

F. G. A. DE MONTEZUMA.

No. 79.

Mr. Hamilton to Viscount Palmerston.—(Received August 22nd.)

MY LORD,

Rio de Janeiro, July 3rd 1837.

THE Marquis of Barbacena's opinions on the subject of Slave Trade have been made known to your Lordship in part by a Memorandum which he presented at the Foreign Office when in England in the early part of last year.

In the prosecution of his ideas respecting the abolition, he submitted to the Senate three days ago, the project of a law directed to that object, of which, and

of the speech with which he introduced it, I have the honour to enclose Copies and translations.

To supply the deficiencies, and to remedy some of the apparent errors of the Law of November 7th, 1831, is the declared intention of the Marquis; but how far the measures of which he recommends the adoption are adequate to this end, I leave to your Lordship's better judgment to decide. Unless by delaying the departure of the Packet, which I am loath to do, I should not have time to enter fully into the consideration of a question so complicated, I have time only for a very few general observations.

There are faults in the project, which will assuredly not fail to suggest themselves to your Lordship. The most obvious perhaps is the absence of any distinct and specified provision regarding the registration of ships, and more particularly of those navigating under the Portuguese flag, in conformity to the Portuguese Commercial Code, and to the Portuguese Decrees of 17th December and 16th January last; or by which the traffic in slaves is pronounced to be piracy, and the punishment of it as such duly decreed and defined. Another, is the referring of the crimes enumerated in the project to the regular Law Courts of the empire, instead of to the Courts of Mixed Commission for cognizance and adjudication.

By the abrogation of the Law of November, 1831, the pains and penalties awarded therein to purchasers of slaves after the passing of that Law, would be annulled altogether; but, considering the long period which has elapsed since its promulgation, how considerable is the number of slaves illicitly imported subsequently, and how many of the most influential individuals of the empire have been implicated in the importation, the infliction of such pains and penalties would obviously be next to impossible. Still, however, it is expedient, that the prospective power of this Law should be preserved, and that it should remain in full force and effect, as regards any negroes imported after the promulgation of the Law now proposed.

But, however objectionable the project may be, and it is so in very many respects, and however defective, still it does possess one redeeming quality, namely, the insertion among its provisions of the additional articles—or, at least, the substance of them, negotiated by Mr. Fox.

The Marquis of Barbacena having spoken confidentially to me on the subject some four or five days before he submitted his proposition to the Senate, and having indeed read to me the heads of it, I took occasion to suggest verbally some alterations and additions; and subsequently I sent to him a written memorandum, in which they were more carefully developed. Of some of these suggestions he made use; he might with advantage, I think, have adopted many others: but the outline of his proposition was nearly complete, when he first adverted to it; and he was anxious to lose no time in bringing it forward.

Public discussion in the Legislature on a topic of this importance cannot, however, but have its attendant advantages. Amendments may be presented, while the question shall be before the Chambers; and I hope it may be possible so to frame them, that, if admitted, they will have the effect of rendering the law more perfect, and, therefore, more in unison with the wishes and the recommendations of His Majesty's Government.

The Marquis of Barbacena seems sanguine, that his Bill will pass. I do not partake this feeling; and, indeed, unless greatly amended, I almost doubt whether it is desirable it should pass. There are, I know, many well-thinking, clear-sighted individuals in both branches of the Legislature, who are sincere advocates of the abolition; but the majority there, either personally or through their constituents, have what, in their wilful blindness to the consequences, they allege to be a vital interest in the continuance of the traffic; and the latter will, I greatly fear, be successful in their endeavours to preserve it.

Brazil is essentially an agricultural country; but the native and creole population is altogether insufficient for the cultivation of the soil; and the great landholders consider that this deficiency can be supplied effectually, only by having recourse to an unlimited introduction of labourers from Africa.

I have the honor, &c.

(Signed) HAMILTON HAMILTON.

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

&c.

&c.

&c.

Enclosure in No. 79.

(Translation.)

Speech of the Marquis of Barbacena in the Senate of Brazil, on the 30th June, 1837, together with his Project of Law for the more efficacious Suppression of the Slave Trade.

Extracted from the "*Jornal do Commercio*" of July 1st, 1837.

MR. PRESIDENT,—An experience of six years forces us to acknowledge that the Law of the 7th of November, 1831, very far from finally putting a stop to the traffic in slaves, as the Legislative body did at that time—nay, as it does still—so ardently desire, appears, on the contrary, to have been a powerful stimulus, giving energy, dexterity, and success to that class of traders who are especially occupied in importing slaves.

During the two first years after the passing of the Law, the importation of negroes was very small, because the means of illuding the examinations made in the Ports of Brazil at the arrival and departure of vessels had not been discovered; there had not been established the various deposits for the reception of slaves, and for their instruction in the Portuguese language; there did not exist any organised body of brokers* to conduct slaves to each fazenda, and tempt the cultivators to purchase. As soon, however, as all this machinery was prepared, the importation began to increase, and to such a degree that it may be safely asserted, without fear of exaggeration, that during the last three years it has been much more considerable than it had ever before been, when the commerce was unfettered and legal. Should the Legislature look on with indifference while the impulse given to this contraband trade continues with the increased activity which it has acquired, Brazil will very soon become, not the imitator and rival of civilised nations, but the imitator and rival of the Coast of Africa.

One evil, Gentlemen, is almost always followed by many others; thus the horrible crime of which the importers of slaves are guilty, has found countenance from our agriculturists, who, commencing with the purchase of slaves they supposed to be some time in the country, because speaking more or less of Portuguese, and deriving great advantage from these recruits, on account of the high and constant price of our produce, and chiefly of our coffee, did not hesitate afterwards to purchase as many as presented themselves, whether old or new, seduced by the irresistible desire, so natural to every one, of preserving and improving his fortune. But, in the meantime, what might not be the fatal result of this infraction of the Law? The General Legislative Assembly which, with so much foresight, knew how to frame laws to put down the traffic, will it now with similar foresight legislate beneficently for the interests of the agriculturists? Far be it from me to make an eulogium on those who knowingly infringe the law; but I must honestly confess that there never was any infraction of law which perented such plausible reasons for being excused, if not forgotten, as that which the agriculturists of Brazil have been guilty of. They say with sincerity and truth—"There being no free labourers, (as indeed there are not) to substitute for the slaves, the necessary consequence will be the annual diminution, and that too with extraordinary rapidity, of the produce of our states, because diseases, old age, and death, will soon annihilate the largest army which does not receive recruits. It is a hard lot to be condemned to involuntary poverty; but, since Government thus determines, let it take the necessary precautions that slaves shall not be disembarked in Brazil; and let this satisfy it. But to pretend that agriculturists shall not buy slaves when they are brought to their very door, when even they have no means of ascertaining whether they are contraband or not, is to exact more than human nature is capable of."

Who will be found to deny the force of such reasoning? In truth, Gentlemen, to reject the present advantage in order to avoid a great but distant evil, is the part of Statesmen, of the Legislators of the Empire; but such conduct is far above the comprehension of the generality of men. I will not praise, I repeat, those who infringe the law, because it would be better at once to resort to the right of petition, to which some municipal Chambers have lately had recourse; but, I will unhesitatingly maintain, that if ever there are circumstances in which both reason and good policy counsel the oblivion of a crime, never were they more imperious than in respect of that of which I am speaking. They are not turbulent or revolutionary Brazilian subjects who, with arms in their hands, attempt to overthrow the Government and the Constitution, and to whom, in some instances, an amnesty has been granted; they are peaceable proprietors, heads of respectable families, men distinguished for industry and virtue, who promote both private and public prosperity by their labours, and who, by a double title, merit a complete pardon for the infraction of the law of which they are guilty.

As I have had the honour of sitting in this assembly since the first day of its installation, I am thoroughly acquainted with the sentiments of the Senate, and I will not therefore do it the injustice of occupying its attention any longer on the very urgent necessity there is to recast the above-mentioned law of 7th November, 1831, in such other form as shall confer powers more ample and more efficacious in their results, powers which, rendering difficult and almost impossible the importation of slaves, shall not prejudice the interests of the agriculturists.

They deserve the greatest security for the constant, absolute, and perfect enjoyment of their property, and the Senate, alike from duty, honour, and inclination, will always be occupied in promoting and ensuring this security to the greatest possible extent.

Induced by the reasons I have mentioned, and by many others which will not escape your penetration and sagacity, I have drawn up a project of law which I now humbly offer for your consideration. I confide not in my own talents, but in the good cause which I advocate.

Project of Law.

The General Legislature Assembly decrees.

Article 1. The importation of slaves and of free blacks is prohibited in the territory of Brazil.

Art. 2. This prohibition shall not extend, Sec. 1 To slaves employed† on board vessels belonging to any nation whatever, when the identity of the individuals shall have been verified by the exhibition of the passport, the list of the crew (Matricula), and other papers appertaining to each vessel.

Sec. 2. Slaves who pass from one province of the empire to another, having run away, or gone with their master's consent, provided that such circumstances are proved by the attestations of the Police or local authorities.

Art. 3. Brazilian vessels met with in any port, or foreign vessels met with in the ports, bays, or

* Correctores.

† Matriculados.

roadsteads of Brazil, having on board slaves or free blacks not excepted in Art. 2, shall be arrested and considered as importers of slaves. Those vessels in which are found articles indicative of their being destined for the slave trade, independent of all other proofs, shall likewise be detained, and considered as having already imported, or as having attempted to import, slaves into Brazil.

Art. 4. The articles to be considered as indicative of a vessel's being intended for the Slave Trade are the following:—

(In all nine articles similar to those referred to in the Portuguese Decree of 10th December, 1836.)

Art. 5. Are to be considered as *principals** in the crime of importation, the Captain or Master, and the Pilot or Mate of the vessel, the Supercargo in the enterprise, those persons who assist at the disembarkation of slaves or of free blacks on the Brazilian territory, or aid in any thing towards concealing them at sea, or in secreting them by any other means from the knowledge of, or from apprehension by, the public authorities.

Art. 6. The principals in this crime shall suffer the penalty of from three to nine years of transportation to the island of S. Fernando; and shall moreover be condemned and compelled severally to pay, *in solidum*, the expenses of the re-exportation of the slaves or free blacks to the ports whence they came, these expenses being determined by arbiters.

Senate House, 30th June, 1837.

Art. 7. Vessels which have already imported, or which are destined to import, slaves, shall be confiscated with all their equipments and cargo found on board. All the boats employed in the disembarkation, the concealment, or the removal of slaves or free blacks, which are seized on this service, shall likewise be confiscated.

Art. 8. The proceeds of the cargo, vessels, and boats which are seized, shall be applied to the benefit of the captors, with the deduction of a fourth part for the informers, should there be any, as also for the expenses the seizure might occasion. The vessels and boats, immediately after being condemned, shall be broken up, and sold in separate lots.

Art. 9. All the slaves, or free blacks, which may be seized, whether it be on the high seas, or on the coast, before being disembarked, shall be re-exported at the expense of Government, to the port whence they came, or to any other port of Africa which may appear more convenient to Government; and until such time as they shall be re-exported, they shall be employed in labour, under the superintendence of Government, as is now practised.

Art. 10. No passports shall be given to merchant vessels for any port on the coast of Africa, unless the Owner, Captain, or Master, shall have first signed a bond, not to receive on board any slave whatever, the owner giving security for a sum equal to the value of the vessel and its cargo, which security shall be redeemable if, within 18 months, there have been no seizure of the vessel for which security had been given, nor any information lodged against her.

Art. 11. National or foreign vessels which may be despatched in the ports of Brazil for the ports of Africa, as also those of which suspicions are entertained, or against which information has been lodged, that they are unprovided with a clearance for such destination, shall be visited the day after their departure by one of their chief officers of the Custom-house, who not finding on board anything to excite suspicion of their being intended for the Slave Trade, shall allow them to depart freely.

If, however, any articles indicative of the vessel's destination to the Slave Trade, be found, such articles shall be seized as contraband, and the Owners, Captain, or Master, Mate, and Shippers, shall incur the penalties of smuggling.

Art. 12. After the search nothing can be received on board the ship.

Art. 13. The *Inferior Judges* † shall be obliged *ex officio*, to give sentence in the first instance, power of appeal to the *Superior* ‡ Court being granted for all crimes mentioned in the present law.

Art. 14. No action can be brought against those individuals who have bought slaves, after their disembarkation; and the law of 7th November, 1831, and all others contrary to the present are repealed.

No. 80.

Hamilton Hamilton Esq. to Viscount Palmerston.—(Received August 22.)

MY LORD,

Rio de Janeiro, 3rd July, 1837.

I HAVE the honour to forward herewith Reports of the Slave Trade entries in this harbour and its vicinity during the months of May and June.

The number of slaves imported appears considerably less according to these returns, especially in that of June; but we must not, I fear, deduce therefrom any general diminution of the trade.

Under the provisions of the new decree, transmitted home in my Despatch of the 26th ultimo, the Government has considered itself justified in detaining for trial the Brig "*Esperança*," reported in the June return; but I believe, it is the civil tribunals of the country, and not the Mixed Court, which will have cognizance of the case.

I have, &c.

(Signed)

HAMILTON HAMILTON.

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

&c.

&c.

&c.

* Autores,

† Juizes de directo.

‡ Relação.

First Enclosure in No. 80.

Particulars respecting sundry vessels engaged in the Slave Trade, under the Portuguese Flag, that have arrived at this Port of Rio de Janeiro, in ballast or otherwise, during the month of May, 1837, after landing their cargoes of slaves on the Coast of Brazil.

Rio de Janeiro, June 1, 1837.

- No. 1. Brig-schooner "*Esperança*," from Angola: landed 304 slaves at Mariae.
 No. 2. Brig, "*Dous Amigos*" from Angola, landed 459 slaves at Machaè. She has made two voyages since she left this port: on the first voyage she landed 590 slaves at Campos.
 No. 3. Brig, "*General Cabreira*," from Angola: she was several days off this harbour: and discharged into canoes 337 slaves, which were landed at the house of Lieutenant-Colonel Vasco, near to Fort St. Jaao, inside the harbour.
 No. 4. Schooner, "*Felicidade*," from Angola, landed 340 slaves, near to Taipu.
 No. 5. Brig, "*Ontario*," from Angola, landed 337 slaves at the island of St. Sebastiao,
 No. 6. Brig, "*Joven Africana*," from Angola; landed 312 slaves at Ponta Negra.
 No. 7. "*Venus*," from Mozambique: she has made two voyages. On the first she landed 720 slaves at Campos, and now 664 slaves at Machaè.
 Total number of slaves imported by seven vessels as above, during the month of May last,—2753.

Second Enclosure in No. 80.

Particulars respecting the vessels engaged in the Slave Trade, under the Portuguese Flag, that have arrived at this Port of Rio de Janeiro, in Ballast or otherwise, during the month of June, 1837, after landing their Cargoes of Slaves on the Coast of Brazil.

Rio de Janeiro, July 1, 1837.

- No. 1. Brig, "*Experiencia*," from Benguela: landed 487 slaves at Campos.
 No. 2. Brig, "*St. Domingos Eveas*," from Angola: she has made two voyages without returning to this port. On the first she landed 419 slaves at St. Sebastiao and on the present 473 slaves at Ponta Negra.
 Total number of slaves imported in two vessels, as above, during the month of June last, was 960.

No. 81.

Viscount Palmerston to Hamilton Hamilton, Esq.

SIR,

Foreign Office, 6th September, 1837.

I HAVE received your Despatches, marked Slave Trade, of the 3rd July last, inclusive.

With reference to your Despatch of the 24th June, I have to inform you, that I approve of the note which you addressed to M. de Montezuma on the 4th of that month, urging him to obtain the ratification of the additional Articles to the Convention on Slave Trade, which were signed in July, 1835.

The representations, hitherto made by yourself and your predecessor upon this subject, have always been met by assurances on the part of the Brazilian Minister, that the Government is willing, and even desirous, to procure the sanction of the Chambers to the ratification of the Articles in question; but two Sessions have now elapsed, since they were signed; and in spite of these assurances, the question has never been brought forward by the Government, till the season was so far advanced, as to leave no chance of its being discussed and decided, upon before the rising of the Chambers.

I am not without hopes, that your note to M. de Montezuma abovementioned, and the representations, which you have privately made to the Regent, may have prevented a repetition of this dilatory mode of proceeding in the present Session; but, should this not be the case, I have to instruct you to address a formal remonstrance upon the subject to the Brazilian Government, calling upon it to submit the Articles to the Chambers without further delay; and pointing out the discredit; which will unavoidably attach to the Brazilian Cabinet, should it persist in a course, which would wear the appearance of a settled purpose to evade the fulfilment of engagements entered into between the two countries.

I have, &c.

(Signed)

PALMERSTON.

Hamilton Hamilton, Esq.,

&c. &c. &c.

No. 82.

Mr. Hamilton Hamilton to Viscount Palmerston—(Received October 6th.)

MY LORD,

Rio de Janeiro, August 15th 1837.

I HAVE the honour to forward to your Lordship the answer, returned by the Minister of Foreign Relations to communications of mine on the subject of Slave Trading, which was sent home in my despatch of the 24th of June last.

The contents of the note are a little too general to be very satisfactory; still it bears testimony to the honest intentions, by which, I really think, the Minister is animated; and this, in the absence of matter more tangible and precise, is something.

All the representations, verbal and written, which I have addressed to the Government, on the interminable delays experienced in the ratification of the Additional Articles for the Suppression of the Traffic, which were negotiated by my predecessor, have failed of effect, although Senhor de Montezuma gives me every assurance, that the question will be brought forward the present Session. But Treaties of any description with European powers have to combat at present a host of prejudices; all are regarded with suspicion, as designed only to overreach; so that simple as are the objects aimed at in the Additional Articles before-mentioned, I cannot, in the face of such feelings, but hold to the belief I have before expressed, that these articles will not obtain the approval of the Legislature.

The *projet* brought forward in the Senate by the Marquis of Barbacena, for repealing the Law of November, 7th 1831, and substituting another, regarding which *projet* I addressed your Lordship in my despatch of the 3rd ultimo, has just now, after undergoing considerable modifications—I should not be justified, I fear, in styling them improvements—passed to the Lower Chamber. As it is probable, however, that other alterations will be worked in it there—if, indeed, it do not fall altogether, or be deferred for consideration till the next Session.—I shall not, on this occasion, trespass on your Lordship's leisure with a sketch of these modifications. I will observe merely, that, although comprehending some good provisions, the *Projet* appears to be radically vicious and defective, and that affording, as it will most assuredly do, additional and greater facilities and securities to the slave-markets within the empire, it must have the deplorable effect of offering, notwithstanding that the transport of slaves by sea be rendered in a degree more difficult, an augmented premium for the introduction of these unhappy beings.

This commerce is so deeply rooted in the country by the influence of individual interests, and by habit, that I fear we may not look for any effectual remedy, either at the present moment or hereafter, from within. From abroad alone is it that the cure can come, and there even only from England. She must sweep the seas on the coasts both of Africa and of Brazil; and employing some half dozen of armed schooners, of small draught of water, for that purpose, here, and inflicting summary punishment on some few masters of slavers, as guilty of piracy, her benevolent enterprise will be successful. Without some strong and sweeping measures of this kind, our success must prove uncertain and remote.

I have, &c.

(Signed)

HAMILTON HAMILTON.

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

&c.

&c.

&c.

Enclosure in No. 82.

The Undersigned &c. has the honour to acknowledge the receipt of the two notes, dated the 6th of June and 13th of July, of the present year, addressed to him by Mr. Hamilton Hamilton, &c. &c. &c. in which he transmits lists of the vessels which have disembarked Africans on the coast of the Province of Rio de Janeiro, and in other parts of Brazil, and calls the attention of the undersigned to the correspondence which has passed between this office and the British Legation, on the inhuman traffic in slaves, with the hope that the Imperial Government will employ all its influence with the Legislative Chambers, in order that they should pass during this Session their approval of the additional article which was agreed to in July 1835, by Senhor Manuel Alvas Banco, and Mr. H. Fox, and that they should promulgate a law calculated to prevent the sale of Brazilian vessels to Portuguese subjects.

The Undersigned was gratified to observe that Mr. Hamilton does him the justice, which is his due, in feeling assured that the Undersigned will, for his part, employ every means to repress the detestable traffic in Africans, and indeed he has already taken vigorous measures for the regulation of the visits to be made to vessels entering this port from the coast of Africa, and from which very advantageous results have followed.

On reading the correspondence to which Mr. Hamilton alludes, the Undersigned has had great satisfaction in perceiving that his predecessors have used their best endeavours in order to suppress the horrid traffic in human flesh, both by issuing the most positive instructions to the Presidents of the provinces of Brazil, and also by directing her Chargé d'Affaires at Lisbon to represent to the Portuguese Government how expedient it was to adopt measures; having for their object the preven-

tion of the scandalous abuse of the Portuguese flag, by its subjects making use of it in a traffic so repugnant to the laws of humanity. These representations have not been fruitless; since the Portuguese Government has published a repressive law to this effect, which cannot fail to have the most salutary result.

Besides this, the Brazilian Government has not omitted to inculcate on the Legislative Chambers the necessity of legislative provisions for the complete suppression of the contraband trade in Africans, as appears from the different relations presented by the predecessors of the Undersigned, and particularly from that of the present year, in which will be found referred to every point insisted on now by Mr. Hamilton in his note of the 6th of June.

The Undersigned, &c., &c., &c.

FRANCISCO JE. ACAYABA DE MONTEZUMA.

(Signed)

To *Hamilton Hamilton, Esq.*

&c. &c. &c.

No. 83.

Hamilton Hamilton, Esq., to Viscount Palmerston.—(Received October 6th.)

MY LORD,

Rio de Janeiro, August 15th, 1837.

ON the 24th July the Imperial Government addressed to me a notification, that, in conformity with the provisions of a Law passed in October, last year, a duty of 15 per cent. would in future be levied on all British merchandise, suitable for the African market, which might arrive *in transitu* in any of the ports of Brazil, by whatever circumstances that arrival might be occasioned; the said duty being intended to operate as a restraint to any indirect protection of the traffic in slaves.

This Act of the Executive appearing to me to be directly opposed to the spirit, if not to the letter of the Conventions between the two countries, and to the usages which have grown out of those Conventions, I considered it my duty to protest formally against the duty, notwithstanding that the discouragement of Slave-Trading is the overt motive of its application.

I have the honour to submit to your Lordship a copy of this correspondence.

The pernicious effects, on British commercial interests, of this duty, should its exaction be persisted in, must be felt very extensively, while its assumed utility in discountenancing the contraband commerce which it is ostensibly directed against, would be found, I conceive, very illusory. The letter from the Minister of Finance, and the opinion of the Law Officers of the Crown, &c., referred to in Enclosure No. 2, were transmitted to the Foreign Office in a Dispatch from Her Majesty's Commissioners in this capital, dated September 30th, 1836.

I have, &c.

(Signed)

HAMILTON HAMILTON.

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

&c. &c. &c.

First Enclosure in No. 83.

(Translation.)

Senhor Francisco Je. Acayaba de Montezuma to Mr. Hamilton Hamilton.

Rio de Janeiro, July 24th, 1837.

IT being determined by Art. 10, Sect. 1, of the Law of the 22nd October, 1836, that the duties on re-exportation and transhipment of goods, destined for the coast of Africa, should be raised to 15 per cent. over and above the $1\frac{1}{2}$ per cent. for fees (*expediente*), it is the duty of the Undersigned, &c., &c., &c., to communicate to Mr. Hamilton Hamilton, &c., &c., &c., that henceforward English goods, of the description usually required for the consumption of the coast of Africa, will be admitted *in transitu* (trazidas por escala), in any of the ports of the Empire, whatsoever may be the plea on which the vessel may touch there, without payment of the dues referred to, in order to avoid the indirect protection which otherwise would result therefrom, in favour of the horrid traffic in human flesh.

(Signed)

FRANCISCO JE. ACAYABA DE MONTEZUMA.

To *Hamilton Hamilton, Esq.*

&c. &c. &c.

Second Enclosure No. 83.

Hamilton Hamilton, Esq., to Senhor Francisco Je Acayaba de Montezuma.

Rio de Janeiro, August 4th, 1837.

THE Undersigned, His Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has had the honour to receive the note of the Minister Secretary of State for Foreign Affairs, dated 24th ultimo, by which His Excellency notifies that, in conformity with the Law of October 22nd, 1836,

CLASS B.

Art. 10, § 1, no English goods of the description usually required for the African market will henceforward be admitted *in transitu* in any of the ports of the empire of the Brazils, whatsoever may be the plea on which the vessel may touch there, without payment of 15 per cent., as duty on re-exportation and transhipment, over and above the duty of 1½ per cent. for *expediente*; the said regulation being intended to obviate the indirect protection which otherwise might result therefrom to the horrible traffic in human flesh.

To the important questions involved in this decision of the Imperial Government, the Undersigned has given mature consideration; and he has the honour to transmit to Senhor Francisco Je Acayaba de Montezuma the answer which that consideration has suggested.

The accuracy of the interpretation given by the Imperial Government to the first paragraph of the tenth article of the Law of October 22nd, 1836, appears to the Undersigned susceptible of great doubt.

Into any examination, however, of this point he refrains from entering here, as well as of the very remarkable contradiction which the case presents relatively to the ideas recently entertained by the Government on this subject, as they are exhibited in a letter addressed by the Minister of Finance to the Chambers of Deputies, on the 15th July, 1836, and in the opinions of the law officer of the Crown, the Comptroller and the Inspector General of the Treasury, as given on the 7th December, 1835, and the 23rd January, 1836. He confines himself to stating his persuasion that by no reference to the said law can the legality of the import of 15 per cent., notified by His Excellency in his note of July 24th, be either supported or justified.

The imposition of such a duty calls for appeal and remonstrance on the part of the Undersigned, for reasons widely different and much more important. It calls for them, as being a measure highly injurious to the interests of British commerce in general; as being tantamount to a duty of consumption on goods not introduced into the country, not even disembarked there, but which may enter its harbours simply and solely *in transitu*; as being a bar to the entry of British vessels into Brazilian ports, whether it be for the purpose of obtaining supplies, or repairs, or commercial information, on the same terms of amicable reception and of exemption from duties as are enjoyed by the vessels of Brazil, when entering, for similar objects, the harbours of Great Britain; as being, in a word, opposed to the *spirit* of the compacts subsisting between the two countries; and to that reciprocity and perfect freedom of commerce and navigation which are stipulated for therein.

For the reasons here alleged, and for others, the Undersigned considers it to be his duty to protest, as he does here protest, against the imposition of the duties in question.

The anxious desire of Great Britain to facilitate both for herself and her allies, the adoption of every means which may seem to be calculated to put an end to the contraband commerce in slaves, requires no present illustration. The unwearied labour, the zeal, the sincerity with which she has so long striven in this arduous field, are universally known and acknowledged; but her government can never admit that a wish on the part of the Imperial Government to obviate any indirect protection of this traffic, is a valid or adequate motive for imposing a duty of the description announced by His Excellency on British merchandise, not consigned or destined to a Brazilian market. If the Imperial Government be really animated by a desire to suppress this disgraceful and most unnatural commerce, it has constantly under its view a very wide field for its philanthropic exertions, where day by day the evil is taking deeper root, and where its intervention, if sincerely employed, cannot fail to be followed by the most advantageous and salutary results, but by any such measure as the one which has here been discussed, were its application either legitimate or admissible, the undersigned is firmly of opinion, that no advance whatever in the way of prevention or of discouragement, would be effected.

The Undersigned, &c. &c.

(Signed)

HAMILTON HAMILTON.

His Excellency Senhor Francisco Je Acayaba de Montezuma.

&c.

&c.

&c.

No. 84.

Mr. Hamilton Hamilton to Viscount Palmerston.—(Received October 6.)

MY LORD,

Rio de Janeiro, 15th August, 1837.

I HAVE the honour to enclose to your Lordship Copies of several Communications received from Her Majesty's Consuls at Maranham and Pernambuco, relative to the Slave Trade, together with a Return of the vessels which arrived from the Coast of Africa in this harbour in the month of July, and of the cargoes which they had previously landed in the vicinity.

Since the proposal for a repeal of the Law of November 7th, 1831, was brought forward in the Senate, the importers of slaves have daily become more barefaced in their proceedings. On several nights of late, slaves have been debarked at one of the most public landing places of this city, the debarkation being attended by a number of individuals carrying fire-arms, and the slaves being conducted through some of the most public streets.

I have, &c.

(Signed)

HAMILTON HAMILTON.

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

&c.

&c.

&c.

First Enclosure in No. 84.

Mr. Consul Moon to Mr. Hamilton Hamilton.

Consul's Office, Maranham, 5th June, 1837.

(Copy.)
SIR,

SINCE I had the honour of addressing you on the 23d ultimo, I have discovered that the schooner "*Gratidao*," to which I then referred, though undoubtedly belonging to a house here, had for her ostensible Owners parties in Lisbon, and it appears it was the timidity of these parties that prevented her proceeding from Lisbon to the Coast of Africa last voyage, as her real Owners had intended her to do.

To-day this same schooner has again been cleared out for Lisbon under Portuguese colours, but her name is now altered to the "*Tres Amigos*," and her ostensible Owner to Manoel Antonio do Conto, a young man, Clerk to one of her real Owners, Antonio Gonçaves Machado, of this city. These and other circumstances connected with her lead me to suspect strongly that she is intended to proceed from Lisbon to the Coast of Africa, and there load slaves for this Coast.

