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Class B.

(FURTHER SERIES.)

CORRESPONDENCE

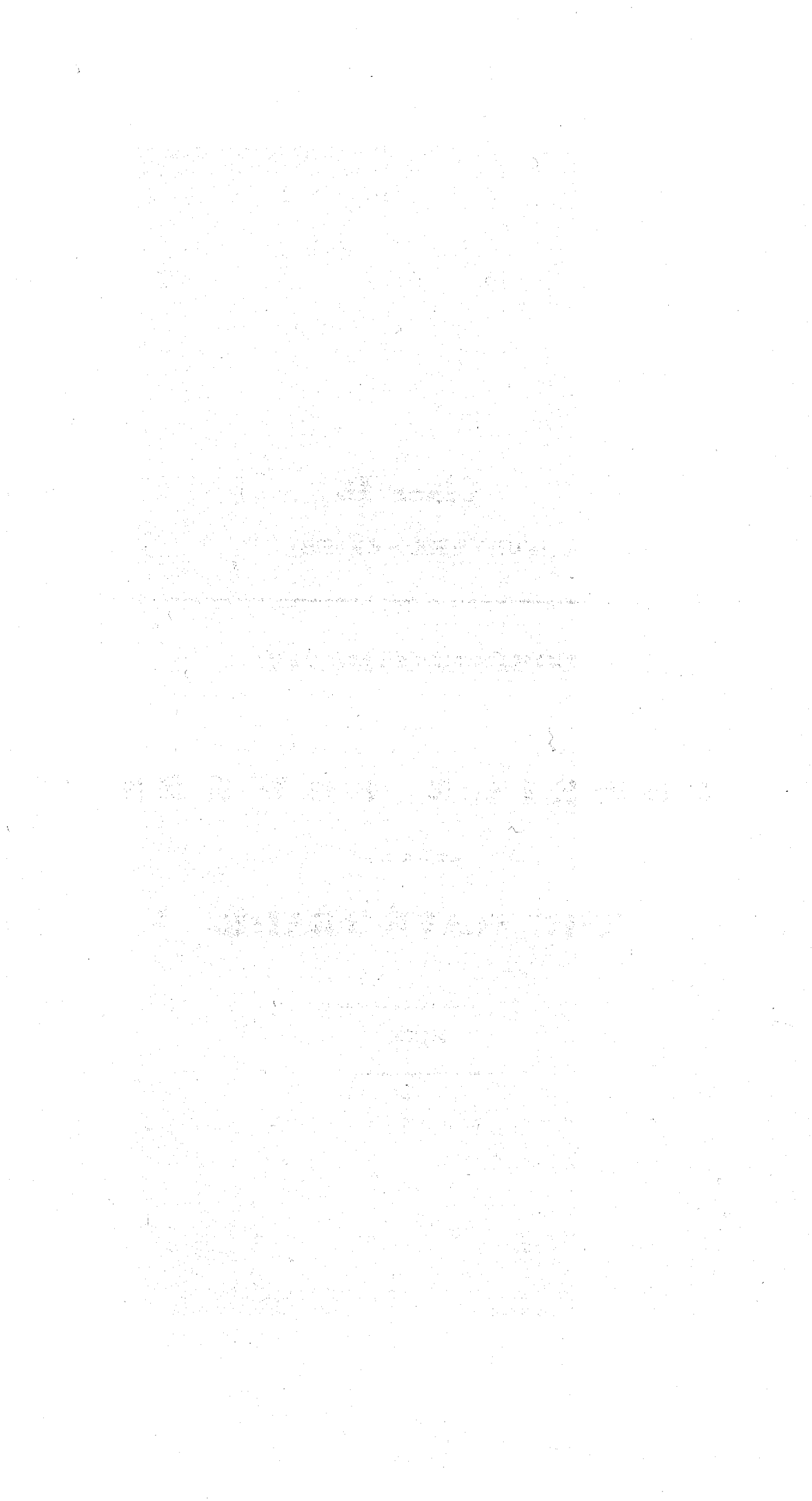
WITH

F O R E I G N P O W E R S,

RELATING TO

THE SLAVE TRADE.

1839.



Class B.

(FURTHER SERIES.)

CORRESPONDENCE

WITH

SPAIN, PORTUGAL, AND BRAZIL,

RELATIVE TO

THE SLAVE TRADE.

From February 2, 1839, to May 31, 1839.

Presented to both Houses of Parliament by Command of Her Majesty,
1839.

LONDON:

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

1839.

Class B.—(Further Series)—1839.

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CORRESPONDENCE

WITH

FOREIGN POWERS.

SPAIN.

No. 1.

Earl of Clarendon to Viscount Palmerston.—(Received February 4.)

MY LORD,

Madrid, January 26, 1839.

I HAVE the honour to enclose the Copy of a note, which, in conformity with the instructions contained in your Lordship's despatch of the 31st of December, 1838, I have addressed to M. de Onis, requesting that orders may be sent to the Captain-General of Cuba, for the immediate liberation of the negro boy Wellington.

I have, &c.

(Signed)

CLARENDON.

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

&c.

&c.

&c.

Enclosure in No. 1.

Earl of Clarendon to M. de Onis.

SIR,

Madrid, January 23, 1839.

I HAVE the honour to inform your Excellency, that I have received the instructions of my Government to request the interference of the Government of Her Catholic Majesty, in procuring the restoration to liberty of a negro youth, named "Wellington," who was kidnapped in the year 1834, in Montego Bay in Jamaica, and afterwards sold at St. Jago de Cuba, to an individual named Garcia.

The Marquis of Sligo, then Governor of Jamaica, under date of 22nd April, 1835, applied to the Captain-General of Cuba, to induce His Excellency to give directions for the release of "Wellington" from slavery, and that he might be allowed to return to Jamaica.

From a correspondence which has lately taken place between the present Governor of Jamaica, Lieutenant-General Sir Lionel Smith, and Her Britannic Majesty's Consul at St. Jago de Cuba, it appears that the Captain-General did take some steps in the matter, that the man Garcia was arrested and thrown into prison, and the boy Wellington placed under the care of the Licentiate Don Juan Bautista Sagarras, Protector of Slaves, who retains the boy in his possession, and is ready to give him up. Subsequently, further inquiries have been made into the subject, on the part of Her Britannic Majesty's Government, by Captain Fraser of the "Nimrod," who, in conjunction with the British Consul, has claimed the delivery of the boy from the Governor of Cuba. But it appears, that such is the slowness of the proceedings, and the venality of the parties concerned, who are influenced by the creditors of this Garcia, that there is no prospect of the boy's recovering his liberty, without the direct interference of the Government of Madrid.