I have therefore thought it my duty to acquaint you with these circumstances, and to give you a description of the vessel so that you may give such information as you may think necessary to His Majesty's cruisers on the Coast. The "*Tres Amigos*" is a low, fine-looking American-built schooner of about 200 tons burthen, under hermaphrodite rig, and carries a main-topsail. She is pierced for 5 guns on a side, and carries arms, but I do not know to what extent, as she has only 2 short caronades on deck. She has a billet-head, a plain stern, flush-deck, and is painted with 5 ports on a side. She is commanded by a Portuguese of the name of Ragnundo Antonio Lima, and is intended to sail to-morrow for Lisbon.

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

I have, &c.
(Signed) JOHN MOON,
His Britannic Majesty's Consul.

Second Enclosure in No. 84.

Mr. Consul Moon to Mr. Hamilton Hamilton.

Consul's Office, Maranham, 23d June, 1837.

SIR,

I HAD last the honour of addressing you on the 5th instant on the subject of the schooner "*Tres Amigos*," and Duplicate of my Letter of that date I send herewith. I have now to inform you that the brig "*Dom Pedro*," Captain Antonio Silveira Mariel, junior, under Portuguese colours, and belonging to the same parties as the "*Tres Amigos*," cleared out yesterday for the Cape Verde Islands, and is intended to sail to-morrow. I enclose a Copy of her manifest, and I may mention that a considerable part of the dry goods she has on board are "*Panos da Costa*," recently received here from Rio de Janeiro.

I think very probable that this vessel is going to act in concert with the "*Tres Amigos*," as I understand she has done on former occasions, and I have therefore again thought it my duty to give you a description of her. She is rather a clumsy, heavy-looking brig of about 140 tons burthen, with a small round house on a flush deck, billet head, plain stern, and painted with broad plain white streak.

I have, &c.
(Signed) JOHN MOON,
His Britannic Majesty's Consul.

Hamilton Hamilton, Esq.
&c. &c.

Copy of the manifest of the cargo laden at Maranham, on board of the Portuguese brig "*Dom Pedro*," of about 140 tons burthen, Antonio Silveira Mariel, junior, Master, cleared out for the Cape de Verde Islands,

Shippers.	Packages.	Contents.
Antonio Pinto Ferreira Viana and Co.	154 Bales	Cotton goods.
	2 Cases	
	1 Bale	Woollen caps.
	1 Ditto	Red woollen cloth.
	1 Ditto	Red baize.
	600 Kegs	Gunpowder, 10,000 lbs.
Antonio Gonçhloes Machado	20 Cases	400 guns.
	2 Pipes	Caxaca.
	9 Pipes	Spanish brandy.
Antonio Martins da Silva and Co.	32 Bags	Rice.
	63 Ditto	Ditto.

Third Enclosure in No. 84.

Mr. Consul Watts to Mr. Hamilton Hamilton.

British Consulate, Pernambuco, 9th May, 1837.

SIR,

I HAVE the honour to acknowledge the receipt of your circular Despatch of the 18th of April last, requesting me to furnish you henceforth, at the expiration of every month, with a return of the vessels which may have arrived during that period from the Coast of Africa in any of the ports situated within this Consular district, reporting with as much precision as possible, what ports they proceeded from, what the number of negroes embarked on board them, what number of negroes disembarked, and what the place of disembarkation, together with any other circumstances connected with the said speculations, and with the trade in general, that may appear important or interesting.

Although scarcely any fact can be more notorious than the flagrant and the unprecedented extension of the traffic in negroes from the Coast of Africa all along the shores of Brazil, and that, at this port, it is carried on in the most undisguised and glaring manner, in defiance of whatever provisions

the Government of the country may seem to establish in the view to prohibit the prosecution of that inhuman and impolitic trade, or to impede or check its progressive extension, it is an attempt of no common difficulty to collect substantial and authentic information on the subject, to afford your Excellency that irrefragable testimony required to keep His Majesty's Government regularly informed of the extent to which is carried on the importation into this country of negroes from the Coast of Africa.

The sources of information derivable from the public Registers of the Custom-house, and from private channels, are equally fallacious and unsatisfactory.

The first can only supply the skeleton data of the clearance of vessels from this port from the Coast of Africa, and the arrival of vessels hither from that coast; in both which cases all evidence of such vessels being actually engaged in the Slave Trade is kept, or masked from the public view, although their equipment outward for that purpose cannot be questioned; and the fact notorious that every returning vessel has previously disembarked the negroes on board, at some point of the coast to the northward or southward of this port, previous to its return hither.

It is well known that a Company is established here for the importation of slaves into this port from the Coast of Africa. It is the universal complaint of the British merchants at this place that they experience the growing difficulty of obtaining payments in money from the shop-keepers for goods sold to them on credit, because these dealers declare they cannot receive remittances from their customers in the interior, since the resources of the latter are deeply engaged in the purchase of slaves for general purposes of husbandry.

The frequent disembarkation of negroes imported from the Coast of Africa in the vicinities of this port is the common public talk, and the *quidnauce* of the day.

But notorious as are these facts, the dread of the assassin's knife, or bullet, even in the open day, and in the public gaze, deters their denouncement in any tangible shape, to supply evidence for detection and legal prosecution, yet it may be questioned whether the Government of the country be not only indifferent and impotent, supine and connivent, but absolutely disposed covertly to encourage the importation of negroes into the Brazils from the Coast of Africa, under the plea of necessity, to promote the increase of labouring hands for the cultivation of the soil, heedless of the destructive consequences of so diffusive an intermixture of African blood into the general population.

Yet even were the Government sincerely disposed to put down and exterminate the importation into Brazil of negroes from the African Coast; its physical powers to accomplish that purpose may be much doubted, from the gross venality of its subordinate authorities, the deplorable deficiency of all moral sense, even in the very tribunals of Justice, the increasing demand for labour, the enormous profits derivable from the Slave Trade, and the dark and artful combinations of the dealers in slaves, their agents, and the proprietors of land, to mask and facilitate the disembarkation of African negroes on these shores.

The following information is derived from a respectable Brazilian engaged in the Slave Trade on the Coast of Africa in former times, as it was pursued without prohibitory enactments, when the sale of negro in this country scarcely exceeded in price 150 milreis, and the purchase of one on the African Coast was computed usually at 12 milreis; a duty of import was then levied by the Government of 12 milreis a head. At this present time the sale of a negro generally produces 400 milreis, and the price of purchase on the African Coast is estimated at 70 milreis. Although the casualties of life be sometimes great on the voyage, yet the enormous gain which ultimately results from the prosecution of the Slave Trade is unhappily too great a temptation for human cupidity to resist, unsustained by the moral sense, under circumstances which almost ensure impunity.

The complicated machinery put in use to mask and facilitate the disembarkation of African negroes on this coast is of the most artful and dark character, by the confederacy of the dealers, their agents, and the land proprietors. "Jangadas" are engaged in their service, to watch the expected return of a slave-vessel from Africa, furnished with signals to invite approach or announce danger. These hover in sight until the favourable opportunities for disembarkation is perceived, when it rapidly takes place, and the negroes are immediately disposed of, or taken to some place of security.

Whatever arrangements may be in the power of his Majesty's Government to invite the Government of this country sincerely and zealously to enter into, for the total suppression of the Slave Trade between the Brazil and African Coast, by mutual co-operation, may I be permitted to suggest to your Excellency the recommending of the expediency of inserting a clause to render obligatory such mutual co-operation, that cruisers whose draught of water may permit their navigation as close as possible to the shore. And that the Brazilian Government give authority to their subordinate public Officers, to assist with their aid and counsel the Commanders of such cruisers in the detection and prompt apprehension of the slave dealers, and their vessels, and the seizure of the negroes imported by them for ultimate adjudication at the capital.

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

Fourth Enclosure in No. 84.

Mr. Consul Watts to Mr. H. Hamilton.

SIR,

British Consulate, Pernambuco, July 17th 1837.

WITH reference to the communication which I had the honor to address to your Excellency in reply to your Circular Despatch of the 18th April, I have to mention the Official Entry made at the Custom-house of this port, on the arrival of the Portuguese brig "Aleide" on the 10th instant, from the Coast of Africa; to the following effect: "O Brigue Portuguez "Aleide," vindo de Angola entrado em 10 do corrente, Capetao Antonio de Souza, consignado a Angelo Francisco Carneiro,

"Manifeston o seguinte.

"124 Pipas de Agua Salgada,

"50 Esteiras,

"4 Coleólens 2 Saccos com Mendobi,

"2 Papagnios."

Now it is notorious that this vessel had previously landed 460 slaves in the neighbourhood of this port, and that her Consignee is a well known dealer in slaves.

Moreover, that 2 canoes, filled with slaves, part of the above number, entered the Jangado passage, and actually landed those slaves at this port, with the exception of 2, who were drowned in the surf by the upsetting of one of the canoes.

Information had been given to the Commander of Her Majesty's ship, "Fly," on her arrival at this port, that this vessel (and another slaver) was then hourly expected on her return, hither from the African Coast; and Captain Elliott hastened his departure hence, with the intention of cruising in a direction likely to lead him to fall in with her. An apprehension had, indeed, arisen from the report of distant firing at sea, that Captain Elliott had met with the object of his search, and the conclusion was formed that the "Aleide" had been captured.

This occurrence is brought to your Excellency's notice, in the view to exemplify the utter uselessness, for any practicable purposes, of the exhibition of monthly statements of the nature required by your Circular Despatch.

It is, moreover, believed by some intelligent merchants here, that the African Slave Trade has utterly ceased to produce those advantages to the dealers in it, which it formerly yielded: from the increased price of slaves on the Coast of Africa; the casualties of life on the passage; the perfidy and bad faith of the intermediate agency; the exorbitant freights; and the heavy expenditure incurred, in order to lull inquiry, and to secure impunity. It is therefore concluded that the evil may progressively be its own cure.

I have, &c.
(Signed) EDWARD WATTS,
Her Britannic Majesty's Consul.

Hamilton Hamilton, Esq.
&c.

Fifth Enclosure in No 84.

Slave Trade Return for the Month of July.

PARTICULARS respecting the vessels engaged in the Slave Trade under the Portuguese flag, that have arrived at this Port of Rio de Janeiro, in ballast or otherwise, during the month of July, 1837, after landing their cargoes of slaves on the Coast of Brazil.

No. 1. Bark "Harmonia." This vessel, since she sailed from this port 18 months ago, has made 2 voyages to the Coast of Africa. On the first voyage she landed 673 slaves near to the Port of Santos, and on the second 614 slaves at the Port of Paranagua, where she took on board a cargo of produce for Monte Video, from whence she returned to this port with a cargo of jerk beef, and other articles, &c. &c.

No. 2. Brig "Flor de Loando," from Angola, landed 427 slaves at Campos.

No. 3. Smack "Ribeira Nova," from Angola, landed 253 slaves at Alto Moirao, a few leagues to the eastward of this port.

No. 4. Brig "Antenor," from Angola, has made 2 voyages since she left this port. On the first 519 slaves were landed at Campos, and on the present she landed 638 slaves at Alto Moirao, a few leagues to the eastward of this port.

No. 5. Patacho "Felix," from Ilha do Principe and Cape Lobo, landed 304 slaves at Saint Sebastian's.

No. 6. Schooner "Josefina," from Angola, landed 420 slaves in a very sickly state at Campos. During the voyage a great number of the slaves embarked died from the crowded state of the hold, the number shipped being greater than the vessel could well stow.

Total number of slaves imported by 6 vessels as above during the month of July last 2,537.

Rio de Janeiro, 1st August, 1837.

No. 85.

Viscount Palmerston to Mr. Hamilton Hamilton.

SIR,

Foreign Office, 16th October, 1837.

I HAVE received your Despatch marked "Slave Trade," of the 15th of August, 1837, containing a Note, addressed to you by the Brazilian Minister for Foreign Affairs, notifying to you, that a duty of 15 per cent. would in future be levied on goods suitable for the African market, which might arrive *in transitu* in any of the ports of Brazil, by whatever circumstance that arrival might be occasioned; the said duty being intended to operate as an indirect discouragement of the traffic in slaves.

I approve of your having remonstrated against this measure; but, as I learn by a Despatch from Her Majesty's Consul at Rio de Janeiro of the 14th of August last, that a Portuguese vessel, the "Especulador," laden with goods of this description, purchased and shipped at Liverpool, had been detained by the Custom-house Authorities at Rio de Janeiro, as liable to the duties in question, but had been subsequently allowed to depart in conformity to the entry of *Franquia*, I am led to conclude, that the Decree is abandoned.

Should you, however, have occasion to make any further representations to the Brazilian Minister upon the subject, you will observe to him, that the Brazilian Government would more effectually further the accomplishment of its wishes for the extinction of the Slave Trade, by ratifying the Additional Articles to the Treaty between this country and Brazil, than by insisting on the execution of a measure,

which is inconsistent with the commercial relations existing between the two countries.

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

I am, &c.
(Signed) PALMERSTON.

No. 86.

Mr. Hamilton Hamilton to Viscount Palmerston.—(Received November 16.)

MY LORD.

Rio de Janeiro, 14th September, 1837.

THE Imperial Government having failed to take any further measures towards the ratification of the Additional Articles to the Slave Trade Convention, I addressed to it on the 7th instant the Note which I have the honour to enclose; but as yet, perhaps through the apprehended mutations in the executives, treated of in my other Despatch of this date, or by reason of the report of the Diplomatic Committee of the Chamber of Deputies, to be referred to presently, I have not received an answer.

In the debates of the 2d instant in this Chamber, on M. de Barbacena's Slave Trade Project, some incidental reference to this matter took place, although not of such importance, as to merit here particular mention.

On the 11th instant, however, a resolution of the Diplomatic Committee was brought up, which, should it be acted on, must have the effect of deferring indefinitely the ratification, or rather must render it dependent in a material degree on the ulterior decisions of Her Majesty's Government.

The resolution states, that since Brazil has not received from Great Britain any indemnification for the captures made on the Coast of Africa, as it conceives illegally, it would be inconsistent for her to concede more extended powers, such as are provided for by the Additional Articles, to ships cruising against the Slave Trade; that with such increase of power there would probably be an increase of abuse; that Brazil ought not to feel indifferent to any measures directed against Slave Trade; and that the Committee would not hesitate to approve of the Additional Articles, provided Brazil should obtain from Great Britain indemnification for past unjust adjudications at Sierra Leone, and security that such abuses should not recur; that the acts of injustice complained of having had their origin probably in circumstances attributable to the unhealthy climate of Sierra Leone, it would be advantageous to remove the seat of this Mixed Court to some port in Brazil, or, doing away with it altogether, to unite its jurisdiction and its avocations with those of the Court sitting in this capital; and that without one or more guarantees of this description, the Committee is of opinion the Additional Articles ought to be sent back to the executive, without the question of their approval being submitted to the deliberation of the Chamber.

Whether this recommendation of the Committee will be attended to, or whether at the advanced stage of the Session the question is likely to come in any shape under discussion, I am unable at this moment to pronounce; but at least, it will be satisfactory to your Lordship to perceive, that, in the abstract, the judgment of the Committee is favourable to the ratification of the Additional Articles.

I transmit a Copy of the resolution of the Committee.

I am, &c.

(Signed) HAMILTON HAMILTON,

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

&c. &c. &c.

First Enclosure in No. 86.

Rio de Janeiro, 7 September, 1837.

THE Undersigned, &c., &c., has had the honour to receive, and has transmitted to his Government, the note of John Francisco Ge Acayaba de Montezuma, dated August 4th, in answer to one from the Undersigned, dated June 6th, relating to the contraband traffic in slaves from the Coast of Africa.

Affording, as it does, general assurances of the desire and the intention of His Imperial Majesty's Government to co operate in every possible manner for the suppression of a commerce casting so foul a blot on the fair fame of a civilized country, the communication is satisfactory, but, considered in another light, as a reply to the reiterated representations which the Undersigned has been called upon to bring forward, respecting 2 most important arrangements connected therewith, the Undersigned must reluctantly confess that it is inconclusive, and leaving much to be desired.

The arrangements more particularly alluded to by the Undersigned, are the ratification of the

Additional Article to the Slave Trade Abolition Treaty, negotiated by Messrs. Fox and Alves Branco; and the promulgation of a law to prevent the sale of Brazilian vessels to Portuguese subjects.

Regarding these matters of paramount importance towards a more perfect system of suppression, no specific assurance whatever is given. The Note of his Excellency neither announces any intention on the part of the Executive to propose to the Legislative Body, as the Undersigned was justified in expecting, from the tenor of the Note addressed to him on the 13th of September, 1836, by Senor Antonio Paul. Paul. Limpo de Abreo, the prohibitive law suggested by the British Government; nor does it engage to continue the exertion of its influence with the Chambers for the ratification of the Supplementary Articles; and yet it was these topics which the Note of the Undersigned of the 6th of June had more particularly in view, and to which it more especially solicited the attention of his Excellency.

It would be superfluous to repeat on this occasion any arguments in favour of the policy of giving full and immediate effect to the measures here adverted to. They are sufficiently developed in many of the preceding offices which the Undersigned has found it his duty to address to the Brazilian Government. Still, however, there are some considerations, touching the interminable delays experienced in the ratification, which it is incumbent on him to press most urgently on the mind of Senor Montezuma.

The ordinary term of the present Legislative Session passed away, like the preceding Session, without the adoption of any definite means by the Executive to accomplish the engagements contracted by it with Great Britain on this important question; and yet it is the third Session since the negotiations were brought to a conclusion. During this lapse of time His Majesty's Legation has omitted no exertions calculated to attain this object; nor indeed has the Executive been wanting in promises to contribute thereto, to the extent of its powers. But have the endeavours of the Executive been at all commensurate with these promises? The necessity of the Measure was inculcated in the Relatorios laid before the Chamber of Deputies at the commencement of the Session; but had the Executive recourse, subsequently, to any more direct means in order to give effect to the suggestions? It is for his Excellency to answer. The Session, however, has been prolonged; and a further opportunity is thereby afforded which may enable the Executive to arrive at the desired result. But, will the opportunity be taken advantage of? It is for his Excellency to determine.

The Undersigned will permit himself to make only one other remark at present. The Minister of Foreign Affairs must be fully aware that it is not to the Legislative, but exclusively to the Executive Power, that Great Britain can look for the Ratification by Brazil of the Convention in question, and in so far only as the exertions of the Executive to accomplish it shall be cordially and zealously applied can Great Britain be justified in continuing to repose, as she has heretofore done, with so much security and confidence, on the good faith and sincerity of the Brazilian Government.

The Undersigned, &c. &c.

(Signed)

HAMILTON HAMILTON.

His Excellency Senor Francisco G. A. de Montezuma.
&c. &c. &c.

Second Enclosure in No. 86.

(Translation)

REPORT of the Committee of Diplomacy of the Chamber of Deputies on the Sierra Leone claims, and on the additional Articles to the Treaty with Great Britain for the suppression of the Slave Trade, which were signed at Rio de Janeiro by Mr. Fox and Senor Alves Branco, on the 27th July, 1835.

Extract from the "Journal de Commercio" of the 12th September, 1837.

Since the Brazilian Government claim from the British Government indemnification for prizes made by the cruisers on the Coast of Africa, in abuse of the powers which had been given to them for that purpose, it appears to the Undersigned that the Government of her Britannic Majesty not having up to this time agreed to make any satisfaction for the same, the Imperial Government would act inconsistently by conceding to these cruisers still more extended powers, such as those provided by the Additional Articles negotiated at this Court on the 27th July, 1835.

The Undersigned are authorised in supposing that the prizes of which the Government of Brazil claims restitution, were illegally captured, and they can come to no other conclusion than that this abuse will increase, if greater extension be given to the instructions addressed to individuals charged with the capture, or the Adjudication of prizes.

Nevertheless, since Brazil ought not to view with indifference the extensive trade in African slaves which continues to be carried on in despite of her laws; in like manner, she ought to avoid diminishing the advantages which would result from the said Additional Articles, as being calculated still further to repress this commerce; and the Committee of Diplomacy would not hesitate to declare its approval of them if the Imperial Government could obtain one or more guarantees that such abuses would be avoided or remedied, and no occasion be given, in future, for further representations.

The Mixed Commission established at Sierra Leone, ought to be composed of an equal number of Brazilian and British Commissaries; but it has, in fact, always consisted of a majority of the latter, and very often there has been no Commissary whatever on the part of Brazil; and through this inequality, due in a great measure to the unhealthiness of the climate there, all, or the greater part of its judgments have been adverse to the claims of Brazilians. The Undersigned are of opinion that the defective justice which gives cause to the present representations must have had its origin here, and they are persuaded, therefore, that it would be advantageous to remove the Commission of Sierra Leone to some Brazilian port, or to dissolve it altogether, transferring its duties to that already existing at this Court.

By this means Brazil would be certain of having constantly complete her due number of Judges in that tribunal; and that, in their decision, neither her own interests nor those of justice would be undervalued.

This, then, might be an assurance, could such an arrangement be come to, but without it, or some other which would put a stop to the unjust sentences against which so many appeals have been made, the Undersigned conceive that the additional Articles ought not to be approved of, and they are therefore of opinion that the said Articles should be sent back to Government accompanied by a Copy of the Report without the Chambers' proceeding to any deliberation on their approval.

(Signed)

ARANJO RIBEIRO.

MANOEL MARIA DI AMACAL.

Chamber of Deputies, 6th September, 1837.

No. 87.

Mr. Hamilton Hamilton to Viscount Palmerston.—(Received November 20.)

MY LORD,

Rio de Janeiro, October 14, 1837.

AT the opening of the debates in the Chamber of Deputies, on the first Article of the Marquis de Barbacena's *projet* of Law for suppression of slavery, a member objected to the *projet*, as involving an infraction of the compacts on the subject between Brazil and Great Britain, stipulated in the Convention of 1826; and he moved, that it be referred to the Committee of Diplomacy to report thereon.

The Report of the Committee declared, that the *projet* was not in opposition to the Treaties with Great Britain, and that the discussion of its provisions might be proceeded in.

Senor Amarat, however, one of the Committee, dissented from this opinion, and recorded his vote and his reasons at some length. As the latter are forcible, and such as would induce me to protest against the Bill, should it hereafter assume the form and force of law, I enclose a Copy of the Vote for your Lordship's information, regretting that I am unable, at the late hour at which I receive it, to accompany it with a translation.

I have, &c.

(Signed)

HAMILTON HAMILTON.

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

&c.

&c.

&c.

No. 88.

Mr. Hamilton Hamilton to Viscount Palmerston.—(Received November 28.)

(Extract.)

Rio de Janeiro, 14th October 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 August, and of the cargoes which they had previously landed in the vicinity.

Not more than two vessels, I believe, arrived here during the last-mentioned period, still we are not to infer therefrom any positive diminution of the traffic. The circumstance arises, I apprehend, only from a change in the arrangements and the tactics of the dealers, which is not correctly ascertained.

Enclosure in No. 88.

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

No. 1.—Schooner "*Jozefina*," from Angola, landed 420 slaves at Campos. There was a great mortality among the slaves, caused by too many being shipped for the tonnage of the vessel.

No. 2.—Brig, "*Relampago*," from S. Thomè, landed 357 slaves at the Island of S. Sebastian.

No. 3.—Brig, "*Tejo*," from Guilimane, landed 419 slaves at Campos. This vessel, after landing her slaves, went to Machadè, where she changed her flag from Portuguese to Brazilian, and took in a cargo of produce, with which she arrived here.

No. 4.—Brig "*Eugemo*," from Angola, captured by the Brazilian corvette, "*Regeneração*," after having landed 377 slaves at the Island of Itamaracão.

Total number of slaves imported by 4 vessels during the month of August last, 1,573.

Rio de Janeiro, 1st September, 1837.

No. 89.

Viscount Palmerston to Mr. Hamilton Hamilton.

SIR,

Foreign Office, 30th November, 1837.

I HAVE to acknowledge the receipt of your Despatch, marked "Slave Trade," of the 14th of September last, enclosing a Copy of a Note, which you addressed on the 7th of that month to the Brazilian Minister, together with a Copy of the Report of the Diplomatic Committee, upon the subject of the ratification of the Additional Articles to the Convention for the Suppression of the Slave Trade; and it is with extreme disappointment that I learn, that the Imperial Government has allowed another Session to pass away, without obtaining the ratification of the Articles in question.

I regret also to perceive, that the Committee of Diplomacy state, that they hesitate to recommend, that the Articles should be ratified, because Great Britain has not agreed to make satisfaction for the prizes taken by British cruizers on the Coast of Africa, which the Brazilian Government assert were unjustly condemned at Sierra Leone; and that the Committee, moreover, suggest, that, until the Mixed Commission is removed from Sierra Leone, or some other security is given against the recurrence of what they call unjust adjudications, the Additional Articles ought not to be approved of.

Should this Report be adopted and acted upon by the Brazilian Government, you will state plainly, that the claims, to which it alludes, appear to the British Government to be decidedly unjust, and that it is, therefore, impossible for Great Britain to give any compensation to the Owners of the slave-ships in question; and you will say, that it would be extremely painful to the British Government, if Brazil were to attach an impossible condition to the fulfilment, by Brazil, of an engagement, already taken unconditionally by the Brazilian Executive, and the execution of which is essentially requisite to vindicate the national honour of Brazil from imputations now too generally and too publicly cast upon it.

The notorious prevalence of the Slave Trade under the Brazilian flag, notwithstanding the repeatedly asserted desire of the Brazilian Government to put an end to this traffic, has excited an universal suspicion, that the noble and generous sentiments, expressed on this subject by the Ministers, are not shared by all their fellow-countrymen; and that a portion, small indeed it is to be hoped, of the Brazilian people still clings, with sordid and disgraceful cupidity, to a traffic which dishonours human nature, and which degrades to the lowest depth of debasement those who persist in practising its abominations.

You will add, that the British Government has undertaken the task of putting down this evil, and will not be deterred from so holy an end by any obstacles which, from time to time, may obstruct its endeavours; and Her Majesty's Government sincerely hopes, that no circumstances may ever arise, which should compel it to treat, summarily and by its own authority, as pirates and outlaws, ships pursuing this traffic under the fraudulent shelter of the flag of a friendly power.

I am, &c.

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

(Signed) PALMERSTON.

No. 90.

Viscount Palmerston to Mr. Hamilton Hamilton.

SIR,

Foreign Office, December 4, 1837.

I HAVE received your Despatches, marked "Slave Trade," of the 14th of October last. With reference to your Despatch, marked "Slave Trade," of the above date, stating that, in the event of the Draft of a Law for the suppression of the Slave Trade, submitted to the Chamber of Deputies by the Marquis de Barbacena, being adopted by the Legislature, it is your intention to protest against it upon the ground stated in your Despatch; I have to inform you, that I entirely approve of the course intended to be pursued by you in the event above alluded to

I am, &c.

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

(Signed) PALMERSTON.

BRAZIL. (Consular.)

No. 91.

Mr. Robilliard to Viscount Palmerston.

MY LORD,

British Consulate, Bahia, 1st January, 1837.

I HAVE the honour to transmit to your Lordship the enclosed Lists A. and B., being an enumeration of such vessels as have cleared from Bahia for the Coast of Africa, and have entered this port from that Coast, within the 6 months ending the 31st December, 1836.

I have, &c.

(Signed)

JOHN H. ROBILLIARD.

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

&c.

&c.

&c.

First Enclosure in 91.

List of Vessels which have cleared out from Bahia for the Coast of Africa, from 1st July to 31st December, 1836.

No.	Date.	Nation.	Rig.	Name of Vessel.	Name of Master.	Cargo as Reported.	Number of Crew.	From whence.	Tonnage.	Remarks.
1	13 August	Portuguese	Schooner-brig	Temeraria	Joa. Teixeira	Sundries	20	Angola	175	
2	15 "	Brazilian	Brig	Tiberia	Francisco Nunes	Ditto	19	Coast of Africa	256	
3	27 "	Portuguese	"	Empreendedor	Silvester Fernandes	Tobacco	18	Ditto	241	
4	28 "	"	"	Carnoes	Joze Goncalves	Sundries	20	Ditto	188	
5	17 September	Brazilian	"	Gloria	Manoel Rapose	Ditto	13	Ditto	230	
6	5 October	"	"	Alliance	Joze da Conceicao	Cotton and Tobacco	23	Coast of Minas	190	
7	27 "	"	"	Triumpho	Ignacio Manoel	Rum and Tobacco	21	Coast of Africa	225	
8	8 November	"	Schooner-brig	S. Joao Americano	Joze Martins	Sundries	14	Ditto	138	
9	10 December	"	Polacre	Anbal	Andre Corcino	Tobacco and Rum	20	St. Thomas & Princes Island	170	
10	11 "	"	Brig	Cacarea	Antonio da Cunha	Sundries	17	Angola	161	
11	12 "	"	Schooner	Julie	Joze Vicente	Ditto	14	St. Thomas & Princes Island	76	
12	14 "	Portuguese	Polacre	Conceicao	Manoel Antonio	Ditto	23	Loanda	117	
13	21 "	Brazilian	Schooner-brig	S. Francis	Joaquim Lopes	Ditto	17	Coast of Africa	101	

Bahia, 1st January, 1837.

(Signed)

JOHN H. ROBILLIARD, Vice-Consul.

Second Enclosure in 91.

List of Vessels which have entered Bahia from the Coast of Africa, from 1st July to 31st December, 1836.

No.	Date.	Nation.	Rig.	Name of Vessel.	Name of Vessel.	Reported Cargo.	From whence.	Number of Days.	Number of Crew.	Tonnage.	Remarks.
1	8 November	Portuguese	Brig	Nova Inveja	Raphael Antonio	Ballast	Havana	62	18	180	
2	18 "	"	Polacco	Conceicao	Joaquim Teixeira	Ditto	Angola	30	20	217	
3	21 "	Brazilian	Brig	Novo Destino	Zacharias d'Assis	Ditto	Coast of Mines	50	17	480	
4	3 December	Portuguese	"	Amelia	Clemente Jose	Ditto	Angola	32	15	180	
5	17 "	Brazilian	"	Emilio	José Teixeira	Wood	Princes Island	31	15	342	
6	18 "	"	Patacho or	Duarte Felicidade	Francisco Barboze	Oil and Cloths	Ajuda	89	12	159	
7	31 "	Portuguese	"	Vigilante	Joao de Souza	Oil and Wax	Angola	27	15	150	

Bahia, 1st January, 1837.

(Signed)

JOHN H. ROBILLIARD, Vice-Consul.

No. 92.

Mr. Robilliard to Viscount Palmerston.—(Received June 22.)

MY LORD,

British Consulate, Bahia, 26th April, 1837.

I HAVE the honour to acknowledge receipt of your Lordship's Circular on the "Slave Trade," Foreign Office, 27th January, 1837, with the Enclosure therein referred to.

I have, &c.

(Signed)

JOHN H. ROBILLIARD,

*The Right Hon. Viscount Palmerston, G.C.B.**Vice-Consul.*

&c.

&c.

&c.

No. 93.

Mr. Watts to Viscount Palmerston.—(Received June 20.)

MY LORD,

British Consulate, Pernambuco, 5th May, 1837.

I HAVE the honour to acknowledge the receipt yesterday of your Lordship's Circular Despatch of the 27th of January last, marked "Slave Trade," transmitting the Translation of a Decree issued at Lisbon on the 10th December, 1836, for the abolition of the Slave Trade throughout the Portuguese dominions.

This translated Decree is deposited among the Papers relative to the Slave Trade, registered in Consulate.

I take this opportunity to inform your Lordship, that I have just received from His Majesty's Minister at the Court of Rio de Janeiro directions to furnish him with a monthly return of the vessels, which may have arrived during that period from the Coast of Africa at this port, or in any of the ports situate within this Consulate, reporting with great precision, what ports they proceeded from, what the number of negroes embarked on board them, what the number of negroes disembarked, and what the place of disembarkation.

I shall put in use every zealous exertion to collect the most correct intelligence I may be able to obtain on these particulars, from the public registers and from private sources, for the information of His Majesty's Minister at the capital; yet I have but too much reason to apprehend, that these efforts may not be so successful or satisfactory as it is so highly desirable they should be. The supineness, not to say connivance, of the Government of Brazil in general on the subject in reference, the gross venality of subordinate Officers, the increasing demand of hands for the purposes of husbandry, the enormous profits derivable from this inhuman traffic, which is rapidly increasing at this port in the most undisguised manner, combined with the almost insuperable difficulty of procuring authentic information through private channels, *from the dread of the assassin's knife or bullet even in the OPEN day, and in the public gaze,* and the dark and artful combinations of the dealers in slaves, their agents, and the agriculturists, to mask and facilitate the disembarkation of imported slaves at various points to the northward and southward of this port; all these glaring and obstructive facts combine, to render the attainment of authentic data, on which to ground effective official representation on the subject of the unprecedented increase of the Slave Trade all along the Coast of Brazil, an almost insurmountable obstacle.

I have, &c.

(Signed)

EDWARD WATTS,

*His Britannic Majesty's Consul.**The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

No. 94.

Mr. Moon to Viscount Palmerston.—(Received July 24.)

MY LORD,

Consul's Office, Maranham, 27th May, 1837.

I HAVE the honour to acknowledge receipt of your Lordship's Circular Despatch, marked "Slave Trade," dated 27th January, 1837, enclosing for my information an Extract from the London Gazette, containing a Translation of a Decree issued at Lisbon on the 10th December, 1836, for the abolition of the Slave Trade throughout the Portuguese dominions, this Despatch reaching me on the 21st May instant by way of Bahia.

It is satisfactory to me to inform your Lordship, that I have not latterly heard of any attempts to introduce new negroes into this Province. In June last a fine schooner called the "*Grortidam*," belonging to parties here formerly suspected of carrying on an illicit traffic in slaves, was despatched to Lisbon; and the general belief was that she was intended to proceed from thence to the Coast of Africa, and load slaves for this Coast. She, however, arrived here last March direct from Lisbon, having, it is supposed, been deterred from prosecuting her voyage to the Coast by the Decree of the Queen of Portugal above referred to.

I have, &c.

(Signed) JOHN MOON,
His Britannic Majesty's Consul.

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

No. 95.

Mr. Hesketh to Viscount Palmerston.—(Received July 31.)

MY LORD,

Consul's Office, Rio de Janeiro, 24th May, 1837.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of this Series, dated January 27th, 1837, transmitting a Translation of the Decree issued at Lisbon, on the 10th of December, 1836, for the abolition of the Slave Trade throughout the Portuguese Dominions; a Copy of which Document was laid on the table of the Exchange Rooms, in this city.

I have, &c.

(Signed) ROBERT HESKETH,
His Britannic Majesty's Consul.

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

No. 96.

Mr. Hesketh to Viscount Palmerston.—(Received October 7.)

MY LORD,

Consul's Office, Rio de Janeiro, 4th August, 1837.

IN reference to my Report on the "*Nimrod*," in the Despatch, dated Bahia, April 18th, 1837, I have the honour to make the following observations:—

While describing in that Report the trade of supply to slave dealers, which does exist, I ventured an opinion that commercial competition would enable those illegal dealers to obtain supplies for their inhuman traffic with increased facilities, an opinion which is confirmed by the following late occurrence:

A vessel under Portuguese colours, the "*Especulador*," José Alves de Abreu Guimares, Master, arrived at this port on the 24th ult. from Liverpool, with a cargo which general report states to be especially assorted and adapted for sale on the Coast of Africa, and purchased and shipped by order and for account of a notorious slave-dealer, resident in this city, whom, I am informed, is Owner of several vessels engaged in the inhuman and illegal transport of negroes from Africa.

I believe all these reports, and that the shippers of this cargo, being paid for the same, have no concern or interest whatever in its further destination or employment.

But I infer, that the chief facility sought for in this instance by the slave-dealer, is to reap the advantage of directing the "*Especulador's*" cargo from Rio de Janeiro to particular points on the African Coast, without being subjected to any duty in this port. This plan has been ingeniously devised, but, from the following circumstances, has met with obstacles:

According to the Custom-house regulation, the "*Especulador*" entered in "*Franquia*," a term or form of entry followed by every vessel merely touching at a Brazilian Port, and departing without landing or transshipping any part of the cargo, and thereby exempted from any duty thereon.

The Brazilian Government, however, have issued, subsequently to the arrival of the "*Especulador*," an order that all vessels touching at Brazilian Ports, having on board any merchandize adapted for consumption in Africa, should be liable to an export duty on such merchandize of 16½ per cent., although neither landed nor transhipped.

The object of this recent order is, apparently, to reach the novel case of the "*Especulador*;" but as it is in opposition to the Custom-house regulations, which proceed from Legislative enactments, and opposed to the general interests of commerce, the subject appears at present under consideration.

On the other hand, I understand, that the Custom-house Authorities insist that the cargo of the "*Especulador*," being cleared from Liverpool "to Rio de Janeiro and a market in the Brazilian empire," should be landed and subjected to a duty.

The Owners of the cargo are endeavouring to evade the duties, by asserting that no part of the cargo was intended to be landed at Rio de Janeiro; but their endeavours have not been hitherto successful, and as yet the outward clearance of the "*Especulador*" has not been granted.

I have, &c.
 (Signed) ROBERT HESKETH,
Her Britannic Majesty's Consul.

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

No. 97.

Mr. Hesketh to Viscount Palmerston.

MY LORD,

Consul's Office, Rio de Janeiro, 14th August, 1837.

I HAD the honour to state to your Lordship, under date of the 4th instant, the circumstances under which the Portuguese vessel, "*Especulador*," from Liverpool, was detained by the Custom-house Authorities.

I have now to state to your Lordship, that the Brazilian Government has sent Instructions to the Custom-house not to levy any duty on the cargo of that vessel, but to allow her departing in conformity to the entry of "*Franquia*," which exonerates vessels merely touching at a Brazilian Port from any duty on the cargo.

I have, &c.
 (Signed) ROBERT HESKETH,
Her Britannic Majesty's Consul.

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

No. 98.

Mr. Hesketh to Viscount Palmerston.—(Received November 22.)

MY LORD,

Consul's Office, Rio de Janeiro, 28th August, 1837.

IN reference to the Despatch of this Series, dated 14th instant, I have the honour to acquaint your Lordship, that the Portuguese vessel, "*Especulador*," which arrived from Liverpool, is still detained.

The Custom-house Authorities now require, that a duty of 16½ per cent. on the value of that vessel's cargo, should be deposited, as the manifest from Liverpool declares, that the vessel is bound to Rio de Janeiro and a market in Brazil, against which deposit the Owners of the cargo are now petitioning.

I have, &c.
 (Signed) ROBERT HESKETH,
Her Britannic Majesty's Consul.

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

No. 99.

Mr. Hesketh to Viscount Palmerston.—(Received November 15.)

MY LORD,

Consul's Office, Rio de Janeiro, 14th Sept. 1837.

I HAVE now the honour to announce to your Lordship, that the Custom-house Authorities have finally decided the case of the cargo on board of the Portuguese vessel "*Especulador*."

A re-exportation duty, amounting altogether to 3½ per cent. on the tariff value of the said cargo, has been levied. The vessel is clearing out for Monte Video, and bond is to be given that the cargo will be landed at that port.

Messrs. Durham, Price, and Company, British merchants in this city, who are the consignees of the cargo, have to-day protested at this Consulate against the exaction of the above-stated duty.

I have, &c.
(Signed) **ROBERT HESKETH,**
Her Britannic Majesty's Consul.

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

No. 100.

Mr. Watts to Viscount Palmerston.—(Received November 15.)

MY LORD, *British Consulate, Pernambuco, 23d Sept. 1837.*

HER Majesty's packet, "Pandora," which arrived at this port on the 11th of this month, brought to me your Lordship's Circular Despatch, marked "Slave Trade," of the 15th of August last, with Copies of Papers, marked A. and B., relating to the Slave Trade, which had been presented, by Her Majesty's Command, to both Houses of Parliament.

I have derived much useful information from these Papers on the important subject to which they relate, and they are deposited among the archives of this Consulate.

I have, &c.
(Signed) **EDWARD WATTS,**
Her Britannic Majesty's Consul.

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

No. 101.

Mr. Hesketh to Viscount Palmerston.—(Received November 28.)

MY LORD, *Consul's Office, Rio de Janeiro, 11th October, 1837.*

I HAVE the honour to acknowledge the receipt of the Circular, marked "Slave Trade," dated July 15th, 1837, together with a Copy of Papers, marked A. and B., relating to the Slave Trade, and which were on that day presented by Her Majesty's Command, to both Houses of Parliament.

I have, &c.
(Signed) **ROBERT HESKETH,**
Her Britannic Majesty's Consul.

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

FRANCE.

No. 102.

Earl Granville to Viscount Palmerston.—(Received January 19.)

MY LORD,

Paris, 16th January, 1837.

WITH reference to your Lordship's Despatches of the Slave Trade series of last year, of the 31st of October, and the 27th of December, 1837, relating to the prepared Draft of a Treaty between the five Great Powers, for the entire suppression of the Slave Trade, which had been submitted to the French Government in May last, and which subject your Lordship directed me to bring again to the notice of this Government, I have now the honour to enclose the Copy of a Note, which I have received from the Comté Molé, who, I regret to find, has from unforeseen circumstances been unable as yet to take the orders of His Majesty the King of the French upon the matter.

I have, &c.

(Signed)

GRANVILLE.

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

&c.

&c.

&c.

First Enclosure in No. 102.

Count Molé to Earl Granville.

M. L'AMBASSADEUR,

Paris, le 15 Janvier, 1837.

J'AI reçu la Note que votre Excellence m'a fait l'honneur de m'adresser, le 2 de ce mois, et par laquelle elle me rappelle les précédentes communications qu'elle m'avait faites par ordre de sa Cour, au sujet de la négociation d'un Traité général sur la repression du trafic des noirs entre les cinq Grandes Puissances.

Des circonstances independantes de ma volonté m'ont seules empêché de donner suite jusqu'à présent aux ouvertures que votre Excellence m'avait transmises au nom du Gouvernement de Sa Majesté Britannique, mais je me propose de prendre très prochainement à cet égard les ordres du Roi, et je m'empresse d'informer votre Excellence des intentions de Sa Majesté.

Agrérez, &c.

(Signé)

MOLE.

A Son Excellence Earl Granville,

&c.

&c.

(Translation.)

M. L'AMBASSADEUR,

Paris, 15th January, 1837.

I HAVE received the Note which your Excellency did me the honour to address to me on the 2d of this month, and by which your Excellency reminds me of the preceding communications which you had made to me by order of your Court, on the subject of the negotiations of a General Treaty between the five Great Powers on the Repression of the Slave Trade.

Circumstances, over which I have no control, have alone prevented me from acting upon the overtures which your Excellency had transmitted to me, on the part of the Government of His Britannic Majesty; but I propose, at an early opportunity, to take the King's orders on the subject, and I will hasten to inform your Excellency of the intention of His Majesty.

Accept, &c.

(Signed)

MOLE.

His Excellency Lord Granville, G. C. B.

&c.

&c.

&c.

No. 103.

Earl Granville to Viscount Palmerston.—(Received June 11.)

MY LORD,

Paris, 9th June, 1837.

IN the debate in the Chamber of Deputies on the Budget of the Marine and Colonies, M. Tracy, who has frequently advocated with much zeal the Abolition of Slavery in the French Colonies, took occasion on Tuesday last to address some questions to the Minister of Marine, in regard to the intentions of the Government on that question.

Admiral Rosamel, in reply, stated, that the number of slaves in the different Colonial possessions of France amounted to 271,550, and having observed that, if an indemnity were granted to the proprietors at the same rate as that which was paid by the British Government for that object, the sum required for the emancipation of the slaves would not be less than 271,000,000 of francs, he put it to the Chamber whether it would be disposed to raise so large a sum for the immediate Abolition of Slavery, and declared that he for one would never call upon the Chamber for a vote of so enormous an amount.

He also stated that, according to the information he had received in regard to the Emancipation of the Slaves in the British Colonies, the result of that measure had been far from satisfactory. At a later period of the debate, the President of the Council having entered the Chamber, M. Passy addressed to that Minister the same question which had been put by M. Tracy to his colleague of the Marine Department; I enclose the report in the *Moniteur* of Count Molé's answer; your Lordship will observe that, although the Minister declares that his opinion is on the whole in favour of Emancipation, he avoids giving any pledge that the Government will bring forward a measure for carrying it into effect; his cautious language appeared to meet with very general approbation, and I fear there is little chance of the Government being stimulated by the Chamber of Deputies, or by public opinion in France, to abolish slavery in the French Colonies.

I have, &c.

(Signed)

GRANVILLE.

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

&c.

&c.

&c.

DENMARK.

No. 104.

Sir H. W. W. Wynne to Viscount Palmerston.—(Received May 26.)

MY LORD,

Copenhagen, 21st May, 1837.

IN a late interview with M. de Kirabbe, his Excellency put into my hands the enclosed Copies of a Correspondence which has taken place between General V. Scholten and the Lieutenant-Governor of the Virgin Islands. Although this Correspondence has already probably been communicated to the Colonial Office, I think it my duty to transmit it to your Lordship, as a gratifying proof of the general good intelligence, existing between the British and Danish Authorities in that quarter, and more particularly of the attention paid by General V. Scholten to suppress the unlawful sale of British Negro Apprentices, a practice which had given cause for complaints.

I have, &c.

(Signed)

H. W. WILLIAM WYNNE.

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

&c.

&c.

&c.

First Enclosure in No. 104.

Governor Scholten to Lieutenant-Governor Light.

Government-General of the Danish West India Islands,

SIR,

St. Croix, 1st May, 1837.

Your Excellency will permit me hereby to offer you my best thanks and sincere acknowledgment of the friendly disposition evinced by your kind acceptance of the invitation which I took the liberty of addressing to you, verbally, through Captain Kieruff, not having then the honour of your personal acquaintance, afforded since by your but too short visit to this Island.

Under the present critical and very often much-implicated relations, it cannot but be highly satisfactory to me to have had that opportunity of personally convincing myself of the sincere feelings entertained by your Excellency for the preservation of the hitherto-existing, and, for both parties, equally advantageous good neighbourhood between Tortola and these Islands. I consider it my duty, on this occasion, to express my high sense and sincere acknowledgment of the judicious proceedings and fair principles by which the Honourable President of that Island has hitherto succeeded in establishing for himself so just a claim upon the regard and confidence of this Government, even where the duties of his situation have obliged him to act contrary to what appeared equitable and consistent with the interest of both parties.

The best proof of the above is the fact that few or no negroes have of late absconded from these Islands to Tortola, although it is well known to them that no consideration of the right of property of friendly neighbours, or of the proceedings of this Government towards English subjects in similar cases, can affect their being given up from thence.

Your Excellency will by this time, no doubt, have had an opportunity of ascertaining that such runaways have generally not had any motives of bad treatment for leaving their home, but have been induced to this, partly by the hope of escaping altogether from work, and partly from fear of the laws, on account of more or less serious offences committed against the same, that hardly any respectable negroe has ever been known to attempt such course, and that many runaways have, from free-will, repented and returned home, seems a strong indication of the real state of things. Considering the character and morals, in general, of those who still remain away, I should not count their absence as a loss to these Colonies if they entirely left the neighbourhood and broke all connexions with those they have left behind. The danger to be apprehended from the present runaway system lies, for us, and still more for Tortola itself, in the growing assemblage of idle, demoralized, and unprincipled vagabonds, within a swim of our coast, and upon an Island but thinly populated and sparingly provided with internal means for maintaining the public security and order. With these views and sentiments, I was, as your Excellency may conceive, much surprised and alarmed at learning that the above mentioned runaways, now in Tortola, had been released from confinement and put in perfect liberty there.

Your Excellency's very short visit, and my sincere wish to make the same as pleasant as circumstances would permit of, made me abstain from all discussion upon that subject, which I feared might interrupt the enjoyment I so anxiously desired to afford you. But, for the safety of these Colonies, and for the undoubted welfare and interest of both parties, I now entreat your Excellency to use all the power and influence at your disposal for securing us against the natural and inevitable consequences of establishing an open and undisguised encouragement, or at least temptation, for the negroes of these Islands to quit their homes, in hopes, either of leading an easier and idle life, or of planning mischief at the same time against their old masters and their apparent new friends. I need not point out to your Excellency the ruinous consequences, in particular for Tortola, of an interrupted intercourse with

St. Thomas's and St. John's; and still this would, in case of events which I sincerely hope never to see realized, be our only protection against the approaching danger. In the fullest reliance upon the just principles and amicable disposition, of which your Excellency's personal acquaintance has given me the highest opinion, I thus leave this important consideration to your Excellency's experienced discernment and decision.

I am happy, in closing this, to inform your Excellency, that the vigilant and zealous exertions of the police of St. Thomas has been able to discover the revolting crime committed by an English subject, Mr. White, from the Island of St. Christopher, in selling as a slave, to a resident of St. Thomas, a free boy, Joseph Burgundy, brought down by him from the said Island in the sloop "Phoenix." After an active and close search the culprit has been apprehended, and I avail myself of the fortunate circumstance of your Excellency's presence in this neighbourhood, to request the communication of your wishes respecting the place and time for surrendering the offender as well as the boy to your hands, along with the legal investigation and proofs respecting the transaction.

As soon as I learn your Excellency's wishes on the subject, I shall be happy to afford you all assistance in my power towards their execution, hoping that your Excellency will feel persuaded of the sincere desire of this Government for the suppression of all real abuses, and for the maintenance of the public order of the lawful rights of every individual under its protection, without regard to their station or origin.

*His Excellency Henry Light, Esq.,
Lieutenant-Governor of Antigua,
&c. &c. &c.*

I have, &c.
(Signed) P. V. SCHOLTEN,
Major-General and Governor-General of the
Danish West India Islands.

Second Enclosure in No. 104.

Lieutenant Governor Light to Governor Scholten.

SIR,
Virgin Islands, Tortola, 3d March, 1837.

I HAVE had the honour of receiving your Excellency's Despatch of the 1st instant, and beg to assure you that the statements contained therein have already occupied my serious attention. Your Excellency's opinion of my good disposition to preserve the friendly intercourse between the Danish and British West India Islands will, I trust, not be changed. I had the honour of informing your Excellency verbally that the 13 refugees from your Islands had been committed to prison in an informal manner; that on consulting with the Privy Council of this Island on the nature of their confinement, which it was my duty to do, the Chief Justice stated the nature of the informality, and that he could not refuse to give the prisoners their writ of habeas corpus.

It was recommended that as they had been imprisoned by the executive, it would be more judicious that they should be released by the executive, and that afterwards they should be proceeded against according to law; the order was given to that effect, but this was mistaken by the magistrate as an order for a general release on finding security. They are still subject to the force of the Vagrant Act, and will be sent out of the Island by force, if in the course of a few days they are found here, and they will not be permitted to go to any of the Islands of this Government.

I have given directions to the Crown Officer to proceed against them, and you may be assured that the measure adopted will at once check any disposition on the part of slaves from the Danish Islands to land in them, of which Tortola is the chief.

This explanation will, I trust, avert the disagreeable necessity to which your Excellency alludes, of preventing the intercourse between the Danish and British neighbouring Islands.

I have to return your Excellency my acknowledgments for the prompt measures you have adopted, with regard to the sale of the boy, Joseph Burgundy, by a British subject.

This transaction had never been reported to me. I shall have the honour of again communicating with you, when I have fixed on the mode and time of receiving the criminal and the boy from the Danish Authorities.

I shall transmit a Copy of your Excellency's Despatch and my reply to His Britannic Majesty's Government.

*His Excellency General V Scholten.
&c. &c.*

I have, &c.
(Signed) HENRY LIGHT,
Lieutenant-Governor of Antigua.

Third Enclosure in No. 104.

*Governor Scholten to Lieutenant-Governor Light.
Government-General of the District
West India Islands,*

SIR,
St. Croix, 19th March, 1837.

YOUR Excellency's esteemed answer of the 3d instant to my Despatch of 1st instant has been a new proof to this Government of the just principles and energetic character, which the honour of your personal acquaintance had afforded me an opportunity of knowing and appreciating.

I sincerely trust that the measures preparing, with regard to the foreign runaway negroes in the Islands under your Excellency's command, may prove successful in conserving and insuring for both parties the advantages of a reciprocated confidence and good understanding.

With this view I shall permit myself to furnish your Excellency with a list of all the runaway negroes from these Islands, now supposed to be in Tortola, or other Islands under your command.

In reference to my last I have the honour to transmit by the present the public Acts and Documents concerning the case of George White, requesting your Excellency, when you shall have made yourself acquainted with its circumstances, to inform me where and when you will be prepared to receive the said G. White, as well as the boy, Joseph Burgundy, whom I shall then cause to be delivered according to your directions.

*His Excellency Henry Light, Esq.
Lieutenant-Governor of Antigua,
&c. &c. &c.*

I have the honour, &c.
(Signed) P. V. SCHOLTEN,
Major-General and Governor-General of the
Danish West India Islands.

Fourth Enclosure in No. 104.

Lieutenant-Governor Light to Governor Scholten.

SIR,

Virgin Islands, Tortola, 14th March, 1837.

I HAD the honour of receiving your Excellency's Communication of the 9th instant on Sunday evening, too late to be able to reply to it immediately. On showing the Documents connected with the sale of the apprentice Burgundy to the Crown Officer, Mr. Lloyd, to obtain his opinion as to the sufficiency of the evidence to convict the criminal, he recommended that the witnesses to the Bill of Sale should be sworn to the hand-writing, and a Certificate by a notary-public attached to that effect on the Bill of Sale, which would then be taken as evidence in the Criminal Court; otherwise great delay would be occasioned the condemnation. I have, therefore, taken the liberty of returning that part of the evidence to which the Bill of Sale is attached, and request your Excellency will have the goodness to order the addition required to be made.

Being without any police force, or means of securing the prisoner White, and his passage to St. Christopher's, where he must be tried, I know not yet how to reply to that part of your Excellency's Despatch touching his delivery. I cannot possibly leave this island under a week, and perhaps longer; it will enable me to receive a further communication on the subject from yourself, or to again have the honour of addressing you. The proofs your Excellency has given of the cordial disposition both in yourself and the Danish Authorities towards the British nation, in other instances as well as the present one, demand my most sincere acknowledgments. I shall not fail to mention my sense of this disposition in my Official Despatches.

I have great pleasure in informing your Excellency that a Proclamation will this morning be issued, calling on the proper Authorities to put in force immediately the provisions of the Vagrant Act against refugees of every description in every one of the Virgin Islands. The 13 lately released, with many others, will be again imprisoned, and sent to hard labour. I have no doubt this will put an entire stop to all desertion, and I trust be a satisfactory proof that there was no intention on the part of the British Authorities to countenance such misconduct.

His Excellency General V. Scholten,
 &c. &c. &c.

I have, &c.
 (Signed) HENRY LIGHT,
Lieutenant-Governor Adm. Gov. Leeward Islands.

HANSE TOWNS.

No. 105.

Mr. Canning to Viscount Palmerston.—(Received June 17.)

(Extract.)

Hamburgh, 13th June, 1837.

IN reference to my various Despatches, marked "Slave Trade," and in conformity with the Instructions contained in your Lordship's Despatch, "Slave Trade," dated 29th of November last, I have the honour to acquaint your Lordship, that, in concurrence with the French Chargé d'Affaires, the Baron Lasalle, I have concluded with the Senates of the Hanse Towns a Treaty of Accession to the Conventions between His Majesty and the King of the French for the suppression of the African Slave Trade; and, having signed the same in virtue of His Majesty's full power intrusted to me for that purpose, I have the honour to transmit it herewith for His Majesty's gracious ratification.

Accompanying the Treaty will be found Copies of the full powers of the French and Hanse Town Plenipotentiaries: also Copies of the Laws which have been passed at Bremen, Hamburgh, and Lubeck, to prohibit the traffic in slaves, although the same, with Translations,* have been already transmitted in former Despatches.

* See Enclosures in No. 186, p. 125, of Class B. of 1836.

No. 106.

Viscount Palmerston to Mr. Canning.

SIR,

Foreign Office, 3rd August, 1837.

I HEREWITH transmit to you the Queen's Ratification of the Convention, signed by you at Hamburgh on the 9th of June last, in conjunction with the Baron Lasalle and M. Sievcking, and containing the accession of the Hans Towns to 2 Conventions, concluded between Great Britain and France on the 30th November, 1831, and 22d March, 1833, for the more effectual suppression of the traffic in slaves. You will exchange Her Majesty's Ratification against a similar instrument, ratified by the Senates of the Hans Towns:

I also transmit a Certificate, to be signed by you and the Hanseatic Plenipotentiary on the exchange of the Ratifications, which Certificate you will return to me, at the same time that you forward the Hanseatic Ratification.

I am, &c.

To Henry Canning, Esq.
&c. &c.

(Signed) PALMERSTON.

No. 107.

Mr. Canning to Viscount Palmerston.—(Received September 15.)

MY LORD,

Hamburgh, 12th September, 1837.

I HAVE the honour to acquaint your Lordship, that I have exchanged against a similar Instrument, ratified by the Senates of the Hans Towns, the Queen's Ratification of the Convention, signed at Hamburgh on the 9th of June, containing the Accession of the Hans Towns to Two Conventions concluded between Great Britain and France on the 30th November, 1831, and 22d March, 1833, for the more effectual suppression of the traffic in slaves; and I transmit the Ratifications, signed by the Senates of the Hans Towns, herewith.

PRUSSIA.

No. 108.

Lord William Russell to Viscount Palmerston.—(Received February 21.)

MY LORD,

Berlin, 11th February, 1837.

I HAVE the honour to send you herewith the Copy of a Note, which I have received from Monsieur Ancillon, and in which his Excellency announces, that he has, in compliance with the wish I had expressed to him, caused the insertion in the Prussian State Gazette of the Decree, transmitted to me in your Lordship's Circular of the 27th ultimo, for the suppression of the Slave Trade throughout the Portuguese dominions.

I have, &c.

(Signed)

WILLIAM RUSSELL.

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

Enclosure in 108.

(Translation.)

M. Ancillon to Lord William Russell.

MY LORD,

Berlin, 10th February, 1837.

IN conformity with the wish which you signified to me in your Letter of the 8th of this month, I have not hesitated to cause to be inserted in the State Gazette the Decree concerning the abolition of the Slave Trade in Portugal, which you sent to me for that purpose.

In transmitting to you, my Lord, this Document, and adding thereto the sheet of the said Gazette in which the Decree in question is printed, I have the honour to repeat to you the expression, &c.

(Signed) ANCILLON.

The Lord William Russell,
 &c. &c. &c.

RUSSIA.

No. 109.

Earl of Durham to Viscount Palmerston.—(Received March 14.)