CLASS B.—FURTHER SERIES.

I have therefore been instructed to express to your Excellency the confident expectation of my Government, that orders will be given by the Government of Her Catholic Majesty, to the proper authorities in Cuba, to deliver up this boy to Her Britannic Majesty's Consul at St. Jago de Cuba, in order to his being restored to liberty.

His Excellency
Don Mauricio Carlos de Onis.
 &c. &c. &c.

I have, &c.
(Signed) CLARENDON.

No. 2.

Earl of Clarendon to Viscount Palmerston.—(Received February 12.)

MY LORD,

Madrid, February 2, 1839.

I HAVE the honour to enclose the copy and translation of a note, which I have received from M. de Onis in reply to mine of the 26th November last, addressed to the Duke de Frias, respecting six cases of injustice towards British subjects in Cuba.

I enclose, likewise, the copy of a note which I have addressed to M. de Onis in reply.

I have, &c.
(Signed) CLARENDON.

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

First Enclosure in No. 2.

(Translation.)

M. de Onis to the Earl of Clarendon.

SIR,

Madrid, January 18, 1839.

I HAVE laid before Her Majesty the august Queen Regent, the note, which you were pleased to address to my predecessor on the 26th of November last, inclosing copies of the correspondence which has passed between the Captain of Her Britannic Majesty's ship "Comus," and the Captain-General of the Island of Cuba, relative to the conduct observed by the authorities of Santiago de Cuba, in five [six] different cases, towards certain British subjects.

Her Majesty, having made herself acquainted with all that you were pleased to state, in the name of your Government, relative to these occurrences, has been pleased to command me to represent to you, as I have now the honour of doing, in reply to your above-mentioned note, that in the impossibility of satisfying, as Her Majesty earnestly wishes to do, the reclamations of the British Government against the authorities of Santiago de Cuba, on account of not yet possessing all the necessary data, which are indispensable for acting properly in each case specified by you, Her Majesty's Government has issued proper and positive orders to the Captain-General of the Island of Cuba, to transmit immediately all the documents and information, necessary for enlightening the Government in an affair of so great importance, and to enable it to propose to Her Majesty the most just and proper determination to be come to.

With the object of preventing as much as possible, that British subjects should suffer any injury or annoyance, either in their persons or property, on the part of the authorities of that Island, the said Captain-General, by order of Her Majesty, has been further commanded to make use of all his zeal and vigilance, for preventing any excess on their part in the discharge of their duties, supposing such to have been the case, particularly towards British subjects, with whose Sovereign such intimate and agreeable relations unite the Queen Regent, and which Her Government endeavours to preserve and draw closer by all means in its power.

Immediately the Government receives the information and data required from the Captain-General of Cuba, it will devote its attention to their examination, and

will lose no time in communicating to you the determination, which Her Majesty may think proper to adopt upon the subject in question.

I avail myself, &c.

(Signed)

MAURICIO CARLOS DE ONIS.

The British Minister.

&c. &c. &c.

Second Enclosure in No. 2.

The Earl of Clarendon to M. de Onis.

SIR,

Madrid, January 26, 1839.

I HAVE had the honour to receive your Excellency's note of the 18th inst., in answer to mine of the 26th November last, respecting the conduct of the authorities of St. Jago de Cuba, in six different distinct cases, towards British subjects.

Your Excellency is pleased to inform me, that the Government of Her Catholic Majesty is unable to satisfy the demands of my Government on this subject, for want of the data required in each of these cases, and that the most peremptory orders have been despatched to the Captain General of Cuba, to remit all the documents and information, necessary to enable the Government to come to a resolution.

I regret extremely to observe to Your Excellency, that this is the invariable answer I receive, whenever my Government instructs me to make a representation with respect to the conduct of the authorities of Cuba; and up to the present moment, I have never found that any other effect was produced than a formal denial, as was to be expected, of all the charges, by the very parties accused.

One of the cases which I brought before the notice of Her Catholic Majesty's Government in the note, to which that of your Excellency is an answer, is that of the treatment of Mr. John Campbell. I laid all the circumstances of it, and they are of a very grave description, before Her Catholic Majesty's Government, in my note to the Count Ofalia, on the 26th of January last year.

On the 31st of the same month, I was informed by His Excellency, almost in the same terms as those now used by Your Excellency, that information had been sought respecting Mr. Campbell's treatment from the Captain-General of Cuba, and that he was charged to remit it without delay, in order that Her Majesty might adopt such measures as suited the case. I am now writing on the anniversary of the date of my note, and up to the present moment I am not aware that the Captain-General has ever given an answer. It has not been that the Government of Her Catholic Majesty has not been reminded on the subject,—for, on the 1st of October, in pursuance of the pressing instructions of my Government, Lord William Hervey, charged with this mission during my absence, addressed a further note to the Duke de Frias on the subject. The Duke de Frias answered a few days afterwards precisely in the usual terms, that before a resolution could be taken, he must have information from Cuba, and this information he was daily expecting. I presume it has never arrived, for in your Excellency's note of the 18th instant, your Excellency is pleased to inform me, that the Government has no data by which to be guided in forming a judgment in any of the cases complained of. Your Excellency cannot be surprised that I should expect the same fate for the other representations: viz., that after being repeatedly told that they have been referred to the proper authorities for information, in all probability another year will elapse before my Government has the satisfaction of learning, that the Captain-General of Cuba has condescended to answer the complaint. Such being in general the history of cases connected with that Island, it is with infinite pain and regret, that I am compelled not to attach the importance, which I should be most happy to do, to the flattering assurances of your Excellency's note, "that the Captain-General of Cuba was directed to employ his most zealous efforts in the protection of the subjects of Her Britannic Majesty, between whom and your august Sovereign, the most intimate and satisfactory relations subsist, and which Her Majesty's Government strive to preserve by every effort in their power."

Such expressions as these, I would take the liberty to observe to your Excellency, amount either to much, or to nothing. I, for my part, have long striven to give them all the solidity and utility of a truth. I cannot, however, but confess, that,

when I regard the long list of cases, in which wrongs committed against British subjects, within the range of the power of the Captain-General of Cuba, have never been compensated, and in most instances not even explained, it is in vain that I endeavour to feel confidence in these friendly professions.