MY LORD,

St. Petersburg, 1st March, 1837.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked "Slave Trade Circular," of January 27, containing the Translation of a Décreé, issued at Lisbon in December last, for the abolition of the Slave Trade throughout the Portuguese dominions.

I have, &c.

(Signed)

DURHAM.

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

SARDINIA.

No. 110.

Sir A. Foster to Viscount Palmerston.—(Received February 3.)

MY LORD,

Turin, 27th January, 1837.

I HAD the honour to receive in due course your Lordship's Despatch, marked "Slave Trade," dated the 15th ultimo, transmitting the Extract of a Letter, which a merchant of London had received from Genoa, stating that a fast sailing vessel was fitting out at that port for the Slave Trade, and directing me to bring the fact to the notice of the Sardinian Government, as well as to request, that positive orders might be given to the Authorities at Genoa for the prevention of such proceedings in the Sardinian ports. Your Lordship, at the same time, transmitted to me, under flying seal, a Despatch, which you had addressed on the same subject to His Majesty's Consul at Genoa, which I immediately forwarded to Mr. Sterling, at the same time recommending him to take every pains to ascertain the particular facts of the Case.

I have now the honour to enclose to your Lordship the Reply, that I have received from His Majesty's Consul, by which you will see, that the story cannot be traced by him to any foundation in fact; and I have also to transmit to you a Letter from the Sardinian Secretary of State, denying the allegation of the merchant altogether. It is very possible, however, that the latter individual may have mistaken for a slave-ship a two-masted vessel, which was fitted out to carry about 200 Ligurian husbandmen, and did sail early last November to the Coast of Brazil, as I have learnt from M. Drummond, the Brazilian Minister, who added that the said vessel was to be followed by another bound for St. Catherina, it being, as he asserts, admitted in Brazil that the bounden labour of free men, for a term of 12 years, to be followed by a division among them of half the estate, is more productive than the labour of slaves, which, as he says, gives but 3 per cent. of net profit.

M. Drummond also informed me of a vessel preparing at Genoa to carry 150 Spanish monks out to Chili.

Should your Lordship wish any further inquiry to be made upon the subject of the reported slave-vessel, it would much help it, if the London merchant could be prevailed upon to give his authority for the assertion he has made, or, at least, the name of the ship, or some clue to lead to its detection.

Meanwhile, your Lordship will see from Count Solar's Note to me, that the most satisfactory orders have been given, to prevent any such abuse in the ports of His Sardinian Majesty.

I have, &c.

(Signed)

A. FOSTER.

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

&c.

&c.

&c.

First Enclosure in No. 110.

Mr. Sterling to Sir A. Foster.

SIR,

British Consulate, Genoa, 21st January, 1837.

I HAVE the honour to acknowledge the receipt of your Letter of the 23d December last, enclosing Lord Palmerston's Despatch relative to the information given to Her Majesty's Government that a fast-sailing vessel was fitting out at Genoa for the Slave Trade.

On receiving your Communication I immediately inquired whether the fact alluded to did exist; and the result of my investigations was, that the information given by the anonymous merchant is groundless.

Not satisfied with my own inquiries, I considered it my duty to write upon the subject to the Consul of Marine here, and by his answer to my Letter the assertion is fully contradicted.

The Right Hon. Sir A. Foster,

(Signed)

T. STERLING.

&c. &c. &c.

CLASS B

Second Enclosure in No. 110.

*Count Solar to Sir A. Foster.**Turin, 5th January, 1837.*

(Translation.)

THE Undersigned, First Secretary of State for Foreign Affairs, hastens to communicate to Sir A. Foster, &c., according to his desire, the details which have been recently transmitted to him by his Excellency the Admiral on the subject of the vessel in the port of Genoa, which it was believed was destined for the Slave Trade.

The Admiral has, in the first place, perfectly satisfied himself that no vessel has left, or is about to leave, Genoa, or any other port in the States of the King, whose interior fitting, equipment, or peculiar stores gives ground to supposing to be destined for the Slave Trade. As to the mode of construction, which has led to the presumption that any vessel built on our stocks might be made use of for this illegal commerce, it is that generally adopted by the proprietors of Genoese vessels, who prefer sacrificing something in the stowage of their craft in order to obtain greater celerity in the voyages.

If it has ever happened that a vessel built on Sardinian stocks has been bought by foreigners, and employed in the Slave Trade, the Government of the King cannot be responsible for the trade in which the vessel may have been employed from the instant that she ceases to belong to his royal navy, and to bear the national flag.

The Admiral adds to these explanations that, in order to prevent, as much as possible, the least infraction of the stipulations of the Treaty for the repression of the Slave Trade on the part of vessels of the royal navy, he intends to address a new Circular to all the Consuls of Marine in His Majesty's ports, to command them to ascertain that all vessels built or fitted out in those ports have nothing in their equipment, fitting, or victualling which may give rise to a supposition that she is destined for any other than an authorized commerce. He will, at the same time, require of their active vigilance that, should they have reason to believe that a vessel could leave one of the King's ports to engage in the Slave Trade, they should immediately stop its departure, and give him notice of it without delay, in order that he may take the measures which the circumstance may require.

The Undersigned, &c.

(Signed) SOLAR DE LA MARGUERITE.

The Right Hon. Sir A. Foster,
 &c. &c. &c.

TWO SICILIES.

No. 111.

Mr. Temple to Viscount Palmerston.—(Received February 22.)

(Extract)

Naples, 6th February, 1837.

ON the receipt of your Lordship's Despatch, marked "Slave Trade," of the 31st December last, I immediately called upon Prince Cassaro, and communicated to him its contents; and I have since, at his request, given him a Copy of it, that it may be laid before His Sicilian Majesty.

Prince Cassaro assured me that, His Majesty the King of Naples was very far from wishing to throw any obstacle in the way of the suppression of the Slave Trade, but on the contrary felt most anxious for its complete abolition, and that it was His Majesty's intention to enact severe laws for the punishment of any of his subjects who might be engaged in this odious traffic. He informed me, that an answer to the Notes addressed to him by myself on the 19th of October last, and by the French Chargé d'Affaires, had been drawn up and would shortly be communicated to us, and he intended to request us to meet him after we should have received these answers, in order that we might take into consideration the objections which are there pointed out to the accession of this Government to the Treaty between England and France, and to see if we can devise any means of obviating them. He informed me at the same time that he had not yet received any authority to enter into negotiations upon the subject.

I expressed to his Excellency my acknowledgments for the communication which he had made to me, and the satisfaction which my Government would feel at hearing that it is the intention of His Sicilian Majesty to enact Laws for the punishment of any of his subjects who might engage in the Slave Trade.

I observed that the objections which he adduced arose from fears which I was convinced upon consideration would prove to be wholly unfounded; that his Excellency might feel convinced that neither England, nor any of the other Powers who had acceded to the Treaty, would have agreed to stipulations calculated to subject their commerce to abuse and vexation. I added, however, that I was convinced that my Government would afford with pleasure any explanations upon the subject which his Excellency might wish to receive.

I have the honour of transmitting to your Lordship a Copy of the Note with its Translation, addressed to me by Prince Cassaro in answer to mine of the 19th of October, which I have now received, and I shall not fail to acquaint your Lordship of the result of the interview which Prince Cassaro has proposed to have with Monsieur de Tallenay and myself upon the subject.

Enclosure in No. 111.

Prince Cassaro to Mr. Temple.

Napoli, 31 Gennaio, 1837.

INVITATO il Re delle Due Sicilie ad accedere alla Convenzione stipulata nell' anno 1831, tra la Gran Bretagna e la Francia affin di riprimere la vergognosa tratta de' negri, ha piu fiate volta a serio esame l'alterazione sua per osservare le de sua parte fosseri in cio tutta convenienza. E s'internava la M. S. in tal grave disanuna, si per esserle massimamente a cuore di render paghi i desiderii de' suoi Augusti Alleati, co' quali è intimamente legata con istretti vingoli di leale amicizia e di corrispondenza perfetta, e si per soddisfare alla verace inclinazione del suo real animo che grandemente aborre un traffico, il qual disonora cotanto l'umana natura, ed è contrario affatto alla civiltà delle moderne nazioni. Ma forza è confessare, che ponderate con tutta maturità le svariate circostanze, che niuno negar può doversi mettere a calcolo ove trattiti di simiglianti operazioni, siensi queste trovate si opposte alla domandata accessione, che è stato mestieri al Re di rinunziare al compimento delle sue brame di concorrere anch' esso, per quanto era da se ad opera cotanto degna. Le quali circostanze possono al

presente tacersi, essendo state in più note si ampiamente sviluppate, che nulla lasciavano a desiderare, ed erano di tal forza, che non ammettevano replica veruna. Quindi è che mentre dovevasi il Re di non essere in grado di aggiungere i suoi sforzi a quelli de' suoi Augusti Alleati in un opera di gloriosa, auguravasi dall' altra parte che i due Gabinetti di St. James e delle Tuilleries penetrati fossero della forza degli esposti alti motori, e convenissero che la M. S. inducevasi ragionevolmente a non prestare l'adesione sua, o questa lutt' al più considerasse vana e di veruna utilità. Imperocchè, come si faceva riflettere, nè la real marina mercantile spinge le sue prode insino a que' remoti paraggi, ove l'obbrobrioso mercato suol farsi, e che nella convenzione sono distintamente indicati, ne legnè da guerra possede il Real Governo in tanta copia, che ne potesse una parte alle necessarie crociere destinare, ne' colonie tiene di sorte alcuna, ne' l'erario pubblico infine, per le troppo note vicende politiche esaurito presenta mezzi alti ad intraprendere alcuna operazione, oltre quelle, che son di assoluta necessità pel ben' essere di questi popoli, la cui prosperità è il primo pensiero della M. S.

Non pertanto, novelle premure essendo state fatte al Re, da parte de' due anzi detti Gabinetti, la M. S. quantunque posse stata convinta della giustizia del suo non accedere, pur tuttana, come ardentissima è la sua tramasia di veder soddisfatti i desiderii de' due contraltanti Governi, così ha ordinato a suoi Ministri, con tutta maturità, si occupassero di tale faccenda, e la soccorressero del loro consiglio, ove la cosa alcun lato auzer presentasse, a cui potesse appigliare, o se le accennate ragioni promettessero alcuna eccezione, o se almeno, gl' interesse de' suddite ilesi rimanessero anche per una accessione, che presterebbe il Re di semplice nome, e senza materiale concorso, al che eziandio i due prelodati Gabinetti si limitano. Ed il Ministero, intorno a ciò gravemente travagliandosi, nè alcuna considerazione lasciando, oltre nell' aver conosciuto validissimi gli argomenti, che inducono la M. S. a non accedere, ha fuere osservato di esservi nell' insieme delle istruzioni, che in forza del trattato si danno à legni incrociatori elementi lati da ledere grandemente il commercio delle Due Sicilie, quando anche l'accessione si facesse senza cooperazione veruna. Dappoichè non negando in generale la debita giustizia alle dette istruzioni come mai vi possono alcune di esse non riputar veri ostacoli al commercio, se un boccaporto a graticola, che ne' legni di questa marina mercantile è sovente in uso, se poche scodelle, oltre le meramente abbisognevoli, se qualche botte di più, che presso noi soglionsi in gran numero sovente portare ad uso di date specie di commercio, se qualche brocca sono presi ad indizi d'illicito traffico, e trascinano i miseri naviganti a perdite incalcolabili, a guidizi lunghissimi? I quali giudizi, quand' anche non riuscissero infine a provare il supposto delitto, niun compenso ne rivelebbero le ingenti perdite fatte dà padroni de' legni. E quel ch' è più, le discolpe de' padroni ove qualche sospetto contro di essi sorgesse non possono in niuna guisa effettuarsi; perchè non ammettendosi in niun modo le testimonianze delle ciurme come parte dell' equipaggio dello stesso legno, in qual maniera possa far militare le sue ragioni l'innocente sospetto, non si vede. Adunque leggere, e spesso non ree cagioni possono facilmente ingenerare sospetti fatali ai naviganti. Adunque le perdite per lunghi guidizi, il cui esito non prova l'esistenza di delitto non avranno compenso alcuno. Adunque sono impossibilitati i padroni de' legni sospetti a provare la di loro innocenza; e quando anche questa risultasse, come luce di meriggio in sequito di lungo dispendioso incerto guidizio, quanto poi difficile e tarda ne sarebbe la compensazione? Non sono questi tanti ostacoli, o ceppi potentissimi alla floridezza del commercio? Chi più dopo la conoscenza, di tanti rischi, affiderebbe le sue sostanze a navigazioni verso quelle longique contrade, navigazioni per se stesse già molto pericolose?

Siffatta analisi essendo stata presentata al Re, la M. S. nel cui animo gl' interessi de' suoi amatissimi sudditi vanno innanzi tutto, ha riconosciuto novelli e più rilevanti motivi impedirle suo malgrado di prestare la domandata adesione. Nulla dimeno per mostrare con tutta evidenza quanto aborra un traffico indegno dell' uomo, quanto sinceramente applaude all' onerato progetto di riprimerlo, quanto cerchi di contribuir co' mezzi, che compatibili sono con gl' interessi de' suoi sudditi, e qual desiderio infine nutra di far grata cosa alle L. L. M. M. il Re della Gran Brettagna e il Re de' Francesi, la M. S. è disposta a sanzionare una legge, con la quale severissime pure sarebbero comminate a chiunque de' suoi suddite osasse mai di addirsi al riprovato commercio de' negri.

Il sottosculto Ministro Segretario di Stato degli Affari Esteri ha quindi l'onore di render partecipe di tutto ciò S. E. il Signore Cavalier Temple, Inviato Straordinario e' Ministro Plen. de S. M. H. Re della Gran Brettagna, in replica alla sua ultima nota del 19 del passato mese di Ottobre, e si pregia di ripeterle in questa opportunità le proteste della sua distintissima considerazione.

(Firmato) PRINCIPE DI CASSARO.

(Translation.)

Naples, 31st January, 1837.

THE King of the Two Sicilies having been invited to accede to the Convention entered into in the year 1831 between Great Britain and France, for the purpose of suppressing the disgraceful traffic in negroes, has frequently turned his attention as to whether in so doing there would be perfect propriety on his part. And his Majesty has entered deeply into so grave an examination, as much because he has extremely at heart to fulfil the wishes of his august allies, to whom he is intimately bound by the strict ties of loyal friendship and of a perfect understanding, as also to satisfy the true inclination of his royal mind, which greatly abhors a traffic which dishonours so much human nature and is directly contrary to the civilization of modern nations. But it is necessary to confess that having most maturely weighed the various circumstances, which it cannot be denied ought to be taken into calculation when similar measures are under consideration, these have been found so opposed to the required accession, that it has been necessary for the King to renounce the fulfilment of his desire to concur also himself, as far as was in his power, in so praiseworthy an undertaking; which circumstances may for the present be passed over in silence, having been so amply explained in several Notes, that they left nothing to be desired, and were of such force that they admitted of no answer. Thence it is that whilst the King regretted that he was not prepared to join his efforts to those of his august allies in so glorious a work, he hoped, on the other hand, that the two Cabinets of St. James and the Tuilleries would be convinced of the force of the high motives adduced, and would agree that His Majesty was induced with reason not to grant his adhesion, or that they would consider such adhesion at the most as vain and of no utility whatever. Since, as it has been pointed out, the Royal Mercantile Navy does not send its ships to those distant regions where the disgraceful traffic takes place, and which are distinctly pointed out in the Convention, nor does the Royal Government possess ships of war in such number as to be able to' destine a part of it for the necessary cruizers, nor does it possess Colonies of any ort, nor, finally, does the public treasury, exhausted by too well known political vicissitudes, offer means

calculated for the undertaking of any operations, beyond those which are of absolute necessity for the well-being of this nation, whose prosperity is the first thought of His Majesty.

Nevertheless, renewed representations having been made to the King on the part of the two above-mentioned Cabinets, His Majesty, however much convinced of the justice of his non-accession, notwithstanding, as his desire of seeing the wishes of the two contracting Governments satisfied is most ardent, has ordered his Ministers to occupy themselves with this business most seriously, and to assist him with their advice, should the affair present any tangible side, whether the reasons mentioned allow of any exception, or should at least the interests of his subjects remain uninjured, even through an accession which the King would give merely in name and without active co-operation, to which the two above-mentioned Cabinets limit their request. And the Ministry, occupying themselves seriously to that end and not omitting any consideration, besides having recognized as most powerful the arguments which induce His Majesty not to give his accession, have moreover observed that in the instructions, which in consequence of the Treaty are given to the cruising vessels, there are elements of such a nature as to injure greatly the commerce of the Two Sicilies, even if the accession should be made without any co-operation whatever. Since without denying in general to the instructions the justice which is due, how is it possible not to consider some of them as real obstacles to commerce? If hatches with open gratings, which are often used in this commercial navy, if a few mess-tubs besides those absolutely necessary, if some supernumerary casks, which with us are often carried in great numbers for the purposes of certain kinds of commerce, if some boilers are considered as proofs of an illicit traffic, and expose the wretched navigators to incalculable losses, to lengthened law proceedings. And even if these law proceedings should not eventually succeed in proving the supposed crime, the enormous losses sustained by the Owners would not meet with any compensation. And what is more, the justification of the Owners, when any suspicion may arise against them, cannot be effected in any way; since the evidence of the sailors not being admitted under any circumstances, as forming part of the crew of the same vessel, it does not appear how an innocent man suspected can make his arguments avail. Since, therefore, slight and often not culpable causes may easily give rise to suspicions fatal to the navigators; since the losses through protracted lawsuits, whose issue does not prove the existence of crime, will not have any compensation whatever; since the Owners of suspected vessels are incapacitated from proving their innocence, and should it even be as clear as the light of noon-day after a long, expensive, uncertain lawsuit, how difficult and tardy would be the compensation? Are not these so many obstacles or most powerful impediments to the prosperity of commerce? Who, after the knowledge of so many risks, would trust his goods in voyages towards those distant shores, voyages already in themselves very dangerous?

Such an analysis having been presented to the King, His Majesty, in whose mind the interests of his beloved subjects have the first place, has recognized that fresh and more important motives prevent him, against his will, from granting the required adhesion. Nevertheless, to demonstrate with the clearest evidence how much he abhors a traffic unworthy of mankind, how sincerely he applauds the honourable project of repressing it, how much he seeks to contribute to it with all the means which are compatible with the interests of his subjects, and, in short, how great the desire is which he entertains of doing that which may be agreeable to Their Majesties the King of Great Britain and the King of the French, His Majesty is disposed to sanction a Law by which the most severe punishments shall menace whoever among his subjects might dare to betake himself to the reprobated traffic of negroes.

The Undersigned, &c. has therefore the honour of communicating all this to his Excellency Mr. Temple, &c. in reply to his Note of the 19th of last October, and avails himself, &c.

(Signed)

H. PRINCIPE DI CASSARO.

No. 112.

Viscount Palmerston to Mr. Temple.

(Extract.)

Foreign Office, 25th March, 1837.

I HAVE received and laid before the King your Despatch marked "Slave Trade," of the 6th of February, containing an account of the interview with Prince Cassaro, in which you discussed the grounds upon which the King of Naples declines to accede to the Conventions between Great Britain and France, for the prevention of the Slave Trade.

In expressing to the Neapolitan Minister the satisfaction with which His Majesty's Government have learnt that it is the intention of the King of Naples to sanction a law for the punishment of any of his subjects who may be engaged in the Slave Trade, you will express the earnest hope of His Majesty's Government, that His Sicilian Majesty will not hesitate to act upon the desire, which he entertains, of concurring in a measure directed to an end so laudable as the suppression of the Traffic in Slaves.

No. 113.

Viscount Palmerston to Mr. Temple.

SIR,

Foreign Office, 25th April, 1837.

WITH reference to my Despatch to you, marked "Slave Trade," of the 18th of March last, I herewith transmit to you an extract of a Despatch from His Majesty's Commissioners at Surinam, reporting that a slave vessel under Sicilian colours had been seen in the neighbourhood of that colony.

You will take an early opportunity of communicating the information contained in the enclosed Paper to the Neapolitan Minister, as support of the representations which you are instructed to make, on the subject of the refusal of the Sicilian Government to accede to the Convention of France on Slave Trade.

Mr. Temple,
&c. &c.

I am, &c.
(Signed) PALMERSTON.

No. 114.

Mr. Temple to Viscount Palmerston.—(Received May 18th 1837.)

MY LORD,

Naples, 30th April, 1837.

PRINCE CASSARO has informed Monsieur de Tallenay and myself, that he had communicated to the King of Naples what had passed at the Conference which we had with his Excellency, upon the subject of the accession of this Government to the Conventions for the suppression of the Slave Trade, and which was detailed in my Despatch to your Lordship marked "Slave Trade" of the 20th instant, and that His Sicilian Majesty had authorized his Excellency to proceed in the Negotiations with us.

Prince Cassaro also told us that as soon as he shall have received an answer to the inquiries which he has submitted to the Chamber of Commerce, he will invite us to meet him to communicate to us the result, and we may then have an opportunity of discussing the subject again, should there be any other points upon which further explanations may be necessary, after which the matter will be laid before the Council of State for its deliberation and approval.

I have, &c.

(Signed)

W. TEMPLE.

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

No. 115.

Mr. Temple to Viscount Palmerston.—(Received June 1st.)

MY LORD.

Naples, 18th May, 1837.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked "Slave Trade" enclosing a Despatch from His Majesty's Commissioner at Surinam, reporting, that a vessel under Sicilian colours, carrying slaves, had arrived in those seas.

I immediately communicated to Prince Cassaro the Report of the Commissioners, urging at the same time the necessity of the Neapolitan Government acceding to the Conventions between England and France, and enacting severe Penal Laws against Neapolitan subjects engaged in the Slave Trade, as the only means of preserving the Sicilian flag from being disgraced, by evil-disposed persons resorting to it as the one under which they could have the best chance of carrying on their illegal traffic with impunity.

Prince Cassaro has promised to lay the communication before the King, observing, at the same time, that as the laws of this country prohibit foreigners from commanding any vessels sailing under the Sicilian flag, and the Commander of the slave ship in question is stated to be French, the vessel could not belong to subjects of His Sicilian Majesty, but to foreigners who carried on that disgraceful commerce under His flag.

I have, &c.

(Signed)

W. TEMPLE.

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

No. 116.

Mr. Temple to Viscount Palmerston.—(Received June 15th.)

(Extract.)

Naples, 31st May, 1837.

MONSIEUR DE TALLEMAY and myself called yesterday by appointment upon Prince Cassaro, who communicated to us the answers he had received from the Board of Commerce respecting the manner in which vessels trading with the Brazils are usually fitted out, and I am happy to say that the objections which his Excel-

lency anticipated as likely to arise to some of the stipulations contained in the 6th Article of the Supplementary Convention between England and France of the 22d March, 1833, appear now to be wholly removed, nor did Prince Cassaro consider that there was any Article in the proposed Treaty that would create any serious difficulty. He promised to lose no time in submitting the Treaty to His Sicilian Majesty and the Council of Ministers, expressing his hopes that it might be concluded without any unnecessary delay.

Monsieur de Tallenay having asked Prince Cassaro, whether he could give him sufficient hopes of the Treaty being speedily brought to a conclusion, to authorize him to apply to his Government for full powers to negotiate, in order that no unnecessary time might be lost, Prince Cassaro replied, that he was only as yet authorized to discuss the subject, but he had not received Instructions to negotiate the Treaty with us; he felt, however, certain that it was the desire of his Government to conclude the Treaty, to which he saw no obstacle, and there could be no objection therefore to Monsieur de Tallenay's applying for the necessary powers from his Government. Monsieur de Tallenay has therefore written to his Government to-day to that effect.

Prince Cassaro has requested Monsieur de Tallenay to furnish him with a Copy of the French Penal Laws for the punishment of persons engaged in the Slave Trade; for the French Code of Law having been adopted in this country, this Government wishes to follow the French Law on this occasion also.

No. 117.

Mr. Temple to Viscount Palmerston.—(Received June 9th.)

(Extract.)

Naples, 6th June, 1837.

I HAVE the honour of acknowledging the receipt of your Lordship's Despatch, marked "Slave Trade," of the 12th ultimo, in which the only remaining objection which Prince Cassaro anticipated as likely to be made by this Government to its accession to the Conventions between England and France, is completely obviated.

The Prince informed me that the proposed Treaty had been laid before His Sicilian Majesty and communicated to the Council of Ministers.

Having asked Prince Cassaro whether he would authorize me to inform my Government that the Treaty was likely to be soon concluded, he said that he could not do so officially, but that I might express my opinion that there are good grounds for expecting that it will be, as the Government is disposed to accede to the Conventions.

I shall not fail to attend to the Instructions contained in the latter part of your Lordship's Despatch, which I communicated to Prince Cassaro, and I must, in justice to Monsieur de Tallenay, say, that he has been very active and zealous in pressing the subject upon the attention of this Government.

No. 118.

(Extract.) *Mr. Temple to Viscount Palmerston.—(Received October 2d.)*

Naples, 16th September, 1837.

I HAVE the satisfaction of announcing to your Lordship, that Prince Cassaro has informed me, that he had submitted to His Sicilian Majesty in Council a Draft of the proposed Treaty of accession on the part of this Government to the Conventions entered into between Great Britain and France for the suppression of the Slave Trade, and that it had been approved of by His Majesty.

No. 119.

Mr. Temple to Viscount Palmerston.—(Received October 7.)

(Extract.)

Naples, 17th September, 1837.

I HAVE just received a Note from Prince Cassaro, informing me that His Sicilian Majesty has now agreed to all the Articles of the Treaty of Accession proposed by Great Britain and France; and Prince Cassaro has expressed his readiness to have the Treaty drawn up and signed without any further delay.

TUSCANY.

No. 120.

Mr. Abercrombie to Viscount Palmerston.—(Received February 21.)

MY LORD,

Florence, 11th February, 1837.

MONSIEUR Bellocq, the French Minister at this Court, having received from his Government instructions to make, in concert with me, a communication to the Tuscan Minister for Foreign Affairs precisely similar to that which your Lordship has instructed me to make by your Despatch, marked "Slave Trade," dated 27th December, 1836, on the subject of the accession of Tuscany to the Conventions of 30th November, 1831, and 22d March, 1833, signed between His Most Gracious Majesty and the King of the French, for the better and more effectual suppression of the Slave Trade, we called on the 9th instant upon his Excellency Count Fossombroni, and delivered to him the Notes, Drafts of which had severally been transmitted to us from our respective Governments, together with Copies of the Conventions above alluded to.

We explained to his Excellency, in conversation, the particular objects our Government had in view in thus inviting all Maritime States to accede to these Conventions, and pointed out to his Excellency the fact that, so long as there remained any Maritime State not a party to these arrangements, the flag of such country would inevitably be used to cover this cruel and revolting traffic.

Count Fossombroni having received our communications, promised to give them the maturest consideration, and to inform us of the determination of the Tuscan Cabinet, so soon as the pleasure of His Imperial and Royal Highness, who is at present at Leghorn, can be obtained.

Monsieur Bellocq, on his part, informed the Tuscan Minister for Foreign Affairs that, should the Government of his Imperial and Royal Highness determine upon becoming a party to this arrangement, he should receive from Paris instructions and full powers to negotiate for the formal accession of the Grand Duchy to the Conventions of 30th November, 1831, and 22d of March, 1833.

I have, &c.

(Signed)

R. ABERCROMBIE.

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

&c.

&c.

&c.

No. 121.

Mr. Abercrombie to Viscount Palmerston.—(Received February 28.)

MY LORD,

Florence, 18th February, 1837.

I HAVE the honour to transmit herewith a Copy of a Note from his Excellency Count Fossombroni, in reply to that which I presented in concert with the French Minister at this Court, relative to the accession of the Grand Duchy of Tuscany to the Conventions signed on 30th November, 1831, and 22d March, 1833, between His Most Gracious Majesty and the King of the French for the better suppression of the Slave Trade. Your Lordship will observe that his Excellency declares in the enclosed Note the consent of his Imperial and Royal Highness the Grand Duke to become a party to these Conventions, and that as soon as His Majesty's Government and that of France shall have granted the requisite full powers, the Tuscan Government will be ready to enter into discussions for the formal accession of the Grand Duchy to the Conventions above cited.

I have, &c.

(Signed)

R. ABERCROMBIE.

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

&c.

&c.

&c.

Enclosure in No. 121.

(Translation.)

M. Fossombroni to Mr. Abercrombie.

SIR,

Florence 17th February, 1837.

I HAVE the honour to inform you that His Imperial and Royal Highness the Grand Duke adheres in principle to the request contained in your Note of the 9th instant, and that, consequently, as soon as you shall have been furnished with full power and instructions relating to it, conferences will be commenced here, having for their object the compilation and signing of the Treaty concerning the accession of Tuscany to the Conventions concluded between Their Majesties the King of Great Britain and the King of the French for the suppression of the Slave Trade.

Ralph Abercrombie, Esq.,
 &c. &c. &c.

I am, &c.
 (Signed) FOSSOMBRONI.

No. 122.

Mr. Abercrombie to Viscount Palmerston.—(Received December 5.)

MY LORD,

Florence, 24th November, 1837.

I HAVE the honour to inform your Lordship that I have this day, in conjunction with the plenipotentiaries of France and Tuscany, signed a Convention for the Accession of His Imperial and Royal Highness the Grand Duke of Tuscany to the 2 Conventions between Great Britain and France, signed at Paris the 30th November, 1831, and the 22d March, 1833, for the more effectual suppression of the Slave Trade.

I have confided this Convention to Mr. George Lenox Conyngham, to be by him conveyed to England.

I am, &c.

(Signed)

R. ABERCROMBIE.

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

BUENOS AYRES.

No. 123.

Viscount Palmerston to Mr. Mandeville.

SIR,

Foreign Office, 9th June, 1836.

I HAVE received and laid before the King Mr. Hamilton's Despatches, marked "Slave Trade," dated the 9th January and the 5th March, 1836.

His Majesty's Government regret to learn from these Despatches, that Mr. Hamilton has failed in the negotiations entrusted to him.

It appears that the Buenos Ayres Government makes its consent to the negotiation of a Treaty for the suppression of the Slave Trade, depend upon the acquiescence of Great Britain, in the simultaneous reconsideration of certain alterations, proposed on the part of Buenos Ayres, in the Treaty of Amity, Commerce, and Navigation, concluded between Great Britain and Buenos Ayres on 2d February, 1825.

By the 14th Article of that Treaty the Government of Buenos Ayres pledged itself to prohibit its subjects from carrying on, and from taking any share in the Slave Trade; but did not engage to conclude a Treaty with Great Britain for the suppression of that trade. Great Britain has a right, therefore, to demand, that the Government of Buenos Ayres shall take the steps necessary for effectually preventing its subjects from being concerned in the trade, but has not a right to demand a Treaty upon that subject.

You will report whether the measures taken in fulfilment of the 14th Act of the Treaty of 1825, are sufficient for their purpose.

You will state to the Buenos Ayres Government, that it would be a source of great regret to His Majesty's Government, if the Argentine Republic should finally determine, not to conclude with Great Britain a Treaty, similar to those which other Christian States have agreed to, for the purpose of putting an end to the Slave Trade in all parts of the world; and His Majesty's Government cannot but believe, that if, for want of such a Treaty, the Argentine flag should hereafter be prostituted by adventurers and pirates of other nations, for the purposes of protecting their crimes, the Buenos Ayrean nation will lament, that the propositions of Great Britain should have been rejected. But the British Government cannot consent to mix up, in the same negotiation, things which are essentially distinct; or to blend a revision of the commercial arrangements between the two countries, with the conclusion of a Slave Trade Treaty.

If, therefore, you should find, that the Buenos Ayrean Government still persist in making the Slave Trade depend upon the revision of the Commercial Treaty, you will say, that His Majesty's Government laments, that a condition should be annexed to the former compact, which renders it for the present unattainable; and you will express a hope, that the time is not far distant, when a more attentive consideration of the evils produced by the Slave Trade, and of the honour which will accrue to those who suppress that Trade, may lead the Government of Buenos Ayres to alter its determination, and to associate itself with the great league of the Christian States, against this system of piracy.

But you will at the same time point out, that, when the great majority of the Maritime Powers of the world shall have associated, for the purpose of actively hunting down the criminals who make unlawful war against the human race, any one Power, whose flag may continue to be abused for the purpose of sheltering such offenders, would find itself placed in a situation, which could not in any way be congenial to the feelings, or conducive to the honour, of a high-minded and generous people.

John Henry Mandeville, Esq.,
&c. &c. &c.

I am, &c.
 (Signed) PALMERSTON.

No. 124.

Mr. Mandeville to Viscount Palmerston.—(Received January 8, 1837.)

MY LORD,

Buenos Ayres, 5th October, 1836.

IN obedience to the instructions conveyed to me in your Lordship's Despatch, marked "Slave Trade," of the 9th June, 1836, I have conveyed to Senor Arana the sentiments of regret, which the failure of Mr. Hamilton's negotiations with this Government for concluding a Treaty for the suppression of the traffic in slaves had given rise to in the minds of His Majesty's Ministers. I then brought forward the able arguments with which your Lordship's Despatch had furnished me, to overcome the reluctance of the Government to make this convention; and that there might be no mistake, and no expression misinterpreted, or forgotten, I drew up a *Note verbale*, which I left with Senor Arana, at his request, to be laid before the Governor and Captain-General for his consideration; it being agreed that the same mode would be observed in the delivery of his Excellency's answer.

I have the honour to enclose a Copy of the "*Note verbale*." When I had read it to the minister, and it had been translated to him, he told me, that the impression which Mr. Hamilton's proposal to make a Slave Trade Convention had produced here was, that His Majesty's Government had a misgiving, as to the good faith and sincerity of this Government, with regard to the 14th Article of the Treaty between Great Britain and the United Provinces, an impression the more painful, as they had never been called upon to put a stop to any Slave Trade transaction, that they had not willingly come forward to crush it; and of this they had given me very unequivocal proof during my short residence here, by the alacrity which had been used in stopping the departure of the Brazilian vessel "*Eloisa*" within an hour after my application to him to do so; that to require a revision of this Article was throwing a doubt upon their loyal intentions as to the execution of it.

I replied to his Excellency, that so far from this being the case, it was upon their loyal intentions I relied; and their good faith and sincerity to execute the 14th Article, I regarded as my best auxiliaries to induce his Government to conclude a Convention with Great Britain; as it was a compact of this nature that could alone enable them and us, more effectually to put a stop to any attempt to trade in slaves under their flag, or to prevent the fitting out of any vessels in their ports; and I adduced in support of my argument, the supposed case of a vessel under the Argentine flag, armed and equipped for the Slave Trade on her way to the Coast of Africa, or on her return from thence laden with slaves, which might be met by any of His Majesty's ships-of-war: in the present state of our relations, and until a Slave Trade Treaty was concluded, what would happen under these circumstances His Majesty's cruizers must be passive spectators of this iniquity triumphing over their inability to prevent it, under the protection of the colours of the Argentine Confederation. His Excellency having no remark to make on these observations, he broke up the Conference, by acquainting me that he would put me in possession of the Governor's sentiments, with regard to my communication, the moment that they were made known to him.

I have, &c.

(Signed)

H. MANDEVILLE.

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

&c.

&c.

&c.

Enclosure in No. 124.

Note Verbale.

FROM Mr. Hamilton's Despatches of January and March last, His Majesty's Ministers have learnt with regret that his endeavours to negotiate a Treaty with the Government of Buenos Ayres for the suppression of the traffic in slaves, have not met with the success that the known benevolence and humanity which characterize this Government, would have led them to look forward to.

By these Despatches His Majesty's Government were apprised, that the Governor General makes his consent for the negotiation of a Treaty for the suppression of the Slave Trade depend, upon the acquiescence of Great Britain in the simultaneous consideration of certain alterations proposed on the part of Buenos Ayres, in the Treaty of Amity, Commerce, and Navigation, concluded between this country and Great Britain, on the 2d February, 1825. But the British Government cannot consent to mix up in the same negotiation things that are essentially distinct, or to blend a revision of the commercial arrangements between the two countries, with the conclusion of a Slave Treaty.

I have been commanded to state to your Excellency that it will be a source of great regret to His Majesty's Government, if the Argentine Republic should finally determine not to conclude with Great Britain a Treaty, similar to those which other Christian States have agreed to, for the purpose of effectually putting an end to the Slave Trade. And his Majesty's Government cannot but believe that if for want of such a Treaty the Argentine flag should hereafter be prostituted by adventurers and

pirates of other nations, for the purpose of protecting their crimes, or the ports of the Republic be made a receptacle for these miscreants, from which they can fit out vessels for this abominable traffic, the Buenos Ayrean nation will lament that the propositions of Great Britain should have been rejected.

In this persuasion, and not doubting that the Government of Buenos Ayres has at heart, equally with that of His Majesty, the suppression of this traffic, I propose to your Excellency to join me in my efforts to prevail upon the Governor and Captain-general to associate the Argentine Confederation with the great League of the Christian States, and conclude with His Majesty's Government a convention, for the more effectually carrying into execution the destruction of the Slave Trade in all parts of the world.

No. 125.

Mr. Mandeville to Viscount Palmerston,—(Received Jan. 24, 1837.)

MY LORD,

Buenos Ayres, 15th Nov., 1836.

IN obedience to the Instructions conveyed to me in your Lordship's Despatch, marked "Slave Trade," of the 10th February, 1836, by which I am directed to let pass no opportunity, nor omit any efforts, which may afford me a chance of concluding a convention with the Government of Montè Video, for the more effectual suppression of the traffic in slaves; I addressed a note, since the departure of the last Packet, to the Minister for Foreign affairs of that Republic, of which I have the honor to enclose a Copy to your Lordship.

I have, &c.

(Signed)

H. MANDEVILLE.

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

&c.

&c.

&c.

Enclosure in No. 125.

Mr. Mandeville to Senor Llambi.

SIR,

Buenos Ayres, 27th October, 1836.

WHATEVER might have been the motives which induced the Government of the Uruguay to throw obstacles in the way of the negotiations of the Treaty of Amity and Commerce which His Britannic Majesty's Government proposed to it through Mr. Hamilton during the last year, or to make demands of a nature which the Government of Uruguay in preferring them might have been certain that Great Britain would never consent to, still there can exist no motive that a free State could bring forward to prevent the Monte Videan Government from negotiating a treaty for the extinction of the abominable traffic in slaves.

The Undersigned, His Britannic Majesty's Plenipotentiary to the Argentine Republic, thinks, then, that he will do what ought to be agreeable to the Monte Videan Government, the constitution of which State is founded upon a perfect equality of rights and of freedom to all its citizens—when he renews to the Republic of Uruguay the proposition which his predecessor, Mr. Hamilton, made some time since, to join with Great Britain in executing a treaty for the purposes above-mentioned. And in thus addressing himself to his Excellency the Minister for Foreign Affairs of that Republic, he trusts that it is not a vain hope which induces him to look forward to his Excellency's exertions and co-operation to obtain this most desirable result to his application, and thus assimilate the Monte Videan Government with the other Christian States that have concluded with Great Britain treaties for the purpose of putting an end to the Slave Trade in all parts of the world.

The Undersigned, &c.

(Signed) H. MANDEVILLE.

His Excellency Senor Don Francisco Llambe,

&c.

&c.

&c.

No. 126.

Mr. Mandeville to Viscount Palmerston.—(Received March 23, 1837.)

MY LORD,

Buenos Ayres, 21st December, 1836.

I HAVE the honour to enclose a Copy of the Answer, which the Minister for Foreign Affairs of the Republic of Uruguay has sent to me, in reply to my Note, wherein I renewed the application, that had last year been addressed to his Excellency by Mr. Hamilton, in the name of the British Government, to make a treaty between His Majesty and that Republic, for the suppression of the traffic in slaves.

M. Llambi states in his Reply, that a Slave Trade Treaty, emanating, as it would, from a Treaty of amity and commerce between Great Britain and the Republic of Uruguay, will not be taken into consideration by his Government, until that treaty is concluded, to which he thinks there can no longer exist any obstacles, since his Government have consented to withdraw the objectionable Article, which they had demanded in favour of Spain; leaving unnoticed the

alterations which they had required in other Articles ; and which, as has been declared to the Monte Videan Minister, His Majesty's Government can never consent to.

I have, &c.

(Signed)

J. H. MANDEVILLE.

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

&c.

&c.

&c.

Enclosure in No. 126.

*Department of the Minister for Foreign Affairs,
Monte Video, November 3, 1836.*

(Translation)

THE Undersigned Minister for Foreign Affairs, of the Oriental Republic of Uruguay, duly laid before his Government the Note dated the 27th October last, which his Excellency the Minister Plenipotentiary of His Britannic Majesty to the Argentine Republic, was pleased to address to him, saying that whatever may have been the motives that induced the Government of the Republic of Uruguay to place obstacles in the way of the negotiations of the Treaty of Amity and Commerce, which that of His Britannic Majesty proposed through Mr. Hamilton, or to make amends of a nature, that in preferring them the Government might have been certain that Great Britain would never consent to them ; he thought, nevertheless, that there was nothing that a free state could bring forward to hinder the Monte Videan Government from negotiating a Treaty for the abolition of the abominable traffic in slaves ; and the Minister Plenipotentiary thought that on the part of the Government of Monte Video, it must be pleasant to act upon such an understanding, from the circumstance of the Constitution of that State being founded upon an equality of rights and liberties secured to all its citizens, when he thus renewed a proposition similar to that made by his predecessor to this Republic to unite with Great Britain in the conclusion of a Treaty for the afore-mentioned object, trusting that it is not a vain hope which induces him to expect from the Undersigned his co-operation and assistance so necessary for the attainment of this most desirable result of his application, so as to assimilate the Monte Videan Government with the rest of the States of Christendom who have suppressed the Slave Trade.

In consequence, the Undersigned has been authorized to acquaint his Excellency in answer, that the obstacles interposed by the Government of the Republic to the consummation of the Treaty of Amity and Commerce proposed in the name of His Britannic Majesty by his Plenipotentiary Mr. Hamilton, did not contain any sentiment injurious to the dignity of the King's Government, or any other view than that of establishing in that Treaty principles of strict equality which would avert the injuries that would undoubtedly fall upon the national interests, were concessions granted, which in reciprocity could not be found to weigh in favour of one of the contracting parties.

The British Ministry being aware of the discussions on which the Plenipotentiary of the Republic grounded these alterations, it would appear that it did not find greater obstacles to the definitive arrangement of this affair than the already mentioned exception in favour of Spain, which remained afterwards without effect by the withdrawal of them (the obstacles), as the Undersigned before found occasion to bring to the knowledge of his Excellency.

For the rest, the Treaty relative to the traffic of slaves being an emanation of the said Treaty, the Government of the Republic resolved at that time not to take it into consideration whilst it remained ignorant of the result of the negotiations pending upon the first Treaty, which, as it cannot finally be deferred, the Government reserves for itself that opportunity to give to his Excellency the opinion which this subject deserves.

The Undersigned, &c.

(Signed)

FRANCISCO LLAMBI.

No. 127.

Mr. Mandeville to Viscount Palmerston.—(Received May 12.)

MY LORD,

Buenos Ayres, 20th January, 1837.

I HAVE at last received an answer to the "Note verbale" which I left with Senor Arana, the Minister for Foreign Affairs, at the conference which I had with his Excellency in the month of October last, with the object of endeavouring to induce this Government to conclude with His Majesty a Convention for the suppression of the Slave Trade.

I have the honour to enclose a Copy of it, with a Translation.

The Minister therein states, that the Government of Buenos Ayres have not refused to enter into a Convention on the subject of the Slave Trade ; but, in the event of concluding such a compact, not only the 14th, but other Articles of the Treaty of 1825 should be reconsidered. This answer, his Excellency observes, he had given to Mr. Hamilton in 1835, and by order of his Government he now renews it to me ; adding, that I shall always find him disposed to conclude the Convention, whenever I am authorized to afford the explanations required concerning the other Articles of the Treaty.

His Excellency then proceeds to allege, that a Convention, made to enforce the fulfilment of the 14th Article of the Treaty of 1825, might raise a doubt with regard to the fidelity of this Government in the fulfilment of their engagements, and upon a proper observance of the laws of the Republic ; that Great Britain, it

would appear, in order to cause the stipulations with the Argentine Republic on this point to be respected, had been under the necessity of requesting an agreement of this nature, as security for the execution of those already made with the British nation; that a new State ought to be more particularly jealous of its reputation; and that the making a Convention for the better fulfilment of the 14th Article exclusively, would go to establish an absence of good faith in the execution of their engagements.

These, difficulties, however, it seems, would be got over, if His Majesty's Government would consent to the explanations, required by the Buenos Ayrean Government, on various other Articles of our Treaty with this country; for, as in the first part of the Note his Excellency says, that I shall always find him disposed to enter into a Convention when I am authorized to afford him the desired explanations, so, he ends it by declaring, that the Government of the Republic has resolved, that if it concludes a Convention for the suppression of the Slave Trade, these explanations must, at the same time, be given.

In the fulfilment of the latter part of the Instructions contained in your Lordship's Slave Trade Despatch, of last year, I have, in reply to this communication, addressed to the Minister for Foreign Affairs a Note, which I have now the honour to enclose.

I have, &c.

(Signed)

H. MANDEVILLE.

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

First Enclosure in No. 127.

(Translation.)

Note Verbale.—Senor Arana to Mr. Mandeville.

THE Government of Buenos Ayres, ever faithful to its solemn engagements, has never departed from the sentiments of justice, upon which its administration rests; neither has it refused to enter into a Convention on the subject of the Slave Trade, inasmuch as it not only engaged itself by the Treaty of 1825 not to allow, and to restrict the Argentine subjects from employing themselves in it, but also there exists laws enacted, both anterior and posterior to the same Treaty, in conformity with this object. It has only limited itself to declaring that, in the event of celebrating such a Convention, as it would be an elucidation made of the 14th Article of the said Treaty of 1825, the same should also be made of some other articles of the above-mentioned Treaty; facilitating by this manner its better comprehension, and consequently the subsequent progress of the relations of amity between Great Britain and the Argentine Republic.

This was the reply given in the year 1835 to his Excellency Mr. Hamilton, your Excellency's predecessor, and the one which I now, by order of my Government, again bring forward, assuring your Excellency that you will find me disposed to enter into the Convention proposed, whenever you find yourself so situated as to afford the above-mentioned explanations.

The Government of Buenos Ayres, ever jealous of its reputation, and of the unfavourable impressions which might cause abroad the elucidation of the 14th Article alone, cannot agree to any new engagement which would cast a doubt upon its fidelity to existing Compacts, and upon the observance of the laws, with the punctual fulfilment of which it is entrusted. This it signified to Mr. Hamilton without being able to prevail upon him to alter his decision, which at that time he declined to do, as also latterly did your Excellency.

The Señor Minister, acknowledging the accustomed justice of this Government, states that he has observed with satisfaction all the noble interest with which it is animated for the fulfilment of the 14th Article, to which the proposed Convention bears reference; and since this is certain, a new engagement, founded upon what the Argentine Republic has so punctually and freely fulfilled, and is actually fulfilling, cannot be asked for with well-grounded reason.

The Señor Minister observes again, that, notwithstanding the existence in various states of enactments, prohibitive of the traffic in slaves, they have acceded favourably to the overtures of Great Britain, without their foreign credit having on that account suffered any diminution, adding that their objects, as well as those of his Government, could only be fulfilled through an agreement being made by the authority charged with the Foreign Relations of this Republic, to the effect that the vessels of His Britannic Majesty might search and take possession of such Argentine vessels as are suspected of being employed in the traffic of slaves.

But it must be taken into consideration as regards the first point, that in new States which are rising into existence, their Foreign credit is not only liable to vicissitudes, but that likewise by their very position, they demand additional care, which at this day is not required in ancient States, whose credit is cemented, and their relations with Foreign and Friendly Nations, secured by the process of time and the intercourse they have maintained; hence it results that, as regards the second point, the difficulty that presents itself is more conclusive, as the adding an article for the explanation of the 14th Article, exclusively, of the Treaty of 1825, would go to establish in a much more explicit manner the total absence of fidelity in previous engagements, the want of observance of the laws of the Republic, the imbecility of its Government, and lastly that Great Britain, in order to cause its engagements with the Argentine Republic to be respected, had seen itself under the necessity of requiring an agreement of such a nature as would give security to the stipulation previously made with the same British Nation.

The Señor Minister then must perceive with how great reason my Government has resolved,—that if it conclude any Convention with Great Britain for the Abolition of the Slave Trade, with reference to the 14th Article of the Treaty of 1825, some explanations should at the same time be made on various other Articles of the same Treaty, in order to facilitate its better comprehension, and consequently the friendly relations of both States.

Second Enclosure in No. 127.

*Note Verbale.—Mr. Mandeville to Senor Arana.**Buenos Ayres, 20th January, 1837.*

THE Undersigned, His Britannic Majesty's Minister Plenipotentiary to the United Provinces of the Rio de la Plata, has perused with pain the "Note Verbale," which his Excellency Don Felipe de Arana has delivered to him, in answer to that which he had the honour of presenting to him some weeks since, when he renewed to his Excellency the proposal that his predecessor, Mr. Hamilton, had formerly made of concluding with the Argentine Republic, in the name of his Britannic Majesty, a Treaty similar to that which other Christian States had entered into with Great Britain, for the purpose of putting an end to the Slave Trade in all parts of the world. He sees in the reply a reluctance to assist in this work of humanity, without a consideration being afforded by the revision of certain Articles of Treaty, concluded between Great Britain and the Argentine Republic in 1825, as if benevolence and humanity were of themselves insufficient to induce the Government of this country to co-operate with Great Britain for the suppression of this iniquitous traffic.

In the Conference which the Undersigned had with his Excellency upon the subject, he formally declared, and this declaration was reiterated in the "Note Verbale," which he had then the honour to place in his Excellency's hands, that the British Government cannot consent to mix up in the same negotiation things which are essentially distinct, or to blend a revision of the commercial arrangements between the two Countries, with the Conclusion of a Slave Trade Treaty. To reproduce, therefore, the same proposition in the face of this Declaration, as his Excellency has done in the Note which he has received from him is, to say the least of it, to defer for the present to be guided solely by the dictates of humanity and benevolence in the conclusion of the Treaty; and His Majesty's Government will lament that a condition should be annexed to this Compact, which renders for the present its attainment impracticable.

But the Undersigned confidently trusts that the time is not far distant when a more attentive consideration of the evils arising out of the Slave Trade, and of the honour which will accrue to those who suppress it, may lead the Government of Buenos Ayres to allow its determination, and to associate itself with the Christian States against this system of piracy. At the same time he feels that it is his duty to point out to his Excellency that when the great majority of the maritime powers of the world shall have associated for the purpose of hunting down the criminals who make unlawful war against the human race, any one power whose flag may continue to be abused for the purpose of sheltering such offenders, would find itself placed in a situation which could not in any way be congenial to the feelings or conducive to the honour of a high minded and generous people.

The Undersigned avails, &c.

(Signed) H. MANDEVILLE.

Senor Arana,
&c. &c.

No. 128.

Mr. Mandeville to Viscount Palmerston.—(Received May 13.)

MY LORD,

Buenos Ayres, 1st March, 1837.

No resolution has yet been come to by this Government, with regard to the condemnation of the brig "*Eloisa*." She has been dismantled, and is still lying in the inner roads, with the Captain and the remainder of the crew, who have not escaped on board the vessel. The expenses and loss which the Owners have incurred through the detention of this ship will already have amounted to more than her value.

I have, &c.

(Signed)

H. MANDEVILLE.

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

No. 129.

Viscount Palmerston to Mr. Mandeville.

SIR,

Foreign Office, 10th June, 1837.

I HAVE received and laid before the King your Despatch, "Slave Trade," of the 20th of January last.

His Majesty's Government have learnt with regret the determination of the Government of Buenos Ayres, not to conclude a Convention for the suppression of the Slave Trade, unless it be accompanied by a revision of the Treaty of Amity and Commerce of 1825. But I am not without hopes, that the Note, which you will have addressed to Don F. De Arana, in pursuance of the Instructions contained in my Despatch, of the 9th of June, 1836, may have received a more favourable answer. But if such should not be the case, and if the Buenos Ayrean Government should adhere to the determination announced in Senor Arana's Note to you, you will bring the question again under the consideration

of the Buenos Ayrean Government, by a Note, in conformity with the enclosed Draft.

Mr. Mandeville,
&c. &c.

I am, &c.
(Signed) PALMERSTON.

Enclosure in No. 129.

Note to be presented by M. Mandeville to the Buenos Ayrean Government.

THE Undersigned, &c., has received Instructions to state to _____, &c., with reference to his Note of _____, that the Government of His Britannic Majesty regrets extremely, that the Government of Buenos Ayres, instead of assenting to a proposal so reasonable, and so much in conformity with their own professions, as that made by Great Britain, should have deemed it expedient to repeat again a proposition, which the British Government has already declared to be inadmissible.

The Undersigned is, however, again instructed to declare, that the British Government cannot mix up two matters, which are in their nature so distinct, as the Abolition of the Slave Trade, and a revision of Commercial Regulations; and His Majesty's Government hopes, that it will not be called upon again to state its fixed determination upon this point.

The Government of Buenos Ayres has urged, in Senor Arana's Note, as their chief reason for not concluding the proposed Slave Trade Convention, that to do so would be a virtual acknowledgment, that Buenos Ayres has not fulfilled the engagement, which it contracted by the 14th Article of the Treaty of 1825; that such an acknowledgment would be inconsistent with fact; and that new States ought to be particularly jealous of their reputation for good faith. Now His Majesty's Government denies the first of these propositions, and contends that the Convention in question, so far from being a virtual impeachment of the good faith of Buenos Ayres, would, on the contrary, be the most signal and indisputable proof of the good faith of that State; inasmuch as it would provide effectual means for the fulfilment of the engagement contracted in the above-mentioned Article of the Treaty of 1825; for, what is the substance of that Article?—It contains 2 engagements; first, that Buenos Ayres shall *co-operate* with His Britannic Majesty for the *completion* of the beneficent work of "*totally abolishing the Slave Trade*;" and secondly, that Buenos Ayres shall prohibit the trade within its own territory, and prevent all persons, inhabiting within its jurisdiction, from taking any share in such trade.

Now, these two engagements were obviously separate and distinct from each other; the first was general, the second particular; the first applicable to all parts of the world where Slave Trade is, or may be carried on; the second confined to the territory of Buenos Ayres, and to persons inhabiting therein. The first was an engagement to co-operate with England in *totally* abolishing the Slave Trade; that is to say, in endeavouring to abolish it all over the world. The second was an engagement to abolish it, by specific laws, within the dominions over which the Republic has and exercises jurisdiction.

Now, how stands the fact as to the second proposition of the Buenos Ayrean Government; namely, that it has faithfully executed the engagements contracted by the 14th Article?—His Majesty's Government is compelled, with infinite regret, to say, that these engagements have hitherto *not* been fulfilled.

The lesser engagement has indeed been executed; the greater one remains a dead letter. The Slave Trade has, it is true, been prohibited within the territory of Buenos Ayres, but no step whatever has been taken, by the Buenos Ayrean Government, "to co-operate with His Britannic Majesty for the *total abolition of the Slave Trade* in other parts of the world." No co-operation whatever has been afforded, by Buenos Ayres, for the accomplishment of that beneficent object, as the Treaty very justly describes it, although 12 years have elapsed since that Treaty was concluded. His Majesty's Government, therefore, concurring entirely, with that of Buenos Ayres, in the third of the above-mentioned propositions, namely, that it peculiarly behoves new States to be careful to establish, by their early dealings with other Powers, a high reputation for good faith, founds, upon this very maxim, its renewed appeal to the honour and justice of the Government of Buenos Ayres; and the Undersigned is instructed to press upon the consideration of the Argentine Government, that, when a solemn engagement of a Treaty has remained for 12 years entirely neglected and unexecuted, notwithstanding repeated applications for fulfilment, it is by carrying such engagement promptly and fully into effect, and not by refusing to act upon it, that a character for good faith can be established among the nations of the world.

The Convention, which the Undersigned has been instructed again to propose, contains in detail those mutual stipulations and arrangements, which will enable Great Britain and Buenos Ayres to *co-operate* for the total Abolition of the Slave Trade; and His Majesty's Government confidently hope, that, when the Government of Buenos Ayres shall have maturely weighed the considerations which have thus been submitted to their judgment, they will no longer hesitate to agree to that Convention.

No. 130.

Mr. Mandeville to Viscount Palmerston.—(Received August 22.)

MY LORD,

Buenos Ayres, 8th May, 1837.

I HAVE great satisfaction in being enabled to acquaint your Lordship, that the detention of the "*Eloisa*," a schooner-brig under Brazilian colours, mentioned in my Despatch, marked Slave Trade, of the 15th of July last, has terminated as honourably to this Government, with regard to its earnest desire to put down the Slave Trade in the Provinces of the Argentine Republic, as it is con-

formable to the spirit of the 14th Article of the Treaty between Great Britain and this country.

I have the honour to enclose a Copy of a Note from the Minister for Foreign Affairs, in which his Excellency transmits to me a certified Copy of the Decree issued by the Governor, with the Translations, founded upon the opinions of the Law Officers of the Government, Copies of which I enclose, by which the vessel, with every thing on board, has been confiscated. In consequence, however, of the offence having been only partly executed, the full severity of the law with regard to the persons concerned in the transaction (treating them as pirates) has been remitted; but the Owner, Don Manuel A. Ramos, has been warned, that the Government will most certainly inflict upon him the full penalty of the law in the case of his repeating the offence, and the Master and Mate of the vessel are prohibited for ever from commanding or navigating vessels in any port or river of the Argentine Republic.

The not least important part of the Decree is the order that it be inserted in the Archives of the Government, by which it becomes authority for similar sentences, should the Offence be repeated under future Governments.

The Brazilian Chargé d'Affaires has remonstrated against the Decree and against its execution, as not being in conformity with the existing laws of this country.

I have, &c.

(Signed)

H. MANDEVILLE.

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

First Enclosure in No. 130.

(Translation.)

Senor Arana to Mr. Mandeville.

Buenos Ayres, 29th April, 1837.

THE Undersigned, Minister for Foreign Affairs, has the pleasure to transmit to his Excellency the Minister Plenipotentiary of His Britannic Majesty a certified Copy of the Decree issued by the Government, on the 25th instant, in the matter of the Brazilian brig "*Eloisa*," charged with being about to engage in the Slave Trade; along with the report of the Fiscal, and the judgment given by the Assessor, in accordance with which it (the Decree) is framed.

God preserve your Excellency many years.

(Signed)

FELIPE ARANA.

Second Enclosure in No. 130.

(Translation.)

Decree.

Buenos Ayres, 25th April, 1837.