The best comment that can be made on the correctness of this observation, is the course which I have already stated to Your Excellency's predecessor in office, the British Government may find itself compelled to take. Aware as Your Excellency is of the deep interest taken in the prosperity of Spain by the Government of Her Britannic Majesty, of its anxiety to see the cause of Her Catholic Majesty invested with all moral dignity, and of the extent of the sacrifices which that Government has already made in favour of this country; Your Excellency will acknowledge that it would only be under a profound feeling of injury, and influenced by a painful sense of duty, that instructions were given to me to request of the Spanish Government, as I did in my note of the 26th of November last, that that of Her Britannic Majesty should be relieved from the necessity of obtaining redress, through the Admiral commanding on the West Indian station.

I have, &c.

(Signed)

CLARENDON.

His Excellency Don Mauricio Carlos de Onis.

&c.

&c.

&c.

No. 3.

The Earl of Clarendon to Viscount Palmerston.—(Received February 12.)

MY LORD,

Madrid, February 2, 1839.

I HAVE the honour to enclose the copy and translation of a note which I have received from M. de Onis, in reply to mine of the 23d ult., a copy of which was enclosed in my despatch of the 26th ultimo to your Lordship, respecting the liberation of the negro boy Wellington, now detained at St. Jago de Cuba.

I have, &c.

(Signed)

CLARENDON.

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

&c.

&c.

&c.

Enclosure in No. 3.

(Translation.)

M. de Onis to the Earl of Clarendon.

SIR,

Madrid, January 31, 1839.

IN answer to the note, which you were pleased to address to me on the 23d instant, by order of your Government, requesting that a negro boy called Wellington, who had been kidnapped at Montego Bay in Jamaica in 1834, and afterwards sold to an individual named Garcia, at Santiago de Cuba, should be liberated and delivered over to the British Consul at that port, I have the honour to inform you, that, under this date, I address the necessary orders to the Captain-General of the Island of Cuba, in order that he may administer justice, and cause the negro in question to be returned in the manner you indicate, should such be proper, as is to be inferred from the statement contained in your note; the principal object of Her Majesty the August Queen Regent, and of Her Government, being to accredit on all occasions their impartiality and love of justice; as also, the consideration due to the wishes of her faithful friend and ally, the August Queen of Great Britain.

I avail myself, &c.

MAURICIO CARLOS DE ONIS.

The Earl of Clarendon,

&c. &c. &c.

No. 4.

Viscount Palmerston to Lord Clarendon.

MY LORD,

Foreign Office, February 20, 1839.

I REFER you to my Despatch to Lord William Hervey, marked Slave Trade, of the 29th of September, 1838, stating that Her Majesty's Government accepted the offer of the Spanish Government to permit the black troops of the "Romney" hulk to go occasionally on shore; and I herewith transmit to you, for communication to the Spanish Government, a copy of a Despatch, and of its enclosures, from Her Majesty's Commissioners at the Havana, by which you will perceive that the Royal Order, to the effect proposed by the Spanish Government, had not been received by the Captain-General of Cuba, at so late a date as the 20th December, 1838.

I am, &c.

(Signed)

PALMERSTON.

The Earl of Clarendon, G.C.B.,
 &c. &c. &c.

Enclosure in No. 4.

Havana Commissioners, December 24, 1838.

(See Class A, No. 37, p. 100.)

No. 5.

Viscount Palmerston to Lord Clarendon,

MY LORD,

Foreign Office, March 5, 1839.

WITH reference to my Despatch to you, Slave Trade, of the 20th ult., respecting the order promised by the Spanish Government, for permitting the black troops of the "Romney" hulk to go occasionally on shore; I herewith transmit to you a copy of a letter, and of its enclosure, from the Colonial Department, showing that, on the 18th of January last, the date of that enclosure, the troops in question had not yet been permitted to land.

I have accordingly to instruct you to ask the Spanish Government, at what time the necessary orders, on this matter, were sent to the Governor of Cuba.

I am, &c.

(Signed)

PALMERSTON.

The Earl of Clarendon,
 &c. &c. &c.

Enclosure in No. 5.

Mr. Stephen to Mr. Backhouse.

SIR,

Colonial Office, February 18, 1839.

WITH reference to previous correspondence, on the subject of the occasional landing of the black troops on board the "Romney," I am directed by Lord Glenelg to transmit to you, for the information of Viscount Palmerston, the accompanying copy of a despatch from the Superintendent at Havana, representing, that the restrictions in regard to the landing of the guard, had not, at the date of his Despatch, been removed.

I am, &c.

(Signed)

JAS. STEPHEN.

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

Sub-Enclosure in No. 5.

Dr. Madden to Sir G. Grey.

SIR,

Havana, January 18, 1839.

I HAVE the honour to acknowledge the receipt of your Despatch of 5th November last, on the subject of the several applications made by Her Majesty's

Government to the Spanish Minister, for permission for the black troops on board of Her Majesty's ship "Romney" to land occasionally; together with the correspondence and the communications, of Count Ofaia, and the Captain-General of Cuba.

The Chief Commissioners having received instructions from Viscount Palmerston to apply to the Captain-General, for the arrangement of terms eventually conceded by the Spanish Government, an application to this effect was made by the Commissioners in the past month to the Captain-General, and a reply was received, stating that no orders had yet been communicated to him by his Government, but that, whenever he received them, they should be carried into effect.

The soldiers on board the "Romney," therefore, remain subject to the same restrictions; but in the course of a week or two, should no further answer be received, I shall suggest to the Commissioners the propriety of again addressing His Excellency on this subject.

Sir G. Grey,
&c. &c. &c.

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

No. 6.

The Earl of Clarendon to Viscount Palmerston.—(Received March 11.)

MY LORD,

Madrid, March 2, 1839.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches of the 29th January, and the 20th February.

I enclose the copy of a note, which, in conformity with the instructions contained in your Lordship's Despatch of January 29, I have addressed to M. Perez de Castro, applying for a further mitigation of the law, by which free negroes are prohibited from landing in Cuba.

I have, &c.
 (Signed) CLARENDON.

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

Enclosure in No. 6.

The Earl of Clarendon to Don Evaristo Perez de Castro.

SIR,

Madrid, February 26th, 1839.