HAVING seen the proceedings held upon the Case, as well as the opinion given by the Fiscal and the Assessor-General as to its merits, from which it appears that proof sufficient exists to show that the brig "*Eloisa*" had cleared out from this port for the purpose of engaging in the Slave Trade, under orders from her proprietor, Don Manuel Acevedo Ramos, and commanded respectively by Juan Cardoso de Souza, Captain, and José Alves de Silva, Mate; and upon due regard being paid to the circumstance of the offence, although commenced and partly executed, not having arrived at its point of consummation, in virtue of which consideration the Government is enabled to remit the full severity of the law, as far as regards the party mainly concerned and his accomplices; it declares the Brazilian brig "*Eloisa*," confiscated, along with all the specie, cargo, and other property, which, it appears, were intended to facilitate the attainment of the criminal object in view; a solemn warning at the same being given, as by these we give through the chief Notary of the Government to Don Manuel Acevedo Ramos, that the Government will most indubitably inflict upon him the full penalty awarded by the law in the case of his repeating the offence; as also to Juan Cardoso de Souza, and to the Mate, José Alves de Silva, who, in consideration of their participation in the crime, are hereby prohibited from exercising any employment in the vessels entering or proceeding from the port of Buenos Ayres, or in those employed in the coasting trade within the Capes of the river, or in the rivers of the interior of this Republic, it being likewise obligatory on Don Manuel Acevedo Ramos to furnish the cost of the stamped paper necessary for the transcription of the proceedings from the unstamped paper on which the report of them was previously drawn up; for the complete fulfilment of which the Notary is held responsible. And whereas his Excellency the Minister Plenipotentiary of His Britannic Majesty was the first to give information to the Government of the suspicions entertained by them, which information was afterwards repeated by the Chargé d'Affaires and Consul-General of Brazil, that the equipment of this vessel had for its object the perpetration of the offence in question, let a copy of this sentence be transmitted to each of these gentlemen, and with it a report of the Fiscal as well as of the opinion of the Assessor; and let similar copies be sent to the Captain of the Port for the effects they are intended to produce; and let publication be made of them in the journals of this city, and let insertion be made of them in the Official Register; and let the original reports of the proceedings be transmitted to the office of the Minister of Finance, in order that after the fulfilment of that which this Decree prescribes, and putting in then the due annotation of whatever

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shall take place for the fulfilment of the said object, these proceedings shall be sent to the Foreign Office, to remain in the archives of that department.

This is a true copy.

(Signed)
(Countersigned)

ROSAS.
FELIPE ARANA.

The Under Secretary for Foreign Affairs.

Third Enclosure in No. 130.

(Translation.)

Opinion of the Fiscal.

MOST EXCELLENT SIR,

Buenos Ayres, 16th August, 1836.

THE Fiscal (Attorney-General) acting in that capacity in the present Case, having re-examined these Documents, says, that after taking into consideration the results of the inquiry that has been recently instituted, and the declaration of the seaman, Eustogüo Acosta, he can no longer doubt that the Brazilian brig "*Eloisa*," now lying in this port, is fitted out and was about to set sail for the Coast of Africa, for the purpose of engaging in the Slave Trade.

If, most excellent Sir, this abstract be examined with the attention due to the nature of the Case in question, it will very soon be perceived that even the evidence apparently of the least importance affords premises from which to draw conclusions of a nature not the most favourable to the vessel under detention.

Thus the seamen as well as the Pilot make an assertion, real or pretended, of their ignorance of the port whither, after leaving Montevideo, the vessel was bound, although, at the same time, their own number, as well as their pay, had been increased one-fourth, according to the declaration made by the Captain.

These seamen also declare that they had made an engagement to go to Montevideo, and thence to proceed on whatever voyage the proprietor should choose to despatch the vessel. Consequently, although these men do not actually say that the "*Eloisa*" was bound to the Coast of Africa, neither do they deny that such was her destination. But furthermore, of what nature must have been the voyage which it was intended this vessel should undertake, on leaving Montevideo, when her crew, and even her Mate, were unaware of it? Why so much mystery and silence if she had been bound to a port her voyage to which did not proceed from any unlawful motive; or, rather, whither she could have gone without difficulty? Why is it, if, as is asserted, her point of destination was the Cape of Good Hope, whither she was to have conveyed a cargo of mules and brought back one of wine, why is it that the seamen were engaged in such indefinite terms, namely, to go wherever the proprietor of the vessel should choose to send them? Could it be because the Captain was ignorant of the place of her destination? No, because he as well as her proprietor and Consignee, Acevedo Ramos, have declared that the brig was to have sailed for the Cape of Good Hope.

But enough of these reflections, when the most convincing and direct proofs exist to show that the vessel was bound to the Coast of Africa for the purpose of engaging in the Slave Trade. Depositions that have been made give evidence to this effect, and the two examinations that have been instituted confirm it with all the plenitude that the law requires. These examinations were made by 8 competent persons, the first 3 of whom declare their opinion that the additional or false deck, and the two depositories for provisions constructed in the vessel, could have served for no other purposes respectively, but those of conveying men in a sitting or lying posture, inasmuch as all slave-ships are furnished with a similar extra deck, and of containing provisions for a large number of human beings, and not forage for cattle. The examiners concluding by deposing that the wood-work found in the vessel is not, as the defence would have supposed, constructed for the purpose of conveying mules.

That the 5 persons who instituted the second examination expressed themselves in the same terms, declaring, in the most positive manner, that the vessel in question is not calculated for conveying mules, but on the contrary, that the additional carpenter's work with which she was fitted prove that she was intended for conveying negroes from the Coast of Africa; this opinion is corroborated by the Military Fiscal, a person also of intelligence in the 2 decisions given by him.

In elucidating their opinions the experienced individuals last named give the same assurances as those before mentioned, that the false deck constructed in the brig is of such dimensions as to be quite incalculated for conveying mules, or any other thing, but human beings alone; and that for the ventilation of the deck the gratings on the hatchways are such as are generally used and necessary for the conveyance of slaves; and that the 2 depositories for provisions can be for no other purpose but that of containing food for the consumption of human beings.

The said false deck as appears by the 2 examinations made, and especially from the latter of these 2, is only 4 Spanish feet high, from which circumstance it is evident that it does not form a place fit for mules. Its strength, besides, does not permit of such a burden, as the thickness of the deal planking of which this false deck is constructed is only 1 inch, and the beams of the same wood that support are only 3 inches in thickness, and placed at large intervals from each other, whereas for conveying mules the planking must be at least 2 inches thick, and the beams much nearer to each other, and much more solid. There are no preparations made on board which are indispensable for this kind of cargo, but on the contrary, everything is found which is necessary to convey a large emigration or gang of negroes.

Thus, that which in one part of the evidence is averred to be freight, is in the opinion of the experienced in these matters, in reality nothing else but provisions for the crew and the cargo of slaves which the vessel was to have received on board, which fact Don Pedro Augusto Vieira proves beyond a doubt. This individual who, in one part of the evidence, appears as one of the freighters, declares, that if any part of the cargo appears under his name it will most likely be that which he imported from Rio de Janeiro, which Ramos purchased of him, and transhipped on board the "*Eloisa*;" that he has no interest in the undertaking, nor in the vessel under detention, and adds that, if anything appears under his name, it is because Acevedo Ramos, owing to the multiplicity of his occupations, had entrusted him with some commissions to execute.

The fact likewise of the brig "*Eloisa*" being about to engage in the Slave Trade is fully proved by the number of water-pipes which she had on board, amounting to 80 or 90, the large quantity of wooden platters, medicines, gunpowder, guns, fetters, and other articles mentioned by the Surveyors, and more particularly the last.

In virtue of this evidence, and of that received by word of mouth from the aforesaid Fiscal, the present deponent gives it likewise as his opinion that the result of the proceedings fully proves that the Brazilian brig "*Eloisa*," now lying in this anchorage, was fitted out, and was about to sail for the Coast of Africa for the purpose of engaging in the Slave Trade, it was for this express end that the store-rooms, the additional or false deck, and other carpenters' work were constructed.

In the opinion of the Fiscal, this vessel comes under the provisions of the 1st Article of the Law of the 15th November, 1824, but the Proprietor, the Captain, and the crew, may be held as coming under the provisions of the 2d Article. On this point, however, there may be some doubt. But the deponent thinks that without doing violence to the Law they may be made to come under the provisions of the said Article, and in that case they are amenable to the Second Law of 13th Chapter of the Third Book of the Code of the Indies. But since, however, a distinction is to be drawn between the equipment of the vessel and the commission of the crime, as this latter on the one hand consists in the act of loading the vessel with negroes on the Coast of Africa, whilst in the case in question, nothing has been done but equipping the vessel, the Fiscal is of opinion that the provisions of the 14th Article of the Treaty of the 2d February, 1825, will be fulfilled, and the crime meditated sufficiently punished, by the confiscation of the vessel and of its cargo, in accordance with the provisions of the Supreme Decree of the 15th May, 1812; which confiscation, in the opinion of the Fiscal, is to be classed amongst the particular exceptions made in the 2d Article of the Supreme Decree of the 20th May, 1835. This is the opinion of the Fiscal, notwithstanding which your Excellency will determine whatever appears to you most just and proper.

(Signed) LUCAS G. PENA.

A true Copy.

(Signed) MANUEL DE YRIGOYEN.
The Under Secretary for Foreign Affairs.

Fourth Enclosure in No. 130.

(Translation.)

Opinion of the Assessor.

THE Assessor, after having perused with mature consideration the process in this cause, is under the conviction that he ought not to confine himself merely to the proposal of measures which in his judgment the merits of the case demand, but, moreover, inasmuch as may be possible, analyze the contest of the proceedings therein, and deduce therefrom, or rather found on that analysis a legal opinion on a cause in which not only private interests are deeply concerned, but the just administration and observance of the Laws also; to this end he will detail the history of this affair in a few words, consider the legal bearing of the proceedings already entered on, and will conclude by proposing such a sentence as may be most in consonance with the existing Laws.

The brig "*Eloisa*," had cleared out, and demanded to be visited, in order to make sail from this port, when she was detained by a Government order, the Authorities having received information which induced them to suspect that this same brig was bound to the Coast of Africa on a slaving adventure, which traffic our Laws expressly prohibit under the severest penalties. Under these circumstances an investigation having been instituted the result has been:—

1st. That the Captain of the vessel (see folio 2) and the Mate (see folio 4), as also the Boatswain (see folio 5), are substantially in unison as to the destination of the brig "*Eloisa*" hence being Monte Video; and although the second of the above-mentioned persons does not declare the exact point at which the vessel was first to touch, nevertheless his Declaration does not contradict the others, with which, as likewise with the Declaration of the seamen, see folio 6, over folio 8, 9, 10, 11, 12, over folio 14, 15, over folio 19, 20.

2dly. That according to the Declaration of the Captain in the folio before cited, the brig was to sail from Monte Video, with or without cargo, in the direction of the Cape of Good Hope, to load wines if she could meet with a freight, or to sail for any other port if she could find freight in Monte Video. To this it should be added that, during the demurrage of this vessel in the port of Buenos Ayres, she had had carpenter's work done, necessary to prepare her for the voyage on which she was destined. The Mate appears to be ignorant as to where the vessel was destined for after her arrival in Monte Video, but the Boatswain asserts that from Monte Video she was to sail for the Cape of Good Hope.

The seamen, with the exception of the one who declares (folio 9), appears to have been ignorant as to this matter; but he heard the same as the boatswain declares, with exception, likewise, of the one who gave his declaration (folio 13 and next page), who declares that on her arrival at Monte Video he intended to leave her, as he did not like to go on a voyage to any part of the Coast of Africa, since he had heard that the vessel was destined for a slaving adventure.

3d. That, according to the declarations (folio 21 and following, 25 and following, folio 27, 32, and folio 87) by the first (that of Serjeant-Major Don Francisco Segui), it appears that all the fittings-up and preparations made on board the brig "*Eloisa*" indicate that she was destined for the Coast of Africa; that the planks numbered which were found in the hold were to build a between-deck of from 4½ to 5 feet under the main deck, which between-deck could not serve for the transportation of mules, inasmuch as it would be too low, and moreover the planks were only one inch in thickness. By the third declaration (that of George Goodwin) it is stated that, in conversations which had passed between the deponent and the carpenter who executed the work on board the vessel, they had spoken about the voyage of this vessel to the Coast of Africa, which likewise he had heard the sailors of the whale-boats speak of. By the fourth declaration (that of José Acosta, seaman), it appears that in a like conversation between the deponent and the crew of the vessel, he had heard them assert that she was destined for the Coast of Africa for the purpose of obtaining slaves, and moreover that he had put on board the "*Eloisa*" 10 or 11 bags of money, with 11 or 12 pair of fetters. By the fifth declaration (that of Eustoquio Acosta, seaman on board the "*Eloisa*"), that he had disembarked from that vessel the moment he knew that she was destined for the Coast of Africa in search of negroes, according to what he had been told by another seaman, who likewise left the vessel for the same reason, and went to Rio de Janeiro. Besides which, a third seaman left the vessel from the same motive, who subsequently went to North America.

4th. That, according to the surveys held by skilful men on the carpenter's work done on board the vessel (folios 58 and 84), it appears that the false deck or planks of the between-deck could not serve

for the conveyance of mules, nor for any other heavy cargo; that it is constructed for conveying men either sitting or lying down; and that all the work denotes that it has no other object than to bring slaves from the Coast of Africa, or transport a considerable number of emigrants, as it is fitted up in the customary manner of all such vessels as are destined for such purposes.

Moreover, the Proprietor of the brig "*Eloisa*," Don Manuel Acevedo Ramos, being interrogated upon the different points which gave rise to the investigation, he declared (folio 82 and following), 1st. That the vessel was bound for Monte Video to take in mules for the Cape of Good Hope, 2dly. That for this purpose the money she had on board was to be appropriated; and that she was consigned to Don Manuel Gonzalez da Costa at Monte Video. 3rdly. That the other goods she had on board were to be sold at Monte Video, or, if sales were not effected there, at the Cape. 4th. That the fitting-up of the vessel was for stowing the hay for the mules, which was to be put on board at Monte Video; and that the planking which was on board unworked was intended for stalls for the mules.

Such, your Excellency, is substantially the review of this affair; and, under this supposition, the Assessor will pass on to the investigation of the legal bearings of the proceedings, so far as they had yet been advanced, in order consecutively to found thereon his opinion as to the sentence eventually to be pronounced.

In the first place, it is necessary to bear in mind that this affair is one of a nature that presents many difficulties in the progress of its development; and, therefore, it may be, and ought to be, considered as one difficult of proof. Here we are not discussing an act publicly executed, so that all that has been done, and every circumstance connected therewith, presents a new proof as to the fact which was finally intended to be perpetrated; neither are we to treat on a matter which, through the whole chain and connected series of its progress, from the first moment it was conceived until its final consummation, has left certain and unequivocal vestiges of its existence. No, Sir, we are treating as to an affair which, from the very nature of the circumstances connected with it, required all that caution and reserve which its criminality rendered necessary, as well as all the deceit which has been practised, without which it would be impossible to carry such a measure into effect in the face of a Government jealous of the observance of its laws, and vigilant in foreseeing and chastising crimes. We have here to treat upon an act contemplated, and partially executed, but not finally consummated; so that it would be apparent, and leave no doubt as to its reality. Taking this view of the affair, the Assessor reiterates that, in order to form a just conclusion as to the truth, and a full and rational conception on the validity of the facts, or (more properly speaking) as to the true intentions which animated the Owner of the vessel in respect to her final destination; that it is not only unnecessary, but, in fact, it would be indiscreet, to look for the plenitude of proof attainable in other more evident and palpable cases; the value of the proofs must be estimated not only on their own intrinsic merit, but likewise in the ratio they bear to the object, and from the greater or less difficulty there may be in proving that object, and in proportion as a true knowledge of the fact is more or less attainable. Natural conclusions, nay, even forced conclusions, with respect to an act which has scarcely passed the boundaries of its concealment, may be deduced, producing proof and testimonial evidence as clear, decisive, and free from error in some cases, and perchance even more so, notwithstanding that the latter is of right conceived as full and satisfactory; inasmuch as the latter is subject to the fallibility and falsehood of witnesses, whilst the former are not susceptible to the effects of the passions which so frequently lead us into error, and, therefore, they are preferable, and more particularly so when other collateral circumstances concur to guide the judgment, and form a criterion from sufficient data on which to found that judgment.

These antecedents being established, the Assessor does not hesitate to assert that the object of the voyage on which this vessel was bound, was absolutely that which induced the Government to order her detention, and to institute the inquiry which has taken place. The Assessor will make some observations thereon, which arise out of the merits of the case, in the process.

First observation.—The brig "*Eloisa*" has been a long time in this port preparing to go on a particular voyage, for which purpose carpenter's work has been done on board her, which could only be appropriate for a particular object. This work having been completed, and the cargo she was to carry shipped on board her, and having cleared at the Custom-house, the visit of the Port Officer was solicited in the very act when the vessel was about to get under weigh. Could any man of moderate capacity persuade himself that the Captain, the Mate, the Boatswain, and the seamen were all ignorant of her destination? If the vessel was bound on a fair adventure, for instance, to load mules, can it be presumed that these persons, and more particularly the three first, should, up to the last moment, be ignorant on the matter? Is it to be presumed that the Captain and the rest did not know for what purpose such costly carpenter's work was done, and how such work could be applicable for a cargo of mules, as Acevedo Ramos has asserted it was, and being ignorant as to its use, would they not at least ask the Proprietor, with whom they must have held frequent and confidential communication, without his having any repugnance to inform them on the matter, inasmuch as the intended voyage was a licit one? No, Sir, this is not to be presumed; it is improbable, nay, it may be said impossible to have happened, since it is at variance with the natural course of things, which, in sound reason and just equilibrium, must necessarily follow what ordinarily happens, and what naturally should happen. Acevedo Ramos states that it is not at all strange that these individuals should be ignorant of the destination of the vessel, as he had not given his final instructions; but, allowing this ultimate assertion to be true, still the arguments in proposition are in effect, since rationally it would not occur to any one that such letter had until then been delayed, and that the vessel shall be under way before they knew where she was bound, as if, forsooth, it was a matter of state and of great reserve.

In the mean time the Captain is not only ignorant as to the cargo of mules, but he asserts that the vessel was bound to the Cape of Good Hope to load wines, as likewise it appears that other individuals in the vessel have made the same assertion; moreover, the Captain assures us that the brig was to take in cargo in Montevideo if any offered, and, if not, if any other cargo could be got for any other port besides the Cape, that he would in that case alter his course. This is what the Captain says, and this is in contradiction to what the proprietor says, who despatched the vessel on a special mission, for which he had made special preparations on board the vessel to aid the object she was finally destined to. Well, and what was this final object? Not for the cargo which she was to receive in Montevideo, the nature of which was yet uncertain, but the carpenter's preparations had a specific and defined

object, and for a certain freight. Not that of wines from the Cape, for why? Because this being likewise uncertain, the vessel might alter her destination to any other port in case any other freight offered. It has been seen that by the surveys made, and it must be evident to the view of any one, that to load wines it is not customary to construct a between-deck with pine plank only, 1 inch in thickness, since pipes and barrels can be stowed in the hold, and, on the other hand, the planks cannot resist the weight.

Observation the second.—The several master surveyors who have examined the work, as well as the Carpenter who executed it, assert that the construction could not be intended for a mule cargo. 1st. Because deal planking, of 1 inch thickness, would not support the weight of the mules. 2d. That the height between the decks is not sufficient to allow the mules to stand up. 3d. Because the fitting-up is very distinct in a vessel destined for the purpose Ramos has designated. Thus all are agreed that these fittings-up could have no other end than the one indicated—viz. the bringing of slaves from the Coast of Africa.

Observation the third.—This last belief as to the destination of the vessel is confirmed thus: 1st. The assertions of the witnesses who have deposed on the matter, which assertions have not been answered by the Proprietor, the Captain, the Mate, or any others interested in the vessel, inasmuch as this being a charge against them they have stood in need of seeking out for new and irrelevant proof to get rid of the responsibility which they are under. 2d. The effects found on board the vessel, and, in truth, for what other purpose could the fetters have been sent on board? (according to the declaration, folio 32), as also the 80 to 90 empty pipes for water, the considerable number of wooden platters, medicines, powder, mandioca, pieces of baize, money, rice, beans, and other provisions, in great abundance? Let us imagine a vessel was to be fitted out for a voyage to the Coast of Africa for slaves, and most assuredly more could not be done than Ramos has done on board the brig "*Eloisa*," whilst for an expedition to the Cape of Good Hope to carry a mule cargo, neither fetters the medicines, the baize, the under deck, nor the remainder of the cargo she had on board would have been of any service. It is true it has been asserted that these effects did not belong to the vessel, that it was on freight; but this answer only comes in corroboration of the falsehood with respect to Ramos and the other accomplices in the adventure. In effect, Don Pedro Augustin Vieza, whom they had represented (folio 42) as the shipper of some of the goods, has declared (folio 31) that he is not the shipper, and that if any of the cargo appears under his name it must be such as he had introduced from the Port of Rio de Janeiro, and which he sold to Acevedo Ramos, who transhipped it on board the "*Eloisa*."

The Assessor refrains from making further observations, in order to avoid wearying your Excellency by repeating that which has been fully and demonstratively laid down (folio 45 to 47). There your Excellency will see new and not less vigorous arguments, which can and ought to be as so many forcible indications which lead to the formation of, and do form the sure foundation on which the Assessor has founded his conjectures as to the destination of the brig "*Eloisa*." He will add only, that if the Commander, who was ordered to commence this inquiry, had interrogated the Proprietor, in his first declaration, upon his correspondence with his consignee at Montevideo, as respects the purchase of the mules, it is almost certain that he would not have given the answer which he gave in the second declaration, in the which, without eluding the argument at that time, the question which still subsists would have been put opportunely, "Why did he not at that time present those Letters which he now presents, when they would have been conclusive, but which at present has no weight in his favour, since he has had more than sufficient time to provide himself with these Letters after he knew that the Assessor had demanded them, which he did 2 months before they were required from him the Proprietor?"

The Assessor will now proceed to state the decision which, of consequence, it will be expedient to come to with respect to this affair, before which, however, it will be indispensably requisite that he should make some observations.

Crimes must be considered in three distinct ways, that is to say, "either as merely intended; as intended and advanced in execution, but not consummated; or as carried into effect and finally consummated." They are thus classed in the 2d Law, 31st title, page 7:—The Assessor will subdivide the two first classes; because he considers that they ought to be subdivided, first, into intentions merely, but not put forth for execution, although thwarted therein against the will of the intentionist by unforeseen occurrence or the will of another; into intentions not carried into execution by voluntary intentions on the part of the intentionist; into intentions progressing in execution, but not consummated through the voluntary delay of the intentionist, but returning subsequently to its consummation; and into intentions progressing into execution, but not consummated, through the interference of some party which impedes the consummation of the crime against the will of the intentionist. This distinction is extremely essential; and, although it is not forewarned by the law, the Assessor thinks not only that it is not contrary to the spirit of the law but that it is in conformity with the letter and the spirit. Under this proposition he will enter upon the discussion:—1. Crimes merely intended but not carried into effect by the will of the intentionist, he having retracted from the execution of them; such crimes according to the law "*de Partida*," before cited, ought not to be chastised. "Wicked thoughts," says the law, "present themselves under many shapes to the human heart, and frequently so that they confirm themselves, and men think to bring them into action; but, in their progress, they find that they are doing evil and repent:" and on this account we say, that any man who repents of an evil thought or design, and, previously to carrying that design into execution, repents thereof, does not merit punishment for such evil design; because the first impulse of the will is not in the power of man. 2. Crimes merely intended and not put into execution, contrary to the will of the intentionist by the interference of some unforeseen cause, or some opposite will. These crimes, according to the judgment of the Assessor, do not bear an analogy to the former, although both the one and the other are mere intentions. Nor are the latter such as the law comprehends, that is, under those first movements or impressions of the will which are not in the power of man; because, in this second case, we treat of intentions which have not been repented of posteriorly, and which, if they have not been carried into execution, it has been because some superior force has impeded the will of the intentionist, from executing it. And as such intentions, according to the rules of morality and in consonance with our conscientious feelings, are to be judged as illicit and criminal, they cannot be reputed to be otherwise by the civil law; for, although the civil authority only judges of acts and not of mere intentions, this limitation is founded on the moral impossibility there exists, generally speaking, to discover these intentions, and to judge with accuracy of them; but this reasoning goes

no further, nor is it a consequence when it is evident that the intentions of themselves existed, and that they have not been carried into effect in accordance with the will. The intentionist had to do so solely because some other will interposed, thus it does not follow that the intentionist should be exempt from prosecution and chastisement; viz. A man shall form the design of murdering another. He communicates that design to two friends; he will not listen to the advice of these friends; that he fixes the day, the place, and the means where and when; he remains firm to execute his purpose; and he does not succeed in the accomplishment of his design (against his own inclination), because those same two friends, before he can bring his purpose to bear, who have been unsuccessful in their attempts to persuade him to desist from his intention, agree to shut him up, and give information to the authorities of the motives which induced him to act in this manner. Such a man in the opinion of the Assessor is an absolute criminal, and ought to be chastised by the authorities, with a proportionate penalty, which shall render it impossible that this man shall at any future time consummate the intended crime.—3. Crimes intended and carried into execution, but not consummated through the will of the intentionist, but he returning consecutively to its consummation. This class of crime, as well as such crimes as embrace the opposite extreme of the second classification; that is to say, crimes progressing towards execution but not consummated, contrary to the will of the intentionist, because of the interference of some unforeseen cause which impeded their consummation; the Assessor repeats that this class of crimes, relative to which there is no special distinction made in the before-cited law, it appears, ought to be visited with the same penalty which the laws assign to crime perpetrated: as to consummation, the law says, "If after the crime is intended, efforts are made to consummate it by commencing the execution of it although it should not be altogether accomplished, then shall the intentionist be guilty, and merit the penalty in proportion to the error committed, insomuch as the intentionist erred in that he did that which he had the power to guard against doing, if he had chosen so to do. As thus; suppose a person shall have designed to commit treason against the person of the King, and afterwards take steps towards putting his design into execution; thus by communicating his design to others to induce them to become his accomplices in that treason which he had designed, by administering an oath to them, by binding them in written contract, or by commencing to put his design into execution in any other such like manner, although it should not finally be consummated; in like manner if a person should design to commit murder, and, following up such evil design, should take steps to put it into execution, having prepared poison to be given in some liquid drink, or have taken a poniard, knife, or any other unsheathed weapon, and openly attacking his intended victim for the purpose of slaying him, or being thus armed, wounding him in some part to cause his death, or endeavouring to murder him in any other manner similar to these, or commencing so to do, although the design should not be accomplished, he nevertheless merits punishment, as if he had accomplished the act, since he would not have failed to accomplish it if he could have done so." Nevertheless the Assessor maintains, and he moreover believes that he maintains, the spirit of the law, by making a distinction, in such cases, between him who desists from the consummation of his design of his own accord, and him who persists in his design, although, from unforeseen interference, he is impeded in its consummation. No one will doubt that, in a moral view, there is no equality of intensity between the one and the other case, and therefore there is no equality of criminality, either in a moral or civil view, when one person only designs an act and subsequently desists from its completion of his own free will, and when he desists from having been impeded in the execution of his design; it would appear that the identity of this distinction concurs to fix an equal difference in the case with which we are engaged; on the other hand, this view is not in contradiction to, but is rather in conformity with, the acknowledged intent of the legislator. Thus the fact stands, that he who designed to slay another, and commenced to put that design into execution, although he did not accomplish the deed, merits his punishment equally as much as if he had consummated the act; since it is clear that he would not have failed to perpetrate the act had he been able to consummate it. Of consequence, if a person desists from the consummation of a design, that is to say, if he desists from his own free will from committing the crime he designed, then is the law defective, since there is a voluntary and involuntary relinquishment; and in so far as the law is defective, its administration should, in like manner, be attenuated according to the circumstances of the case.

The Assessor believes that when the time arrives that the law should be applied, the person entrusted with the august administration ought not to forget that laws, and the penalties which they establish, have been dictated in consonance with the proportions in crime, and if it be impossible for the Legislator at all times to define these due proportions under all the circumstances under which crimes are committed, so it must be impossible to fix special and determinate punishment for manifold and indeterminate crime; viz., (as the law of Partida says,) "laws ought not to be framed but upon cases which occur frequently, and for this reason the ancients took no care to make laws for cases of rare occurrence, as they held that they could judge such cases by some other case analogous thereto." The Assessor repeats, that, bearing in mind the principle of proportion, which is the measure of the law, it is evident that it is the duty of the Magistrate to weigh well with the balance of justice, and with the aid of prudence, the circumstances of cases, and the more or less influence of the will of the delinquent over what he does and what he leaves undone, or in fact the more or less importance, gravity, and transcendence, of what he actually executes, endeavouring thus to proportion in accordance with the greater or less distance there may be between the design to commit the crime and its consummation, between the crime and the means adopted to commit it. The Assessor has thus defined the ultimate extreme of the second classification, and will proceed with his first proposition without detaining himself to treat on it specially.

With respect to the third class of crimes consummated, it is unnecessary to discuss this point particularly, because the import of the consummation of crime, or perpetration thereof, until such time as the object has been accomplished to the satisfaction of the malevolent intent of the person committing it, is well known and defined.

These preceding observations concluded, it becomes the duty of the Assessor to give his opinion as to the sentence which ought to be pronounced in the Case in question,—that is to say,—as to the punishment which your Excellency ought to inflict on a person who has been convicted of a crime which our laws chastise severely, and for this purpose it will be indispensable to examine the said crime in its respective and proper class, in conformity with the rules before laid down, commencing by referring to two antecedents; first, that the traffic in negroes from the Coast of Africa is a crime,

inasmuch as it is an act which the laws of the country reprobate, prohibit, and chastise; secondly, that the brig "*Eloisa*" was bound on an adventure to that coast for that traffic, as appears by the process which the Assessor has already taken under his consideration.

The crime of which we treat is not merely one of intent; no, Sir, it is somewhat more, for it had progressed towards its consummation. Your Excellency will observe, by the proofs which exist in the process, that this illicit design had been carried into effect by the carpenter's work in fitting the vessel up for the security or accommodation of the slaves, or men to be purchased in Africa; by the necessary provisions shipped on board her for the subsistence and maintenance of the said men, and the money indispensable for their purchase; in fact, by the increase of the number of the crew of the brig, and the augmentation in the wages of the crew by contracts which might guarantee the success of the enterprize. All these acts, without which the crime could not have been consummated, are so many steps taken to its accomplishment, and removes it from the class of a mere national crime and converts it into a crime not only designed to be perpetrated, but progressing towards its consummation. On this head the law is thus laid down: "As if any one has designed to commit treason, and subsequently in any way commences to put his design into execution by communicating it to other parties, and endeavouring to make them accomplices in the act, administering an oath, or binding them by written contract, or in any other manner endeavouring to carry his design into execution, he is guilty of treason, although the act be not finally consummated."

The present Case is therefore a crime designed and partially executed. But we can assert further. That it is a crime, the consummation of which has been relinquished, not of the will of the intentionist, but against the will and by the reason of the zealous and prompt measures taken by your Excellency. In effect it has been demonstrated that the vessel was ready to weigh anchor and sail from our port with every necessary preparation for the adventure; and in the very act of making sail (for the port visit had been demanded), she was detained and embargoed by authority. So that it cannot be argued that the repentance of the intentionist had any part in the non-consummation of the crime, but on the contrary it was against his will, proved to be so by all his previous acts to the instant in which he was impeded in its execution and full completion, after the manner that a criminal is prevented from committing homicide against his will when he is arrested and disarmed when in pursuit of his intended victim.

This, your Excellency, is the exact state of the Case before us, and the Assessor, bearing in mind the laws which touch upon it, recommends (as it is his duty to recommend) the application of the punishment which the law directs to the criminal or criminals.

The Decree bearing date the 15th May, 1812, prohibits the introduction of slave cargoes from the national territory from one year after that date, and it orders that after the expiration of that year all vessels carrying slaves which should appear on our coasts should be confiscated, and the negroes set at liberty.

The Law of the 15th November, 1824, declares the traffic in negroes from the Coast of Africa to be piracy, and orders that any citizen of this province who should, after the publication of this Law, engage themselves in this traffic in negroes, shall be punished as pirates. Lastly, the 14th Article of the Treaty of Commerce, Navigation, and Friendship, concluded between the Government of Buenos Ayres, charged with the direction of the foreign affairs of the Republic, and his Britannic Majesty, binds both the contracting parties to the total abolition of the commerce in slaves, prohibiting in the most positive manner all persons resident in the national territory, or subject to its jurisdiction, from taking any part whatsoever in such traffic.

The Assessor cannot consider as a matter of question what the law of the 15th November, 1824, lays down, that although that law refers especially to the citizens of the Republic, yet it is applicable to such as are not citizens, but nevertheless reside in the Republic, and as subject to the laws and obligations which affect the citizens thereof, since they participate in the privileges which the said citizens enjoy. The first duty of a foreigner when he puts his foot on any territory, and most especially when he domiciliates himself in it, and constitutes himself a subject of the Government (in which light Acevedo Ramos must be considered) according to right, is to respect and obey the laws of the country wherein he resides, under the understanding that any infraction makes him a criminal, and subject to the punishment the laws inflict, and to suffer whatsoever penalty the native citizen is subject to.

In the Case before us, your Excellency, there has been a crime committed, and it has been seen to have been partially carried into effect, but the crime has not been consummated, and although the law chastises with equal punishment the person who stands in this Case and did not consummate the crime, but he would have consummated it if he could have done so, as has been shown to have happened, yet the Assessor has observed that it is in conformity with the laws, and with the spirit of jurisprudence, as it is likewise in conformity with reason and justice, that the degrees of punishment should be proportionate to the crime, and that this graduation of proceeding should follow from the first intent to commit the crime until its final consummation. Would there be any essential difference between this adventure of Acevedo Ramos, considering it at the time when the vessel was embargoed, and on the very point of sailing, and the state of the Case if the "*Eloisa*" had been taken at sea after she had purchased the negroes and got them on board? No doubt but what there would be, since in the latter case the evil intent would have been consummated, and the crime perpetrated in all its intensity, whilst in the first case there has been not only no consummation, but there exists a possibility of a spontaneous repentance, which, in accordance with both the spirit of the laws and sound reasoning, greatly attenuate the gravity of the crime. It is true that such repentance must be considered as remote, taking into consideration the circumstances of the Case, and this aggravates the responsibility of Acevedo, but it was not impossible that such might have been the case, and above all the evil intent had not arrived at its ultimate pass. This, therefore, tempers the rigour of the laws.

These considerations induce the Assessor to counsel your Excellency, that your Excellency may be pleased (it being in conformity with the laws cited) to declare—1. That the brig "*Eloisa*" and her cargo, consisting of money and goods destined to have been employed in the prohibited commerce in slaves, "to be confiscate." 2. That inasmuch as that the crime was not consummated, notwithstanding the evident free and decided intention of the owner, when we take into consideration the import of the aforementioned confiscation, the said Ramos and his accomplices are not to be considered as convicted to the full extent of the crime, or liable to the full extent of punishment which the law inflicts when the crime is considered as designed, perpetrated, and consummated.

3. That the principal Notary of the Government do reprehend the said Acevedo Ramos in the most solemn manner, admonishing him of his heinous and criminal conduct, giving him to understand that the Government will henceforth be inexorable in the execution of the utmost rigour of the law should he at any future time become alike culpable. 4. That the like reprehension and admonition be given to the Captain of the vessel, the mate, and their accomplices in crime. 5. That in just chastisement of their having abetted the crime, and of the evil purpose to which they have devoted a scientific profession, they shall henceforth be prohibited from exercising that profession either in the vessels which enter or sail from our port, or in the vessels which are employed therein, and that the Commander of the port be advertised of that prohibition. 6. That Ramos shall be compelled to supply stamps for all the documents which appear in the Process on unstamped paper, and that these stamped papers previously having been rendered useless for future writings, be then annexed to this process. 7. That for the satisfaction of the injured public, to repress the perpetration of crimes of a like nature, and that the fidelity of the Government in complying with, and making the laws to be fulfilled (not only the laws, but every compromise of every nature to which it is pledged) may be public and notorious, let the sentence of the supreme authority be published, and moreover let it be officially communicated to his Excellency the Minister Plenipotentiary of His Britannic Majesty, in compliance with the Treaty before cited, and likewise to the Chargé des Affaires of His Majesty the Emperor of Brazil, under whose flag the "Eloisa" sailed.

Such, your Excellency is the Counsel of the Assessor; nevertheless your Excellency will decree as may best accord with your supreme judgment.

Buenos Ayres, March 15th, 1837.

(Signed)

LAHITTE.

No. 131.

Viscount Palmerston to Mr. Mandeville.

SIR,

Foreign Office, 24th October 1837.

I have to acknowledge the receipt of your Despatch, marked "Slave Trade," of the 8th of May last, stating, that the result of the examination of the Brazilian schooner-brig, "Eloisa," has been, that she was declared to be equipped for Slave Trade, and was consequently, together with everything on board of her, confiscated. I have to instruct you to express to the Minister for Foreign Affairs of the Argentine Republic the satisfaction, with which Her Majesty's Government has received the intelligence of this act of justice and vigour.

I have, &c.

(Signed)

PALMERSTON.

To Mr. Manderville,

&c. &c. &c.

No. 132.

Mr. Mandeville to Viscount Palmerston.—(Received November 16, 1837.)

MY LORD,

Buenos Ayres, 16th August, 1837.

I have the honour to acknowledge the receipt of your Lordship's Despatch, marked "Slave Trade," of 10th June last, transmitting to me the draft of a Note, which I am to present to the Buenos Ayrean Government, should that Government adhere to the determination announced in their "Note verbale," regardless of the arguments which, by the instructions contained in your Lordship's previous Despatch, I was enabled to bring forward, to induce them to rescind their resolution not to conclude a Convention for the suppression of the Slave Trade unless it be accompanied by a revision of the Treaty of 1825.

I have very slight hopes, that the disposition of the present Government of Buenos Ayres will obviate the necessity of my bringing the question again to their notice in the manner indicated in your Lordship's Despatch, which I shall not fail to do, when my further attempt to obtain a more favourable decision on their part shall have proved fruitless.

I have, &c.

(Signed)

H. MANDEVILLE.

To the Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

CHILI.

No. 133.

Mr. Walpole to Viscount Palmerston.—(Received August 24.)

MY LORD,

Santiago, 20th April, 1837.

I HAD the honour to receive, on the 28th ultimo, your Lordship's Despatch marked "Slave Trade," dated November 30, of the last year, containing Instructions to proceed with due diligence to the conclusion of a Treaty between His Majesty and this Republic for the abolition of the Slave Trade.

I accordingly lost no time in communicating with the Minister of State on the subject, who demonstrated by his expressions every wish to enter on the consideration of the several Articles of that Treaty.

The negotiation and the perusal of the articles was commenced on the 5th instant, but I regret that the illness and subsequent journey of the Minister (under whose control are united the department of the exterior, of the interior, and of war and marine,) to Valparaiso, to superintend the final arrangements for the departure of the expedition destined against Peru, have delayed, though I should hope for no long period, the further consideration of this matter.

I shall not fail to propose its resumption at the earliest moment.

I have, &c.

(Signed)

JOHN WALPOLE,

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

Consul General.

&c.

&c.

&c.

No. 134.

Mr. Walpole to Viscount Palmerston.—(Received November 22.)

MY LORD,

Santiago, 11th June, 1837.

I HAVE the honour to acknowledge the receipt of a Circular Letter, dated January 27, last, covering a Decree issued at Lisbon on the 10th of December, 1836, for the abolition of the Slave Trade throughout the Portuguese dominions.

I have, &c.

(Signed)

JOHN WALPOLE,

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

Consul General.

&c.

&c.

&c.

MEXICO.

No. 136.

Mr Pakenham to Viscount Palmerston.—(Received April 29.)

MY LORD,

Mexico, 4th March, 1837.

THE Minister of War has communicated to me the declaration of the captain of a Mexican trading vessel, lately arrived at Vera Cruz from the Havana, stating that, two days before he sailed from that port, he had seen an American schooner put to sea, with a cargo of forty slaves, bound for Texas.

Without being prepared to vouch for the veracity of this declaration, I have, nevertheless, thought it right to transmit it to His Majesty's Commissioners at the Havana; and also to His Majesty's Minister at Washington, in order that he may, if he should think proper, direct the attention of the Government of the United States to the abuse said to have been committed under their flag, with a view to measures being taken to prevent a repetition of it.

I have, &c.

(Signed)

R. PAKENHAM.

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

&c.

&c.

&c.

No. 137.

Mr. Pakenham to Viscount Palmerston.

MY LORD,

Mexico, 25th April, 1837.

I HAVE the honour herewith to lay before your Lordship a Treaty, which, in fulfilment of the instructions contained in your Lordship's Despatch of the 13th November, 1835, and 14th December, 1836, I have concluded with the Mexican Government, for the effectual prevention of the trade in slaves by the citizens of this Republic.

I humbly hope that it may meet with His Majesty's gracious approbation.

I have, &c.

(Signed)

R. PAKENHAM.

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

&c.

&c.

&c.

No. 138.

Mr. Ashburnham to Viscount Palmerston.—(Received May 19.)

MY LORD,

Mexico, 1st May, 1837.

I HAVE the honour to enclose to your Lordship the copy of a letter addressed to Mr. Pakenham by His Majesty's Commissioners at Havana, in reply to his communication to them of the information which formed the subject of his Despatch to your Lordship of 4th March last, marked Slave Trade, relative to the cargo of slaves shipped at that port on board an American schooner bound for Texas.

I have, &c.

(Signed)

C. ASHBURNHAM.

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

&c.

&c.

&c.

Enclosure in No. 138.

His Majesty's Commissioners at the Havana to Mr. Pakenham.

SIR,

Havana, 4th April, 1837.

We have the honour to acknowledge the receipt of your letter of the 4th ultimo, acquainting us "that the Master of a Mexican vessel which left the Havana on or about the 7th of February, and arrived at Vera Cruz on the 14th, has stated on oath that, at the beginning of the same month, an American schooner left the Havana, destined for Texas, having on board a cargo of 40 negro slaves."

We are extremely obliged by your having furnished us with the above particulars relative to the prosecution of a traffic upon which we have already fruitlessly made the strongest remonstrances with this local Government, and which it has always contumeliously denied.

We lost no time in forwarding to the Captain General an official note upon the subject, and it will give us great pleasure if, by the next packet, we can make known to you any favourable result.

We cannot flatter ourselves with a hope that the representations of Your Excellency through His Majesty's Minister at Washington, relative to this branch of the Slave Trade being carried on under the American flag will meet with its due regard; for, a few months since, we communicated officially to the American Consul here a clear and well-authenticated statement containing the names of several vessels, the ports in the United States which they came from to the Havana, the names of their Masters (Americans) of the shippers of their cargoes, and the fact that they sailed from Havana under American colours for the coast of Africa, fully equipped, for the avowed purpose of carrying on the Slave Trade. Yet this functionary, acting, we believe, under the orders of his Government, returned our communication, and stated to us that he would not receive any further information whatsoever on the subject of the Slave Trade, either as regarded American citizens, or the use of the American flag.

The consequence has been, to revive the hopes, and augment the enterprises of the slave dealers; and we may confidently assert that there are now upwards of twenty American slavers gone to the coast of Africa, the greater part of whose cargoes are, we deeply regret to add, contracted for and insured to be landed in the province of Texas.

We have, &c.

(Signed)

EDWARD W. H. SCHENLEY.
R. R. MADDEN.

P. S. We have this moment received the Captain General's reply to our official note upon the subject of your letter. We enclose a translation of this document, which will convey some faint notion of the determination of this local Government to forward, by every species of quibble and prevarication, the villainous enterprises engaged in not only by Spaniards, but by subjects of any other nation, provided they have for object the continuance of the Slave Trade.

(Signed)

E. W. H. SCHENLEY.
R. R. MADDEN.Richard Pakenham, Esq.
&c. &c.

Mexico.

No. 139.

Mr. Ashburnham to Viscount Palmerston.—(Received June, 19.)

MY LORD,

Mexico, 1st May, 1837.

I HAVE the honour to enclose for your Lordship's information a copy and translation of a Proclamation, issued by the late Government, declaring the Abolition of Slavery throughout the Mexican Republic.

Your Lordship is already aware, that, by a Decree of the year 1829, slavery was declared to be abolished in all parts of the Mexican Republic; and that, although its continuance in the State of Texas was subsequently, as a measure of policy, connived at, in order not to excite disaffection among the North American Settlers in that country; the Ex-President, General Santa Anna, upon the revolt of that province, in 1835, issued a Proclamation, declaring the liberty of the slave population there.

I have, &c.

(Signed)

C. ASHBURNHAM.

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

Enclosure in No. 139.

(Translation.)

Palace of the National Government, Mexico, 5th April, 1837.

The President *ad interim* of the Mexican Republic to the inhabitants thereof, makes known, that the General Congress has decreed the following:—

Article 1. Slavery, without any exception, is hereby abolished throughout the Republic.
2. The masters of slaves liberated by the present law, or by the Decree of 15th September, 1829, shall be indemnified for the value of said slaves, such value being calculated upon the estimate made of their personal qualities, for which purpose an intelligent person shall be named by the Commissary General, or his *locum tenens*, and another by the slaveholder, and in case of any difference, the respective Constitutional Alcalde shall appoint a third; no legal recourse whatsoever holding good against this determination. The indemnity mentioned in this Article shall not extend to the colonists of Texas who have taken part in the revolution of that Department.

The masters themselves, to whom the original proceedings practised with respect to the estimate

treated of in the foregoing Article, shall present said proceedings to the Supreme Government, who shall direct the General Treasury to issue the corresponding obligations to them for the amount of the respective values.

4 The settlement of the above-mentioned obligations shall be effected in the manner which may appear most equitable to the Government, conciliating the rights of the individuals concerned with the actual state of the public revenue.

JUAN MANUEL DE ELIZALDE.—President.
MANUEL LARRAINZAR.—Secretary.
BERNARDO GUIMBARDA.—Secretary.

Wherefore, &c.,
(Signed) JOSE JUSTO CORRO.

No. 140.

Viscount Palmerston to Mr. Ashburnham.

SIR,

Foreign Office, August 14th, 1837.

I HAVE received and laid before the Queen Mr. Pakenham's Despatch, marked "Slave Trade, of the 25th of April last," transmitting a Treaty which he had concluded with the President of the Mexican Republic, for the total Abolition of the Slave Trade.

I have already in a former Despatch communicated to Mr. Pakenham the approval of His late Majesty, of the zeal and diligence with which Mr. Pakenham had brought the negotiations to a successful conclusion; and I am now commanded to instruct you to state to the Mexican Government, how highly Her Majesty's Government appreciates the noble example, which Mexico has set to the other Republics of America, by concluding this Treaty.

In making this communication you will at the same time state the wish of Her Majesty's Government, that no time should be lost in completing the good work, by obtaining the sanction of the Mexican Chambers to the Treaty, which will be ratified by Her Majesty as soon as its ratification by the Mexican Chambers shall have been received in London.

I am, &c.
(Signed) PALMERSTON.

The Hon. Charles Ashburnham,
&c. &c. &c.

No. 141.

Mr. Ashburnham to Viscount Palmerston.—(Received Dec. 15.)

MY LORD,

Mexico, 3rd October, 1837.

It is with great regret that I have to announce to your Lordship, that the Committee, appointed by the Chamber of Deputies to consider and report upon the Treaty lately signed by the Plenipotentiaries of Great Britain and Mexico, for the effectual suppression of the Slave Trade, have presented a Report so little favourable, as to make it probable, that the Congress will refuse to sanction it in its present form.

I had frequently inquired of Senhor Cuevas, as to the progress made in the business by the Committee; and from his answers had long reason to expect a favourable Report, when to my great surprise, I was some days ago informed by him, that they found in it insuperable objections to it, and had, before he was aware of it, presented a Report accordingly to the Chambers. At my desire, His Excellency furnished me with a copy of the Report, of which another with the Translation is enclosed; he declared, that the Government had done all in its power to bring the matter to a favourable and early conclusion, having prevailed upon the Congress, convoked in Extraordinary Session upon special business, to admit this as one of the questions to be taken into consideration. He has promised to try and obtain the revocation or suppression of the Report, in order to a conference with the Committee; but I dare not hold out any hope to your Lordship of his success.

I have conversed with one of the Members of the Committee, and, though there are some points, on which I think I proved to his satisfaction that they had taken an erroneous view in consequence of Senhor Cuevas' not having taking the pains to explain them, nor to lay them before them the Protocols of the Conference. Still I fear there are some, their objection to which is insuperable.

The lateness of the time when I received from Senhor Cuevas the communication of the Report in question, and the great increase of matter on which I have had to address your Lordship, will, I trust, excuse my deferring to enlarge further on the subject until next packet, when, perhaps, it may be in my power to communicate information somewhat less unsatisfactory.

I have, &c.

(Signed)

C. ASHBURNHAM.

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

&c.

&c.

&c.

Enclosure in No. 141.

(Translation.)

Department of Foreign Affairs.

Committee-Room of the Chamber of Deputies, Mexico, 31st August, 1837.

THE Committee on Foreign Affairs of the Chamber of Deputies, appointed to examine the Treaty concluded between the Plenipotentiaries nominated by the Government of Mexico and that of Her Britannic Majesty, for the abolition of the traffic in slaves, have deemed it their duty to state, that it is not expedient that said Treaty be approved of in the terms stipulated; and, extracting the substance from the reasons by which they were actuated, the following is the result.

The Committee commence by saying that, taking for their guide the welfare and interest of the Nation, they hold it indispensable requisite that all due circumspection should be exercised in the conclusion of Treaties with Foreign Powers, and thus avoid creating engagements, which, perhaps, they are unable to fulfil, as well as the evil consequences which such inability would entail upon them.

In the analysis which the Committee then make of the Articles of said Treaty, they see no objection to the first and second being approved, inasmuch as they go no further than to declare the traffic in slaves to be abolished by both parties, which has, with us, been already done by the law of 13th July, 1824; and that Mexico should take steps, when necessary, to prevent her citizens from defiling themselves with that criminal commerce;—all which is strictly conformable with our legislative principles, and general ideas upon the subject; but the Committee consider their approbation of these two parts as useless, because the principal matter of the Treaty consists in the means of attaining the ends proposed therein, and on which its subsistence depends.

With respect to the third Article, by which also the Nation binds itself to take the necessary measures for assimilating, as soon as possible, its legislation to that of Great Britain, in everything relative to the Slave Trade, the Committee already find some difficulty, seeing that, perchance, it might not suit the Republic to adopt that legislation; although they add that, if the object of said Article were solely to apply the law of piracy, as Buenos Ayres has done, to the vessels and individuals engaged in this criminal traffic, neither would they then see any impediment to its being sanctioned.

From an attentive perusal of the fourth Article, the Committee consider it as the principal one of all, and as the one from which the others are derived, since by it the two contracting parties reciprocally concede the right of searching and examining the merchant-vessels of both Nations, which are engaged, have been engaged, or are about to be engaged, in the Slave Trade,—such right to be exercised by the ships-of-war or cruizers of the respective navies. This right, as being executive, is, in the opinion of the Committee, odious. It would oppose obstacles to the advancement of our infant mercantile navy, seeing that it would thereby be exposed to dangers into which it might inadvertently or innocently fall, by not fulfilling the conditions which are stipulated; and the detention of a Mexican vessel could never, in any case, be just, inasmuch as by the laws of the Republic, and state of its navy, it is not possible that any one of its citizens should engage in the Slave Trade. Besides, another difficulty would arise from the want of ships-of-war to be stationed at the cruising grounds, for it would be necessary to appoint the best officers in the actual service of the country on so delicate a commission, as otherwise the latter would incur heavy responsibility through the inexperience of those who might be chosen for the purpose, because it is covenanted by the Treaty that all the damages and indemnifications must be made good by the nation to which the culpable officer belongs.

The Committee direct attention to the resistance which several Powers have offered against conceding to others any police rights over their vessels and subjects, and that, if at length many have yielded the point, it ought to be attributed to peculiar circumstances; and as a proof that the precaution or circumspection which the Chamber propose should be exercised, does not proceed from any excessive timidity, but that it is a measure of prudence of long standing, and well calculated in Europe, they point out the conduct observed by other nations in the matter.

They state that since the year 1788, the English Parliament turned their attention to the extinction of the Slave Trade, which they abolished in 1805, a measure which will reflect eternal honour on England; and that, owing to her exertions, it was arranged at the Congress of Vienna that the abolition thereof should be generally adopted; it being worthy of remark that the Representatives of France and Portugal stated that, with regard to a *Maritime Police*, they would admit no other but that which each Power is in the habit of exercising towards its own vessels.

That, the generous sentiments of the British Nation not being completely satisfied with the result of that Congress, they have entered into various Treaties, of which three, say the Committee, are the most important; and they take upon themselves to point out many differences, comparing them with that stipulated with Mexico.

The Committee begin with the Treaty concluded in 1818 with His Majesty the King of the Low Countries, and remark that by it the right of search was restricted in such wise, that it could not be practised in the Mediterranean, or other European Seas, situated under a certain latitude,—an exception common to almost all the Treaties, save that of Mexico, whose vessels can be searched and detained in all seas.

That, although, on account of the infant state of its Navy, such exception would be unnecessary, and even ridiculous, upon the same principle the Committee think the general rule would also be so.

They find another difference in that Treaty, by which it is stipulated that the number of vessels authorized to search shall not exceed twelve for each party, which circumstance, which establishes some kind of equilibrium or equality in the contract, is not mentioned in the Treaty under consideration; although, even had a single cruiser been agreed to, Mexico would have encountered difficulties in fulfilling the condition; and the third difference the Committee make to consist in that, by the Treaty with the Low Countries, the search must be practised by the Commander of the convoy, in concert with the Commander of the cruiser; whilst by the Treaty with Mexico the latter alone is authorized to undertake it.

The Committee continue to compare the differences which they discover between another treaty concluded between England and France, and that of Mexico. They observe that, by the former, the right of search is confined within very narrow bounds, inasmuch as the places whereat it can be exercised, are determined, and the number of ships, authorized to practice it, have to be settled every year, those of one nation never to exceed double the number of those of the other, whereas with Mexico everything is unlimited.

Moreover, they remark the difference that, by the Treaty with France, the captured vessels shall be delivered, as well as their equipments, to the jurisdiction of the nation to which they may belong, and tried according to their respective laws; but by that with Mexico they must be placed at the disposal of the nearest tribunal, and judged according to the laws of the country to which the capturing vessel may belong. The Committee make mention of another Supplementary Convention concluded in March, 1833, between England and France, and observe that, by it, when the Commander of a cruiser wishes to search a vessel sailing in convoy, he must communicate his suspicions to the Commander of the latter, who shall proceed alone to the examination, and, by the Convention with Mexico, it is quite the reverse; from which the Committee deduce, that all the restrictions detailed in the Mexican Treaty are so many precautions, in order to exercise the exceptive right of search, which, in the above-mentioned Treaty, have been omitted.

The Committee, in continuation, examine the Treaty entered into by England and Spain, in the month of July, 1835, and observe that, notwithstanding its great similitude to that of Mexico, there exist two essential differences with regard to the searches. The first, that the Mediterranean and European Seas, up to a certain latitude, are exempted therefrom; and the second, that these searches must be made by the Commanders of the convoy and cruiser together. The Committee next enter upon the analysis of the Annexes to the Treaty. The first, which contains instructions for the ships employed in the prevention of the trade, they consider to be, for the most part, useful, in case the Treaty be approved. Even in the event of such approval, the Committee state, that the same cannot be said with respect to the second Annex or Document, which treats of the designation of the tribunals which have to take cognizance of the causes of detained vessels; seeing that by our Constitution the point is already determined in the 12th Article, 3rd Attribution of the Supreme Court of Justice, whose duty it is to adjudge all offences committed on the high seas, and take cognizance of all seizures by land or sea; it being, consequently, impossible to create other tribunals, not even by the Legislative body itself. With respect to said designation of Tribunals, the Committee then shew what other countries have stipulated in favour of their respective subjects.

With regard to the third and last Annex of the Treaty, which contains the regulations for the treatment of liberated negroes, the Committee consider it as having two objects: the first, to prevent the frauds which might be committed by carrying off or stealing any negro and reducing him to slavery, supposing such negro not to be one of those liberated by the Tribunal. But in relation to this point the Committee remark, that there is not the most remote danger of the evil apprehended occurring in the Republic; because every one therein is free, even the slaves of other places, from the moment they tread her territory. The second object the Committee conceive to be, that of making the negroes participants in the benefits of civilization, for which end the method deemed most efficient to its attainment has been established; and whilst the Committee extol the benevolent views of a nation, possibly the most powerful of the world, they are of opinion that the above object is one which ought to be left altogether to the discretion and uncontrolled will of the Mexican Government, who will act according to circumstances. Respecting the certificate of emancipation, which, by the Treaty, is to be delivered to the slave liberated by the Tribunal, the Committee pronounce it to be entirely, useless in Mexico; because to be free, no further proof is necessary than that of being alive.

The Committee, consequently, think that the Treaty is not adapted to the Republic, inasmuch as it is not suited to the circumstances thereof, which are liable to change, in which case it will be prejudicial to the nation; and, as a proof of the change which may take place, they quote the additional Article of that Document, whereby, on account of the war in which Mexico is engaged with Texas, the vessels employed on that service are exempted from the provisions of the 9th Article, although under certain conditions. They observe that, probably, this exception was made in consequence of the war just mentioned, which, had it been subsequent to the stipulation and approbation of the Treaty, it would have been necessary to make a fresh covenant, the defence of our national rights suffering in the meanwhile from useless delay.

Wherefore, it being impossible to foresee what may happen hereafter, the Committee are of opinion that such general engagements should not be entered into; but they protest against its being supposed that, for that reason, Mexico is not anxious to contribute towards the attainment of so grand an object as that of the abolition of the Slave Trade; on the contrary, the Committee are of opinion, that the generous views of Great Britain ought to be supported, and co-operation given to the success of a project so benevolent and humane, not only to gratify that nation, but also to meet the wishes and feelings of Mexicans.

Finally, the Committee propose that the documents connected with the subject under consideration be returned to the Government, in order that, being apprized of the motives which have induced the Chamber to reject the Treaty, they may enter into a fresh negotiation, and adjust another drawn up in the customary terms, whereby the nation be not pledged to fulfil more than it can perform, but that its ability and circumstances be taken into consideration.