HAVING transmitted to my Government the answer, which I received from your Excellency's predecessor, on the subject of the treatment to which British subjects, being free negroes and men of colour, are exposed on arriving, as part of the crew of British vessels trading to Cuba, I have now the honour to inform Your Excellency, that my Government, observing that, according to the last regulations on the subject, individuals of colour arriving off the island are liable to be seized and thrown into prison, on account of their colour, unless the Captain or owner of the vessel in which they arrive shall enter into a bond of 1000 hard dollars, engaging that none of the individuals in question shall come ashore, during the time the vessel remains in a port of the island, has instructed me to make an earnest application to your Excellency for the further mitigation of this law.

Did it appear that this regulation—which imposes so considerable a privation upon free and innocent individuals, repairing to Cuba for legitimate purposes, connected with the friendly communication between the dominions of other Powers and the colonies of Spain—were necessary for the internal security of the island, in that case the Government of Her Britannic Majesty would undoubtedly abstain from any complaint on the subject. Convinced, however, that no injury could possibly accrue to the colony, by permitting persons employed on board of British vessels occasionally to land, under the due surveillance of the authorities, I beg to appeal, not only to Your Excellency's sense of humanity, but likewise to that consideration which is due to the free and industrious subjects of a friendly power; and to ask Your Excellency whether it can be necessary that individuals, who are enjoying every privilege to which their fellow-countrymen are entitled, should, on their

arriving at the shores of a friendly Power, be treated as men infected with some physical or moral pestilence.

It has become more especially incumbent upon my Government to make this application, now that slavery has been abolished in the British colonies; for it may be expected that many free negroes, as well as free men of colour, will be employed in navigating ships trading from island to island in the West Indies; and thus the Spanish law in question will every day become more and more vexatious to British commerce.

I have, &c.

(Signed)

CLARENDON.

To His Excellency Don Evaristo Perez de Castro,
&c. &c. &c.

No. 7.

The Earl of Clarendon to Viscount Palmerston.—(Received March 18.)

MY LORD,

Madrid, March 7th, 1839.

I HAVE the honour to enclose the copy of a note, which, in conformity with the instructions contained in your Lordship's Despatch of the 20th February last, I have addressed to M. Perez de Castro, informing his Excellency that on the 20th December last, the Royal Order to permit the occasional landing of the black soldiers of the "Romney" had not been received at the Havana.

I have, &c.

(Signed)

CLARENDON.

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

Enclosure in No. 7.

The Earl of Clarendon to Don Evaristo Perez de Castro.

SIR,

Madrid, March 4th, 1839.

WITH reference to Count Ofalia's note of the 31st of August last, communicating to Lord William Hervey the resolution of Her Catholic Majesty to permit the black soldiers of the "Romney," stationed at the Havana, to occasionally go ashore, under certain restrictions, and offering to transmit a Royal Order to that effect, in case of these conditions being accepted by Her Britannic Majesty's Government, and to my note of October 18th last, to his Excellency the Duke de Frias, stating that Her Britannic Majesty's Government consented to the arrangement, I have now the honour to inform your Excellency, that up to as late as the 20th December last, no such Royal Order had been received at the Havana.

I therefore take the liberty of requesting that, in the case of any omission having occurred, Your Excellency will be pleased to direct that immediate steps may be taken to correct the error.

I have, &c.

(Signed)

CLARENDON.

To His Excellency Don Evaristo Perez de Castro,
&c. &c. &c.

No. 8.

Mr. Southern to Viscount Palmerston.—(Received April 1.)

MY LORD,

Madrid, March 23rd, 1839.

IN conformity with the instructions contained in your Lordship's Despatch, marked Slave Trade, of the 5th instant, I have addressed a note to M. Perez de Castro (of which I have the honour to enclose a copy), requiring to know the time

when the Government of Her Catholic Majesty sent out orders to the Captain General of Cuba, to permit the black troops of the "Romney" occasionally to go on shore.

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

I have, &c.
 HENRY SOUTHERN.

Enclosure in No. 8.

Mr. Southern to M. Perez de Castro.

SIR,

Madrid, March 20th, 1839.

With reference to a note, which the Earl of Clarendon addressed to Your Excellency, on the 4th instant, stating that the order which Her Catholic Majesty's Government had engaged to transmit to the Captain-General of Cuba, for permitting the black troops of the "Romney" to go occasionally on shore, had not been received by that officer on the 20th of December last, I have now the honour to inform Your Excellency, that, even up to the 18th January, the troops in question had not been allowed to land. I have accordingly been instructed by my Government to ask Your Excellency, at what time the necessary orders on this matter were sent to the Governor of Cuba.

(Signed) I have, &c.
 HENRY SOUTHERN.
His Excellency Don E. P. de Castro,
 &c. &c. &c.

No. 9.

Viscount Palmerston to Mr. Southern.

SIR,

Foreign Office, April 12, 1839.

You will perceive, from the accompanying papers, that the Captain-General of Cuba has declined to make public the Royal Order of Madrid, of the 2nd of November, 1838, directing him to adopt the most efficacious means for putting an end to the contraband trade in slaves in Cuba.

You will communicate to the Spanish Government the substance of these papers, and urge them to signify the commands of Her Catholic Majesty to the Captain-General, for the immediate publication of this order.

You will point out to the Spanish Minister the unsatisfactory nature of the reason, which the Captain-General assigns for not publishing the order, and which amounts to this, that, because the order specifically applies to Cuba, it is therefore unfitting that the people of Cuba should be made aware of its existence.

It is not, however, by a tardy and reluctant publication of the royal order, unaccompanied by corresponding measures, that the Captain-General will effectually carry into execution the intentions of his Sovereign.

The Slave Trade of Cuba still increases, notwithstanding the solemn compact which Spain has entered into with Great Britain for its utter extinction, and notwithstanding the repeated orders, publicly given by the Sovereign and Government of that country, faithfully to execute that compact.

The fact is, that these orders, even when published, are rendered powerless against the Slave Trade of Cuba, by the determined supineness of the local authorities; and the Treaty, and all laws for fulfilling it, must obviously be ineffective towards putting down the trade in Cuba, until the authorities of that island shall evince an honest determination to fulfil the expressed commands of their Sovereign, by punishing those who transgress those commands. You will therefore, in pressing the Government of Spain to issue orders for the due publication of the Decree against Slave Trade, call their attention to the fact, which the correspondence of the Havana Commissioners already communicated to you amply shows, that these royal orders, even when promulgated, have not been carried into effect; and that the

honour of the Spanish Crown, and the character of good faith attached to the Spanish name, require, that the *Reyal* word should not any longer be suffered to remain, as it now is in Cuba, null, and of no effect.