They, likewise, propose that a Law be dictated, declaring that all Mexicans who engage in the Slave Trade shall be treated as pirates; or, in other words, that the Law of 13th July, 1824, be amplified.

The Committee conclude by embodying their Report in the three following Articles:—

1st. The Treaty concluded between the Plenipotentiaries appointed by the Government of Mexico and that of His Britannic Majesty, for the abolition of the Slave Trade, signed in Mexico on the 16th of April, 1837, is not approved.

2nd. That the Documents having relation to this matter be returned to the Government, in order that, in consideration thereof, they may open the negotiations anew, and conclude another Treaty.

3rd. A Law, amplifying that of 13th July, 1824, which prohibits the Slave Trade, shall be dictated with all possible brevity.

No. 142.

Mr. Ashburnham to Viscount Palmerston.—(Received December 31.)

MY LORD,

Mexico, 7th November, 1837.

By my Despatch, Slave Trade, of the 3rd ultimo, I had the mortification of announcing to your Lordship the unfavourable reception which the Treaty for the suppression of the Slave Trade had met with from the Committee appointed by Congress to take it into consideration.

I expressed my hope that I might be enabled by this packet to submit to your Lordship some more favourable information on the point, though I could not indulge a hope, that Senhor Cuevas' idea of procuring the withdrawal of the Committee's Report would prove feasible.

My disappointment at my inability to do so, is the greater as your Lordship's Despatch to me proves how deeply interested Her Majesty's Government feel upon this subject, and how little they will have been prepared for the unfavourable termination of so propitious a commencement.

To the want of energy of the late Minister of Foreign Affairs, I must, in justice to myself, attribute this result; for aware of the readiness with which the preceding Government had met the wishes of that of Her Majesty, I thought I might trust to his assurances, that the Committee saw no difficulties of any moment, and that he was not remiss in giving to the Treaty all the support and explanation necessary.

In my last conversation with His Excellency, previously to his leaving office, he suggested, that I should apply to your Lordship for the necessary powers to negotiate another Treaty; to which I replied, that such a course was for obvious reasons impossible; and that to me it appeared equally obvious, that, as the Treaty had failed of ratification in a great measure, through the want of adequate support from him, it would be more consonant with the professions of the Mexican Government towards that of Great Britain, that they should make the proposal through Senhor Gutierrez de Estrada, furnishing him without delay with the necessary instructions and full powers, more particularly as Mr. Pakenham's presence in England would tend greatly to facilitate and expedite the matter, for the conclusion of which His Excellency expressed himself no less anxious than Her Majesty's Government.

The non-existence of any real Government for upwards of three weeks, will have probably prevented the adopting this suggestion, and I have not yet had an opportunity of discussing the question with Senhor Bocanegra; but your Lordship may depend upon my assurance that I will lose no time in stating to him the anxiety of Her Majesty's Government upon this subject, and in suggesting to him the propriety of making amends without delay, for the disappointment of the reasonable expectations formed by your Lordship of the ratification of the Treaty lately signed.

I have, &c.

(Signed)

C. ASHBURNHAM.

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

&c.

&c.

&c.

MEXICO. (*Consular.*)

No. 143.

Mr. Parkinson to Viscount Palmerston.—(Received December 15.)

MY LORD,

British Consulate, Mexico, 30th Sept. 1837.

ALTHOUGH the *Official Slave Trade Reports*, concerning the alleged traffic between Cuba and Texas have not reached this Consulate, I nevertheless have gathered so many indications of the existence of that trade, as to induce me to direct the particular attention of the Vice-Consul Crawford, of Tampico, to this important matter, and to instruct him to supply me with the earliest and fullest information thereon, which his recent personal observations in the Texas may enable him to afford, or that he may be able to supply from any other authentic channel of information.

I have, &c.

(Signed)

JOHN PARKINSON,

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

Consul.

&c.

&c.

&c.

No. 144.

Mr. Parkinson to Viscount Palmerston.—(Received December 15.)

MY LORD,

British Consulate, Mexico, 3rd October, 1837.

IN my Despatch dated the 30th ultimo, I had the honour to state that I had instructed Mr. Vice-Consul Crawford, to report to me for your Lordship's information such facts as might be within his cognizance, regarding the traffic in slaves between the Island of Cuba and Texas.

His Report has fortunately reached me before the departure of the Legation Courier, and I hasten to submit it to your Lordship, as fully corroborative of the alleged abuses.

I do not by any means espouse Mr. Vice-Consul Crawford's opinion that the Trade is for the present put down, and I shall direct his watchful attention to the proceedings of the daring speculations in this inhuman Trade.

I have, &c.

(Signed)

JOHN PARKINSON,

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

Consul.

&c.

&c.

&c.

Enclosure in No. 144.

Mr. Joshua T. Crawford to Mr. Parkinson.

British Consulate, Tampico, 18th September, 1837.

SIR,

I HAVE the honour of acknowledging the receipt of your Despatch, No. 18, dated the 9th instant, requiring to be supplied with the fullest information "which it may be in my power to furnish, relative to a considerable traffic in slaves, which, according to the current and credited reports in circulation, is carrying on between the island of Cuba and Texas."

The reports in circulation, I am much concerned to say, are but too well founded as to the fact that the disgraceful traffic has been carried on, but I am at the same time in the belief that an end has been put thereto by the active measures adopted by the Government of the Texas to detect the perpetrators within the territory, as well as by the co-operation obtained from the United States of America, by General Houston, to prevent the vessels engaged in the traffic from landing their cargoes to the eastward of the Sabine, from whence the slaves were passed into Texas, in a manner which precluded

CLASS B.

their detection by the authorities, as, according to the Constitution, slaves may be taken into that country over the frontier of the United States.

So far as my information goes, there were at one time from four or five vessels engaged in this diabolical trade; one, under Texan colours, landed slaves in the Brazos river, and was sometime under detention; but the Government could not prove the crime, which, by law in Texas, is that of piracy, against the suspected parties, although perfectly satisfied that the slaves had been brought there, and smuggled from on board. Two American schooners, and two Spanish small vessels, have also imported slaves, chiefly landed on the eastern side of the Sabine river.

The Spaniards have not repeated the attempts; and the United States, having a force along the Sabine, the traffic is virtually put an end to. The last vessel which made an attempt in this way, the American schooner, "*Emperor*," was captured by the United States' squadron, and narrowly escaped condemnation at Pensacola. Unless the traffic has been resumed very lately, and which I have not heard is the case, it is my opinion that it is for the present put down; but that it will be repeated I have little doubt, and therefore the vigilance of our cruisers on the station ought to be directed to a matter of so much importance.

To do this effectually, a proper understanding is required with the Government of the United States, that, in the event of slaves being found on board an American vessel, she may be sent or taken to Pensacola, or some other port which may be agreed, for adjudication.

In the report which I had the honour of addressing to His Majesty's Government from Texas, in June last, I touched upon this very interesting subject, and stated my conviction of the earnest desire there is on the part of the Government of the Texas to put an end to this inhuman traffic. I hope that the suggestions in my report may induce measures which, if prudently acted upon with that people, will close the door to slavery there; a desideratum to be obtained at little cost now, but which, if longer delayed, will be of very difficult arrangement, as the point must be conceded before they have a slave population so extensive as to exclude free labour, which will be soon the case, and the value of the slaves to their proprietors becomes a bar to their manumission.

I have, &c.,
(Signed) JOSHUA T. CRAWFORD,
Vice Consul.

MONTE VIDEO.

No. 145.

Mr. Hood to Viscount Palmerston.—(Received June 19th.)

MY LORD,

Monte Video, 28th March, 1837.

I THINK it my duty to acquaint your Lordship, that I had a conversation yesterday with the Minister of Finance, touching certain points of the English Treaty. He informed me that Mr. Giro had been instructed by this Government, so soon as he should have completed his negotiations at Madrid, to proceed to London, and there endeavour to come to some definite understanding with your Lordship upon the several articles of the Treaty in dispute, previous to his return to this country, when in all probability he will take the Office of Foreign Relations, and become the Plenipotentiary to negotiate with Mr. Mandeville.

I have, &c.

THOMAS SAMUEL HOOD.

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

&c.

&c.

&c.

No. 146.

M. Giro to Viscount Palmerston.—(Received June 21.)

(Extract.)

Madrid, 8 de Junio, 1837.

El Bergantin Oriental *Rio de la Plata* propio ciudadano de aquella Republica y navegando bajo su pavellon con destino á Monte Video, fue apresado el 28 de Noviembre de 1834 por la Corbeta de S. M. B. "*Raleigh*" Capitan Miguel Lewis, por haberse encontrado á su borda un cierto numero de Colonos Africanos destinados á Monte Video en virtud de un contrato celebrado entre el Gobierno de aquel Estado y los propietarios del buque; fue conducido al Rio Teneguo y juzgado por la comision Mixta allí establecida, cuya incompetencia parece manifiesta por haberse procedido y pronunciado sentencia contra el, bajo el falso supuesto de ser buque brasileño.

Esta sencilla exposicion del caso basta para que V. E. conosca la naturaleza de la demanda cuyo arreglo solicita el Gobierno Oriental del Vrugay, y no dudo que el de S. M. B. se sentira igualmente interesado en su esclarecimiento, y en proporcionar, en su caso, la satisfaccion á que tubiera lugar por el medio que me he tomado la libertad de indicar en cumplimiento de las prevenciones de mi Gobierno.

Translation.

(Extract.)

Madrid, June 8, 1837.

The Oriental brig "*Rio de la Plata*," owned by citizens of that Republic and navigating under its colours, was prosecuting her voyage to Monte Video, when she was captured on the 28th November, 1834, by His Britannic Majesty's schooner "*Raleigh*," Captain Michael Lewis, because he had found on board her a certain number of African colonists destined for Monte Video, in virtue of a contract concluded between the Government of that State and the owners of that vessel; she was taken to Rio de Janeiro, and adjudged by the Mixed Commission there established whose incompetence appears to be manifest, as proceedings were commenced and sentence pronounced against her under the false supposition of her being a Brazilian vessel.

This plain statement of the case is sufficient for Your Excellency to understand the nature of the claim for whose arrangement the Oriental Government of the Uruguay is anxious, and I make no doubt that the Government of His Britannic Majesty will likewise be interested in having it cleared up, and in giving, if such should turn out to be the case, satisfaction to whom it may be due through the medium which I have taken the liberty to point out in compliance with directions from my Government.

No. 147.

T. S. Hood to Viscount Palmerston, G.C.B.—(Received October 7.)

MY LORD,

Monte Video, 20th June, 1837.

THE long-protracted civil war in the Province of Rio Grande having broken up the greater part of those extensive Charqueadas which had been established for many years past in that Province, and many a wealthy proprietor having emigrated to this Republic, bringing with them a large number of slaves as labourers, to carry on in this country a similar pursuit, caused the attention of the Government to be drawn to this practice, as an infraction of the 131st Article of the Constitution, which most positively and unconditionally prohibits the introduction of slaves under any form or circumstance.

This question having been agitated, the emigrants claimed the privileges which they alleged to be conceded under the word *property*, by the 147th Article of the Constitution, which says, that "any individual is at liberty to enter the territory of the Republic, to reside in it, and to quit it with his *property*, observing the laws of police, &c.

The Legislature, with a view of reconciling those differences, and to adjust the discrepancies between the two Articles, passed a Law to that effect, a Copy of which I have the honour to enclose for your Lordship's information.

I have, &c.

THOMAS SAMUEL HOOD.

(Signed)

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

&c.

&c.

&c.

Enclosure in No. 147.

Decree.

(Translation.)

*The Senate and Chamber of Representatives of the Oriental Republic of the Uruguay, in General Assembly.**Monte Video, June 14th, 1837.*

It being their duty to put an end to the abuses which the non-compliance with the 131st Article of the Constitution has given rise to, and keeping in view that in case the introduction of negroes, either as slaves, or in any other manner whatsoever, should again take place, measures, which humanity requires, are absolutely necessary to provide for such, as in the act of entering the territory of the Republic, shall be entitled to the enjoyment of the privileges conceded to them by the Constitution. And it being requisite at the same time to conciliate this liberty with their uncivilised state decrees, with the value and force of law.

Art. 1. Such negroes as shall be introduced into the Republic, after the publication of this Law, under any denomination whatsoever, shall by the Act be free (*de hecho y de derecho*).

Art. 2. The negroes referred to in the foregoing Article shall be apprenticed by the Public Authorities until they become of age, the Master giving bond for a sum equivalent to twenty dollars per annum, which fund shall be delivered to the negro on his completing the term of his service.

Art. 3. Such as are of more than twenty-five years of age shall be apprenticed for three years on the same terms as are established for those under age.

Art. 4. The classification of ages to be intrusted to a Committee in each chief town of the Department, composed of the Chief of Police, as President; the President of the Junta Economica, the Vicar, and the Guardian of Minors.

Art. 5. The Committee shall keep a register, in which shall be entered the description of the negro, the name of the master and his surety, with the residence of both.

Art. 6. The masters shall be obliged to treat them well, to clothe them sufficiently, to give proper attendance during sickness, and to instruct them in morality and religion.

Art. 7. Ill-treatment, and the failure in fulfilling any of the obligations imposed on the master in the foregoing article, shall be sufficient cause for removal from his charge, and he is to deposit with the master who succeeds him the sum that has become due to the apprentice for the time he may have been in his service, with the intervention of the magistrate who takes cognizance of the case, and of the guardian of minors.

Art. 8. The individuals not comprehended in this law are,—1st. Negroes or people of colour, who have become free, and who enter of their own accord the territory of the Republic. 2nd. Slaves who have run away from their masters, and taken shelter in the said territory, shall be delivered up to their owners, and immediately sent out of the country. 3rd. Slaves introduced with their owners, when the latter have emigrated with their property, or such as are in the service of persons passing through the Republic, but such can neither be sold nor made over under any pretence, and they must be taken out of the country within one year from the time of their introduction.

Art. 9. The importers of negroes or persons of colour, of whatsoever class or denomination they may be, and those persons who buy or obtain as slaves by any title, or contribute directly or indirectly to their introduction, or to this traffic, incur the penalty of infamy, and a fine of from 100 to 200 dollars for each one, to be applied, one half to the Public Treasury and the other half to the informer, and should the sale be made of any such as are comprehended in the second and third exceptions of the foregoing article, the slave becomes free by the act, and the person selling him shall pay his value, to be applied in the same manner to the Treasury and the informer.

Art. 10. Such persons as shall abduct from the territory of the Republic, negroes, who by this

law should be placed under guardianship, shall incur the same penalty of infamy, and be liable to double the amount of the fine established in the first part of the preceding Article.

Art. 11. The Executive will dictate all the measures conducive to the effective fulfilment of this Law, and if authorised to concede a prolongation of the term fixed for the sending away of negroes referred to in the third exception of the Eighth Article, when their masters shall shew sufficient grounds or motives to justify it, but this prolongation cannot exceed the same length of time appointed by the above-mentioned Eighth Article.

(Signed) MANUEL J. ERRASQUIA,
President.
MIGUEL A. BERRO,
Secretary.

No. 148.

Viscount Palmerston to M. Giro.

SIR,

Foreign Office, October 19th, 1837.

I HAVE had the honour to receive the letter which you addressed to me on the 8th of June, requesting, that instructions might be sent to Her Majesty's Minister at Buenos Ayres, to confer with the Montevidean Government, as to the compensation claimed by Montevideo on account of the capture of the "*Rio de Plata*," or "*Rio de la Plata*," detained on the 28th of November, 1834, while sailing under the Montevidean flag, with 523 negroes on board, by Her Majesty's Ship "*Raleigh*," and taken to Rio de Janeiro, where she was condemned on the 9th of February, 1835, by the British and Brazilian Court of Mixed Commission, for having been engaged in the traffic in slaves.

The claim thus brought forward by the Montevidean Government, is founded upon the assumption, that the "*Rio de la Plata*" was a Montevidean vessel, and the property of a citizen of the Montevidean Republic; but after an attentive reconsideration of the circumstances of the case, I cannot see any reason to differ from the opinion given thereupon by the Court of Mixed Commission, namely, that the "*Rio de la Plata*" was, in fact, the property of a Brazilian subject; was engaged at the time of her detention in the traffic in slaves; and was, therefore, liable to condemnation under the provisions of the Treaty between Great Britain and Brazil, for the Abolition of that Traffic.

In further proof of the correctness of the sentence of the Mixed Court, which rejected the plea that the "*Rio de la Plata*" was *bonâ fide* a Montevidean vessel, I have to inform you, that it has been reported to Her Majesty's Government, that, in 1833, the "*Rio de la Plata*" sailed under the Brazilian flag for the Coast of Africa, and that she returned in February, 1834, and landed 450 negroes at Maldonado—that prior to her departure from Montevideo, in the month of June following, on the voyage on which she was captured, no sale of the vessel was made at Montevideo, and no duty paid, as is customary on any sale or transfer; and, lastly, that Villaçã, whose property she had been, while under the flag of Brazil, continued to enjoy the character of a Brazilian subject, long after Montevidean colours had been hoisted on board his vessel, he not having taken out letters of citizenship, till after the capture of the "*Rio de la Plata*" in November, 1834.

In conclusion, I have the honour to assure you, that the flag of the Montevidean Republic, when born by Montevidean vessels, will always meet with the respect and attention, due by the cruizers of Her Majesty to the flag of an independent and friendly State; and that prompt and complete satisfaction would be offered by the British Government, should any of its officers so far forget their duty, as to molest such vessels; but Her Majesty's Government can only view the case of the "*Rio de la Plata*," as one in which the flag of Montevideo was fraudulently assumed by a Brazilian subject engaged in the Slave Trade; and it cannot therefore consent to instruct the British Minister at Montevideo, to enter into negotiations for the settlement of the claim for compensation, now put forward by the Montevidean Government, on account of the capture of this vessel.

M. Giro.

I am, &c.
(Signed) PALMERSTON.

No. 149.

*M. Giro to Viscount Palmerston—(Received Dec. 12th,)**Madrid, 24 de Novembre, de 1837.*

HE tenido el honor de recibir la nota que V. E. me dirigió el 19 de Octubre ultimo, haciendome saber que el Gobierno de S. M. B. no puede consentir en instruir al Ministro Inglés residente en Buenos Ayres, para entrar en negociaciones con el Gobierno de la Republica Oriental del Uruguay cerca de las reclamaciones sobre indemnisation, que dicho Gobierno ha promovido, por el apresamiento y condenacion del Bergantin Oriental "*Rio de la Plata,*" en razon de que el Gobierno de S. M. B. mira este caso como uno en que se ha usado fraudulentamente del pabellon de la Republica, por un subdito brasileño implicado en el trafico de esclavos.

No me compete entrar en observaciones sobre los particulares que contiene la nota de V. E., à que tengo el honor de contestar, porque mi encargo en esta parte está limitado a representar á V. E. la conveniencia de que el Gobierno de S. M. B. adoptase el medio que propuse en el nombre de mi Gobierno, para facilitar el esclarecimiento y resolucion del caso in cuestion, y solo me incumbe transmitir al conocimiento de mi Gobierno la respuesta que V. E. ha dado à mi indicacion.

Dejando asi cumplidos los objetos de la comision que me confio mi Gobierno, como su Agente confidencial cerca de V. E. ceso desde luego en ella, y solo me resta agradecer a V. E. las consideraciones que durante ella me ha dispensado.

Reitero á V. E., &c.

(Firmado)

JUAN J. GIRO.

Al Visconde Palmerston, G.C.B.

&c.

&c.

Translation.

Madrid, 24th November, 1837.

I HAVE had the honour to receive the note, which your Lordship addressed to me on the 19th October ultimo, to inform me that the Government of Her Britannic Majesty cannot consent to instruct the English Minister, residing at Buenos Ayres, to enter into negociation with the Government of the Oriental Republic of the Uruguay, concerning the demand for indemnity which the said Government has made on account of the capture and condemnation of the Oriental brig, the *Rio de la Plata*, because Her Britannic Majesty's Government considers this case as one in which the flag of the Republic has been fraudulently employed by a Brazilian subject engaged in the Slave Trade.

It is not for me to enter into observations on the particulars alluded to in your Lordship's note, as my instructions on this subject are limited to stating to your Lordship, how desirable it would be, if Her Britannic Majesty's Government would adopt the measure proposed by me in the name of my Government with the view of facilitating the clearing up and adjusting the case in question; and all that I now can do is, to put my Government in possession of the answer returned by your Lordship to my application.

Having thus fulfilled the object of the commission which my Government confided to me as its confidential Agent with your Lordship, I have now only to thank your Lordship for the considerations with which your Lordship has treated me during the same.

I repeat to your Lordship on this occasion, &c. &c.,

Lord Viscount Palmerston

&c.

&c.

JUAN F. GIRO.

PERU.

No. 150.

Mr. Wilson to Viscount Palmerston.—(Received December 26.)

MY LORD,

Lima, 18th July, 1837.

I have the honour to acknowledge the receipt, on the 14th instant, of your Lordships "Circular" of the 27th of January last, marked "Slave Trade" covering the Translation of a Decree, issued at Lisbon on the 10th of December, 1836, for the Abolition of the Slave Trade throughout the Portuguese dominions.

I have, &c.

(Signed)

BELFORD HINTON WILSON.

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

&c.

&c.

&c.

VENEZUELA.

No. 151.

Sir R. K. Porter to Viscount Palmerston.—(Received May 7.)

MY LORD,

Caracas, 16th February, 1837.

I HAVE to acknowledge the honour of your Lordship's Despatch, of December 15th, 1836, on the subject of the Correspondence which had taken place between the Venezuelan Minister for Foreign Affairs and myself, for negotiating a Treaty between this Republic and Great Britain for the abolition of the Slave Trade, and also the Copy of the Draft of the Treaty originally transmitted, showing the alterations which are to be made in order to meet the objections raised by the Venezuelan Minister. Every point shall be most strictly attended to by me, when the affair comes under negotiation, to accelerate which not a moment shall be lost, as soon as the Ministry of the new Chief Magistrate of the State is formed, an event that must take place immediately on the arrival from Europe of his Excellency the Vice-President, General Carlos Soublotte, now daily expected.

Allow me, likewise, to acknowledge the receipt of the "Full Power," with which his Majesty has graciously honoured me, authorizing my signing the Treaty in question.

I remain, &c.

(Signed)

ROBERT KER PORTER.

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

&c.

&c.

&c.

No. 152.

Sir R. K. Porter to Viscount Palmerston.—(Received May 7.)

MY LORD,

Caracas, 10th March, 1837.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of January 27th., (headed "Slave Trade Circular"), transmitting, for my information, the Translation of a Decree, issued in Lisbon in December, 1836, for the abolition of the Slave Trade throughout the Portuguese Dominions.

I have, &c.

(Signed)

ROBERT KER PORTER.

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

&c.

&c.

&c.

No. 153.

Sir R. K. Porter to Viscount Palmerston.—(Received June 15.)

(Extract.)

Caracas, 6th May, 1837.

IN consequence of the non-arrival from Europe until last March, of the new Chief Magistrate of the Republic, and also from the resignation of the Vice-President (charged with the Executive Power), and Ministers of State, on the 20th of January, in agreement with the Constitution; it became impossible for me to take any steps in the affair of the Treaty for the abolition of the traffic in slaves, before the new public functionaries came into office. As soon, however, as these Authorities were installed, I lost no time in addressing Senor Santos Michelena (the Minister of Foreign Affairs) on the subject, stating to him the proposition your Lordship had directed me to submit to the Executive for adoption, viz., the system now in operation, under the Conventions between Great Britain and France, so well calculated to meet the objections that have been made on the part of the Vice-President, when the Draft of the Treaty was laid before him. I like-

wise informed the Venezuelan Minister that a Full Power was sent to me from the King, under the Great Seal, authorizing my negotiating and signing the Treaty in question.

My Note was answered by Senor Michelena, on the 27th ultimo, fixing the 2d of the present month for opening the conferences, and informing me that he had been named by the President as the Commissioner for Venezuela.

On the day appointed we met. Our respective Powers were exhibited, Copies exchanged, and I placed a fair Copy of the corrected Draft of the Treaty in the Minister's hands for translation and submitting to the Executive.

Enclosure in No. 153.

(Copy.—Translation.)

Republic of Venezuela.

SIR,

Secretary of State's Office for Foreign Affairs, Caracas, 27th April, 1837.

THE Undersigned, in fulfilling the orders of his Excellency the Executive Power, has the honour and satisfaction of informing the Chargé d'Affaires that he has been nominated and fully authorized to negotiate with him a Treaty on the abolition of the traffic in slaves, in virtue of his official Note of the 20th March last, and which, from existing circumstances, it was not in the power of the Undersigned to answer until the present moment. He, therefore, now adds that, on the 2d of May next, at 11 o'clock, he will be ready to open the conferences in the Office for Foreign Affairs.

With sentiments of consideration, the Undersigned has the honour to remain, &c.

(Signed) SANTOS MICHELENA.

Sir Robert Ker Porter, His Britannic Majesty's Chargé d'Affaires.

No. 154.

Viscount Palmerston to Sir R. K. Porter.

SIR,

Foreign Office, 15th July, 1837.

I TRANSMIT to you a full power, which the Queen has been pleased to grant to you under the Great Seal, renewing the full powers with which you were invested by his late Majesty King William IV., for the purpose of negotiating and concluding a Treaty between Great Britain and the Republic of Venezuela, for the abolition of the traffic in slaves.

I am, &c.

Sir Robert Ker Porter,
&c. &c.

(Signed) PALMERSTON.

No. 155.

Sir R. K. Porter to Viscount Palmerston.—(Received July 16.)

MY LORD,

Caracas, 26th May, 1837.

I HAVE the honour of transmitting to your Lordship the Protocol of the Conferences on negotiating the Treaty for the Abolition of the Traffic in Slaves, now entered into between His Majesty and the Republic of Venezuela. The Conferences were opened on the 2d of May, and terminated on the 19th, on which day the Treaty was signed by the respective Plenipotentiaries.

I have, &c.

(Signed) ROBERT KER PORTER.

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

No. 156.

Sir R. K. Porter to Viscount Palmerston.—(Received October 23.)

MY LORD,

Caracas, 7th September, 1837.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of 15th July, transmitting a full power, which the Queen has been pleased to grant, renewing that with which His late Majesty had invested me, for negotiating and concluding a Treaty for the Abolition of the Traffic in Slaves, between Great Britain and the Republic of Venezuela.

In case a renewal of the Negotiations should become necessary for any additional Convention thereon, the present full power may then be resorted to.

I remain, &c.

(Signed) ROBERT KER PORTER.

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

UNITED STATES.

No. 158.

Viscount Palmerston, to H. S. Fox, Esq.

SIR,

Foreign Office, 14th August 1837.

I HEREWITH transmit for your information, the Extracts from 3 Despatches, which I have received from Her Majesty's Commissioners at the Havana, containing Reports upon the Slave Trade carried on at that port during the months of March, April, and May, 1837. I perceive with regret that in all these Papers, proof exists of the continued employment of vessels under the American flag in the Slave Trade.

In the Report for March it is stated, "that the American brig, the "*Two Friends*," is supposed to have carried out a slaving equipment for the 2 Portuguese vessels, the "*Tratado*," and "*Olimpia*," which cleared out on the same day; and in the Report for May, the "*Viper*," which left the Havana in October last, under the American flag, is stated to have cleared out, under the flag of Portugal, on a slaving expedition.

On reference to my Despatch to you, of the 21st of January, 1837, you will find, that the "*Viper*," or, as she is now called, the "*Vibora de Cabo Verde*," is one of the vessels to which, in October last, Her Majesty's Commissioners in vain attempted to draw the attention of the American Consul at the Havana. The departure of this vessel, under the circumstances now stated by the Commissioners, affords evidence of the justness of the suspicions they then entertained, that her ultimate destination was the traffic in slaves; you will, therefore, communicate the enclosed Reports to the Government of the United States, and urge the expediency of its taking some immediate steps to check this growing evil, and to secure the flag of the United States from the reproach of being used to protect the Slave Trade.

I have, &c.

(Signed) PALMERSTON.

H. S. Fox, Esq.

No. 159.

Viscount Palmerston to Mr. Fox.

SIR,

Foreign Office, 9th December, 1837.

I HEREWITH transmit to you, for communication to the President of the United States, the Copy of a Despatch from Her Majesty's Commissioners at Sierra Leone, reporting the arrival at, and departure from, that Colony of a schooner bearing the flag of the United States, under circumstances which afford good grounds for suspicion, that she was intended for the traffic in slaves.

I have, &c.

(Signed) PALMERSTON.

To H. S. Fox, Esq.

&c. &c. &c.

HAITI.

No. 160.

Mr. Courtenay to Viscount Palmerston.—(Received April 25.)

MY LORD,

Port au Prince, 10th March, 1837.

I HAVE the honour to state, that I am informed by a Letter from Vice Consul Zimmer, dated Aux Cayes, 4th instant, that a slaving schooner under the Brazilian flag called "*Paquette de Capo Verde*," commanded by Luis Torres, was wrecked on the Folle Reefs, near that city, on the 28th ultimo, having previously landed his cargo at Ponce, in the Island of Porto Rico.

The shackles and water-casks found on board left no doubt of his character, which was confirmed by the Master on his examination, who stated that he was on his way to Matanzas, in Cuba, to refit and arrange for another voyage. Mr. Zimmer does not appear to think the Master or crew, amounting to 17, will be detained, but it was not known how the proceeds of the articles saved from the wreck would be appropriated.

I have, &c.

(Signed)

G. W. L. COURTENAY,
Consul.

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