Henry Southern, Esq.,
&c. &c. &c.

(Signed)

I am, &c.
PALMERSTON.

First Enclosure in No. 9.

Havana Commissioners' Despatch, of February 4th, 1839.

(See Class A. No. 45, page 115.)

Second Enclosure in No. 9.

Mr. Stephen to Mr. Backhouse.

SIR,

Colonial Office, April 5, 1839.

I AM directed by the Marquis of Normanby to transmit to you herewith, for the information of Viscount Palmerston, copy of a letter from Her Majesty's Superintendent at Havana, representing that the instructions, or Royal Orders, obtained from the Spanish Government at the instance of Her Majesty's Ministers, and intended to have effect at Havana, are wholly inoperative there, whenever they are at variance with the interests of the Slave Trade; and adducing, in support of that statement, the fact, that the last Treaty entered into between the two Powers for the suppression of the Slave Trade has been deprived of its great value, in consequence of the proposed penalty for the infraction of the Treaty never having been promulgated at Havana.

I have, &c.
(Signed)

JAS. STEPHEN.

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

Sub-Enclosure in No. 9.

Dr. Madden to Lord Glenelg.

MY LORD,

Havana, February 27th, 1839.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 15th December, on the subject of the insufficiency of the reasons proposed for the removal of the "Romney," in the Despatch of Her Majesty's Judge, on the 10th of August last. The black troops on board that vessel, I regret to have to state to your Lordship, are still prevented from coming on shore.

Another application was made in the preceding week to the Captain-General on this subject, by Captain Henderson, of Her Majesty's ship "Edinburgh." The reply of the Captain-General was, that he had received no instructions on the subject from his Government. In fact, any instructions or royal orders obtained from our Government from the Spanish, that are supposed here to be at variance with the interests of the Slave Trade, are wholly inoperative, and of no effect. Though desirous of avoiding to enter into any matters, the notice of which belongs to the department of Her Majesty's Commissioners, in proof of the utter disregard paid here to those instructions to the Captain-General, obtained with so much difficulty from the Spanish Government, I may be permitted to state, with respect to the recent Royal Decree, addressed at the instance of Lord Palmerston to the authorities here, to carry into effect the alleged *bonâ fide* desire of the Spanish Government to prevent the introduction of bozal negroes, under any flag, into this Island, that the Captain-General has refused the Commissioners to publish that order in the public papers, on the ground of its being opposed to the public interest of this place so to do.

CLASS B.—FURTHER SERIES.

Further, I might adduce the fact, that the new Treaty of 1835 has been deprived of its great value, in consequence of the promised penalty of the infraction of this Treaty never having been promulgated here up to this period.

The Right Hon. Lord Glenelg,
&c. &c. &c.

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

No. 10.

Viscount Palmerston to Mr. Southern.

SIR,

Foreign Office, April 12th, 1839.

WITH reference to my previous correspondence with Her Majesty's Envoy at Madrid, respecting British negroes kidnapped and held in slavery in Cuba, I herewith transmit to you copies of a communication, which I have received upon this subject from Her Majesty's Consul at Havana.

You will make use of the contents of this communication, in order to strengthen such representations as you may have to make to the Spanish Government, to induce it to give orders, that the kidnapped negroes may be given up, and that Spanish subjects, convicted of being concerned in kidnapping them, may be duly punished.

I am, &c.
(Signed) PALMERSTON.

Henry Southern, Esq.,
&c. &c. &c.

Enclosure in No. 10.

Mr. Tolmé to Viscount Palmerston.—Havana, December 4th, 1838.
(See No. 18, page 21.)

No. 11.

Mr. Southern to Viscount Palmerston.—(Received April 15.)

MY LORD,

Madrid, April 6th, 1839.

I HAVE the honour to enclose to your Lordship the copy and translation of a note, which I have received from M. Perez de Castro, in answer to the Earl of Clarendon's note of the 4th, and mine of the 20th, ultimo, addressed to His Excellency, requiring to know when the orders were transmitted by this Government to the Captain-General of Cuba, to allow the black soldiers of the "Romney" to go ashore occasionally.

Your Lordship will perceive, that the order has never been sent, and that with a view of repairing the omission as far as laid in his power, M. Perez de Castro requested to learn from me, if I had any means at my command, of procuring the conveyance of this order to its destination, in some more expeditious manner than by the Spanish post.

Although I could not assure His Excellency that I had, I was too apprehensive of further delay or neglect, not to avail myself of the offer, in order to obtain possession of a duplicate of the Instructions.

I accordingly wrote to M. Perez de Castro the note, of which I have the honour to enclose a copy, and have this day received a letter addressed to the Captain-General of Cuba, which His Excellency has informed me contains the orders in question. This letter I have the honour to transmit to your Lordship.

I have the honour to be, &c.
(Signed) HENRY SOUTHERN.

His Excellency Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 11.

M. Perez de Castro to Mr. Southern.

SIR,

Madrid, April 3rd, 1839.

HAVING had the honour of receiving the notes, which my Lord the Earl of Clarendon and you were pleased to address to me on the 4th and 20th ult., stating that the order which Her Majesty's Government offered to send to the Captain-General of the Island of Cuba, to allow the black soldiers on board the "Romney" hulk, stationed at the Havana to go on shore occasionally, under certain restrictions, had not yet been received by that authority in January last, I ordered that I should be immediately made acquainted with this affair. Having minutely examined all the papers, I have observed with regret, that the communication which ought to have been made to the above Captain-General, in consequence of the British Government having accepted the conditions expressed in the Count of Ofalia's note of 31st August last, was not forwarded; this omission arising as I have clearly perceived, from the change of the ministry, which has subsequently prolonged the involuntary error.

Having therefore discovered this delay, I have the honour to inform you, that I have given instructions that, by the first packet that sails for the Havana, a peremptory order shall be sent to that Captain-General, acquainting him that it is Her Majesty's desire, in just deference to the wishes expressed by the Government of Her Britannic Majesty, that he shall permit the above-mentioned black soldiers to land, under the conditions consented to by the said Government, as a marked proof of the high consideration, which Her Majesty entertains of the loyal and singularly estimable conduct, observed towards Spain by her intimate Ally, the Queen of Great Britain.

But, desirous to make up as far as possible, for the time which has been lost through an involuntary accident, and to find the most expeditious means of the said order arriving with all celerity at its destination, I beg you will be pleased to inform me if you possess any medium more rapid than the Spanish packet, in order that, in this event, I may have the honour of transmitting to you the said order, for the purpose of your causing it to reach the hands of the Captain-General of the Island of Cuba.

I avail myself, &c.

EVARISTO PEREZ DE CASTRO.

(Signed)

The British Chargé d'Affaires,
 &c. &c. &c.

Second Enclosure in No. 11.

Mr. Southern to Don Evaristo Perez de Castro.

SIR,

Madrid, April 5th, 1839.

I HAVE the honour to acknowledge having received this evening your Excellency's note, dated the 3rd instant, respecting the involuntary omission, which has taken place, in the communication of Her Catholic Majesty's orders to the Captain-General of Cuba, respecting the occasional landing of the black soldiers of the "Romney" hulk, in the port of the Havana.

I feel certain that I do not venture too much in assuring your Excellency, that my Government will duly appreciate your Excellency's anxiety to repair the consequences of the unintentional neglect that has occurred; and I hasten to inform your Excellency that, if it should suit your convenience to confide to my hands a duplicate of Her Catholic Majesty's orders to the Captain-General of Cuba, I will, by the extraordinary courier of to-morrow night, transmit it to Her Britannic Majesty's Secretary of State for Foreign Affairs, and I have no doubt that his Lordship will have at his disposal speedy means of conveying the Despatch to the Havana.

I have, &c.

(Signed)

HENRY SOUTHERN.

His Excellency Don Evaristo de Castro.
 &c. &c. &c.

Viscount Palmerston to General Alava.

THE Undersigned, &c., has to inform General Alava, &c., that Her Majesty's Government have fully considered the note which, on the 28th of March, 1838, M. d'Aguilar addressed to the Undersigned, respecting the conduct of Lieutenant Bosanquet, of her Majesty's ship "Leveret," towards the Spanish slave vessel "*Diogenes*," in the harbour of Moçambique. In that note M. d'Aguilar states, that the Spanish Government have learnt with satisfaction, that Her Majesty's Government have admitted the principal facts alleged against Lieutenant Bosanquet, and that orders have been issued to prevent the recurrence of similar irregularities in future.

But M. d'Aguilar proceeds to state, that this declaration will not be considered sufficient; and that the law of nations, as well as common law, requires reparation for the offence offered to the flags of Spain and Portugal, and for the injury suffered by the captain and owners of the "*Diogenes*:" And M. d'Aguilar, on this last-mentioned ground, requires, in his note, that Her Majesty's Government shall admit a claim, preferred by the owner of the "*Diogenes*," for the sum of 181,855 dollars, as compensation for the losses, and damages, occasioned to him in consequence of the detention of his vessel at Moçambique by Lieutenant Bosanquet.

In answering this demand, the Undersigned thinks it necessary to take a brief review of the circumstances, under which the alleged insult towards the Spanish flag, and the alleged injustice towards Captain Peoli, took place.

It appears, from Lieutenant Bosanquet's official report, that on the 9th September, 1836, in latitude about 25° south, and longitude 44° 30' east, the boats of Her Majesty's ship "Leveret" were sent to board a brig under Spanish colours, suspected of being engaged in the Slave Trade; that those boats were fired upon when within a few yards of the brig, and were repulsed with the loss of one man killed and three men wounded; that Lieutenant Bosanquet proceeded to Moçambique, and communicated these facts to the local authorities, and requested, that if the piratical brig which had committed the offence should touch at Moçambique, she might be detained; that on the 25th of the same month of September, 1836, a brig, to all appearance the same which had fired upon the boats of Her Majesty's ship "Leveret," was seen off the bar of Moçambique; and that Lieutenant Bosanquet, actuated by an anxiety to prevent the escape of her crew, ran alongside of her, and immediately took possession of her; and that the brig thus taken possession of proved to be the "*Diogenes*," bound from the Havana, and carrying 8 guns and 56 men.

It further appears, that the brig was fitted for the reception of slaves, her crew having been seen to throw the large boilers overboard, whilst the "Leveret's" crew were in the act of boarding her: And although M. d'Aguilar asserted, from information communicated to him, that Lieutenant Bosanquet was obliged to acknowledge that neither the "*Diogenes*" nor her boats, nor her crew had attacked the boats of the "Leveret" at sea, the papers transmitted by Lieutenant Bosanquet directly contradict that information; and prove, that the captain and crew of the "*Diogenes*" were recognised by the officers and men of the "Leveret," as being the very same individuals who had fired upon the boats of the "Leveret;" and one of the men belonging to the "*Diogenes*," when accused of having been concerned in the attack, answered, that he was below in the "*Diogenes*," when the firing from that vessel into the boats of the "Leveret" took place.

The statement, which M. d'Aguilar transmitted to this office, contains an assertion, that Her Majesty's ship "Leveret" killed several of the crew of the "*Diogenes*." This assertion, however, is positively denied by Lieutenant Bosanquet; and it is not borne out by the evidence taken before the authorities of Moçambique; for that evidence specifies the nature of the hurts received by each person on board the "*Diogenes*;" and no mention is made in that evidence of the death of any one of the crew. On the other hand, it is stated by Lieutenant Bosanquet, that he had given orders, that no violence should be employed in taking possession of the vessel; and he adds, that the only fire-arm made use of by the boarding party was a pocket-pistol, which was discharged once, and without effect. It is, however, admitted, that a black man did use some violence in securing the Spanish crew below; but that man was punished by Lieutenant Bosanquet for having so misconducted himself.

After these proceedings, the "*Diogenes*" was forcibly taken possession of by the Portuguese authorities.

Upon full consideration of these circumstances, the Undersigned has to request, that General Alava will state to his Government, that Her Majesty's Government does not think, that there is sufficient reason to require, that it should make any further reparation for the offence committed against the flags of Spain and Portugal; and it does not consider it necessary to give any compensation for any losses, which may have been sustained by the owners of the slave vessel "*Diogenes*."

Her Majesty's Government, on the contrary, have demanded from the Portuguese Government, that the Spanish piratical slave vessel "*Diogenes*," now held in deposit by the Portuguese authorities, shall be given up, together with her crew, to the British Government, for the purpose of being sent to Sierra Leone, in order to be there tried for slave trading, by the Mixed British and Spanish Court of Justice established at that place; and the Undersigned is persuaded, that the sense of honour and the love of justice, which so invariably characterize the conduct of the Spanish Government, will lead that Government to join its efforts to those of Her Majesty's Government, for the purpose of inducing the Portuguese Government to comply with the just demand of Her Majesty's Government in this matter.

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

Foreign Office, 22nd April, 1839.

To General Alava.
&c. &c. &c.

No. 13.

General Alava to Viscount Palmerston.

EL infrascrito, Enviado Extraordinario, y Ministro Plenipotenciario de Su Magestad Católica cerca de Su Magestad Británica, tiene la honra de acusar à Su Excelencia my Lord Palmerston, Principal Secretario de Estado de Negocios Es-trangeros de Su Magestad Británica, el recibo de la nota que se ha servido dirigirle, con fecha 22 del corriente, en contestacion à la del Señor Don Manuel Maria Aguilar, de 28 de Marzo de 1838, relativa a la conducta observada en el Puerto de Mozambique, por el Teniente de la marina real Inglesa, y Comandante de bergan-tin de guerra "*Leveret*," contra el bergantin mercante Español "*Diogenes*," su Capitan Don Juan Peoli.

Refiriendose à las comunicaciones trasmitidas al Gobierno Británico por Mr. Bosanquet, se manifiestan en la nota à que contesta el infrascrito, las circunstan-cias que precedieron à la captura del *Diogenes*; deduciendo de ellas el Gobierno de Su Magestad Británica, que no tan solo no cree hallarse en el caso de deber ofrecer una reparacion por el insulto cometido contra el pabellon Español y Portu-gués, y una indemnizacion à los propietarios del referido Bergantin Español; sino que, por el contrario, ha creido justo solicitar del Gobierno Portugués la entrega de aquel, para que, enviado à Sierra Leone, sea juzgado por la Comision, alli esta-blecida.

Es de tal naturaleza la contradiccion, que desde luego se observa entre los papeles y documentos presentados por el Capitan del "*Diogenes*" y los informes del Teni-ente Bosanquet, que el infrascrito se ve obligado à referirse à su Gobierno, al que se apresura a comunicar la mencionada nota de Su Excelencia, para que, recayendo la resolucion que sea conveniente, pueda decidirse este asunto, segun los principios de justicia y de derecho, que Su Excelencia my Lord Palmerston reconoce ser tan propios del Gobierno de Su Magestad Católica, y de los cuales nunca se desira este, cuando se dirige à la justificada imparcialidad de un Gabinete amigo, como lo es el de Su Magestad Británica.

El infrascrito aprovecha, &c.
(Signed) MIGUEL DE ALAVA.

81, *Harley Street, Abril 26, de 1839.*

Al Excelentisimo Señor Vizconde de Palmerston,
&c. &c. &c.

(Translation.)

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of Her Catholic Majesty to Her Britannic Majesty, has the honour to acknowledge to Lord

Viscount Palmerston, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, the receipt of the note which he was pleased to address to the Undersigned on the 22nd instant, in reply to that of Don Manuel Maria de Aguilar of the 28th of March, 1838, relative to the conduct observed in the Port of Mozambique by a Lieutenant of the Royal English Navy, and Commander of the brig "Leveret," against the Spanish merchant brig "*Diogenes*," Captain Don Juan Peoli.

In reference to the communication transmitted to the British Government by Mr. Bosanquet, the note to which the Undersigned is now replying, sets forth the circumstances which preceded the capture of the "*Diogenes*," from which the Government of Her Britannic Majesty infers, that it not only needs not consider itself bound to offer a reparation for the insult committed against the Spanish and Portuguese flags, and an indemnity to the owners of the said Spanish brig, but that, on the contrary, it has deemed it right to apply to the Portuguese Government for the surrender of the latter, that she may be sent to Sierra Leone and be adjudicated by the Commission there established.

So great is the contradiction observable on the very first glance between the papers and document presented by the Captain of the "*Diogenes*" and the reports of Lieutenant Bosanquet, that the Undersigned finds himself under the necessity of referring to his Government, to whom he is going, without delay, to communicate the above note of his Lordship's, to the end that, after the proper resolution shall have been promulgated, this transaction may be decided, according to the principles of justice and law, which Lord Palmerston acknowledges to be respected by the Government of Her Catholic Majesty, and which it always keeps in view, when it addresses itself to the well known impartiality of a friendly Government, such as that of Her Britannic Majesty.

The Undersigned, &c.

(Signed)

MIGUEL DE ALAVA.

81, Harley Street, 26th April, 1839.

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

No. 14.

Mr. Southern to Viscount Palmerston.—(Received April 29.)

MY LORD,

Madrid, April 20, 1839.

WITH reference to Lord William Hervey's despatches of the 14th, 15th, 21st, and 28th of July, of last year, to your Lordship, I have the honor to enclose a copy and translation of a note, which I have received from M. Perez de Castro, communicating the result of the inquiries, directed to be instituted at Cadiz, respecting the vessels "*Velox*" and "*Marinero*," which, it had been alleged, were fitting out for the Slave Trade.

I have, &c.

(Signed)

HENRY SOUTHERN.

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

First Enclosure in No. 14.

(Translation.)

M. Perez de Castro to Mr. Southern.

SIR,

Madrid, April 12, 1839.

UNDER date of the 14th of June, 15th and 21st of July of last year, Count Ofalia had the honour to state to Her Britannic Majesty's Legation at this Court, that the Spanish Government, always anxious for the faithful observance of the Treaties between this country and Great Britain, had issued the most peremptory orders for instituting an inquiry into the facts, denounced to this Office by the said Legation, as having been committed by the owners of the Spanish vessels "*Velox*" and "*Marinero*," in contravention of the Treaty relative to the abolition of the Slave Trade, concluded between both nations in 1835, and for their punishment if guilty.

The naval authorities, to whom these orders were given, have been as diligent and scrupulous in discharging them as Her Majesty desired, and as appears by the testimony of what has been done in Cadiz on the subject, transmitted by the Commandant-General of Marine of that department, in an official letter of 28th of August last, of which I have the honour to enclose a copy. From the above testimony it is proved, that the brigs "*Veloz*" and "*Marinero*" left Cadiz for the Havana in the middle of 1837, with all their papers in order, and that these vessels have not again presented themselves in the Bay, nor others with their names. However, some of the circumstances, which gave cause to suspect the aforesaid vessels, concurring in the Portuguese vessel "*Veterano*," and the Spanish one "*Feroz Africano*," both cleared out for Gallinas, loaded with provisions and goods, at the period cited by Lord William Hervey, an endeavour was made to find out if these vessels were the perpetrators of the crime imputed to the "*Veloz*" and the "*Marinero*;" but, notwithstanding the zeal displayed in attempting to discover the truth of the affair, nothing appears to have been proved to confirm legally the crime, the punishment of which has been solicited by Her Britannic Majesty's Legation, in notes of the 22nd June, 11th and 17th July last.

This brief explanation of the result of the diligent inquiry entered into in consequence of the aforesaid complaints, will, I hope, convince you that Her Majesty's Government and their authorities have not omitted any measure within their power, in order to discover the truth of the facts relative to the above-mentioned two vessels, and of the impossibility of clearing up this affair, in consequence of their having already sailed with their papers in order.

I avail myself, &c.

(Signed)

EVARISTO PEREZ DE CASTRO.

The British Chargé d'Affaires,
&c. &c. &c.

Second Enclosure in No. 14.

(Translation.)

Don Jozé Rivero to the Minister of Marine.

Commandancy General of Marine—Department of Cadiz.

MOST EXCELLENT SIR,

St. Fernando, August 28, 1838.

I HAVE taken up, with the delicacy and efficacy which they of themselves require, the fulfilment of the Royal Orders of 24th June last, communicated by Your Excellency on the 26th, and that of the 25th of the following month, as an ampliation of the first, designated as *secret*, with respect to inquiring into the facts stated in the note of Her Britannic Majesty's Ambassador at this Court, and which Your Excellency was pleased to accompany with the said Royal Orders, regarding the class of commerce in which the vessels "*Veloz*" and "*Marinero*" are engaged, denounced as being employed in the illicit traffic of slaves, prohibited by the treaties concluded between the British and Spanish nations. In order to execute with the delicacy, care, and scrupulous reserve which the matter demands, the above-mentioned Royal Resolutions, I commissioned the Captain of the Navy, Don Pedro Micheo, to institute a secret inquiry, and investigate by all the means which his zeal might suggest, the whole subject, comprehended in the aforesaid notes; and, at the same time, I addressed an official communication to the Commandant-General of the Province, in order that, as President of the Board of Commerce of Cadiz, he might separately inform me regarding the contents of the notes, of which I transmitted a copy; and his answer is enclosed. From it, and the process which was afterwards amplified on receipt of the Royal Order of 25th July above mentioned, Your Excellency will be convinced of the impossibility of investigating such occurrences, when it is attempted after the vessels have put to sea, in which case it being only possible to acquire with certainty a knowledge of the lading registered, place they are bound for, and correctness of their outfit, as regards crew and naval objects for security at sea; but if, under cover of the above articles, deceiving the vigilance of those appointed to guard against contraband, and everything opposed to licit commerce, they put on board things which may induce suspicion, that the object of their voyage may be distinct from that for which the vessels have cleared out, in this case I consider it as difficult to get at the truth, without surprising them in the proper time, as it is to penetrate the secret

intentions of a man. Under this impression; and adhering in all to what results from the original process, which I herewith transmit to Your Excellency, I can assure you that it is all that it is possible to ascertain, in consequence of the lapse of time since the facts stated by Her Britannic Majesty's Ambassador occurred; all which I have the honour to submit to the consideration of Your Excellency, in observance of the said royal mandates, in fulfilment of my duty, and that Your Excellency may be pleased to instruct me regarding the determination adopted in this important matter.

God preserve, &c.

(Signed)

JOZE PRIMO DE RIVERO.

His Excellency the Minister of Marine,
&c. &c. &c.

No. 15.

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

MY LORD,

Madrid, May 4th. 1839.

I HAVE had the honour to receive your Lordship's Despatches of the 12th ultimo. In conformity with the instructions contained in the former of these Despatches, I have addressed a note to M. Perez de Castro, of which I have the honour to enclose a copy to your Lordship, urging the Spanish Government to issue orders to the Captain-General of Cuba, for the publication of the Royal Decree of Madrid of the 2nd November, 1838, directing him to adopt the most efficacious means for putting an end to the contraband trade in Slaves in Cuba.

I have, &c.

(Signed)

HENRY SOUTHERN.

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

Enclosure in No. 15.

Mr. Southern to Don Evaristo Perez de Castro.

SIR,

Madrid, May 2nd, 1839.

IT is with profound regret that I inform your Excellency, that I find myself instructed to represent to the Government of Her Catholic Majesty, that in defiance of the solemn Treaties which have been celebrated between the kingdoms of Great Britain and Spain, for the suppression of the inhuman traffic in African slaves, this commerce is still carried on to a dreadful extent in the Island of Cuba, and that the importation of these unfortunate beings into that colony is daily increasing.

Your Excellency is well aware, that by two Treaties the Crown of Spain is bound to put down this disgraceful trade in the Spanish Dominions. In consideration of the first Treaty referred to, the English nation paid a large sum of money to the late King of Spain; it was, however, found defective, and the generous and benevolent sentiments of the Government of Her Catholic Majesty, under a more enlightened system of policy, alone sufficed to induce Her Majesty the Queen Regent to conclude a new Treaty, in order to supply the deficiencies of the previous one.

But a Treaty is worthless, unless the Executive Government resolves to carry its provisions into effect with good faith, or if it has not the force, or the resolution, to insist upon the obedience of the authorities who act under it.

Her Britannic Majesty's Government is far from doubting either the good faith or the benevolent intentions of that of Her Catholic Majesty; on the contrary, there exist convincing proofs, that the mother country views with abhorrence a traffic, which, while it is the disgrace of the community which protects it, is the bane of the colony which snatches, through its means, at a momentary advantage. But, whether arising from the effects of powerful local influence, or from the beneficent feelings of Her Catholic Majesty's Government not being shared by persons employed in the colonies, certain it is, that the authorities whose business it is to carry into execution the orders of the Queen of Spain in Cuba, do not, with respect

to this trade, discharge their functions with that efficacy which always attends the efforts of men, acting under the dictates of honest determination, and a sincere desire to perform their duty.

I will recount to your Excellency a few cases of the landing of newly enslaved Africans in Cuba, and confine myself to the first week in January last:—

On the 3rd of that month the Portuguese ship "*Amalia*," which was formerly well known as a Slave-ship, when under Spanish colours, and then named the "*Cavalho Marino*," entered the harbour of Havana, having a short time previously landed more than 500 slaves on the coast.

On the 4th of the same month, the Portuguese schooner "*Felicidade*" entered the same harbour, having also, a few days previously, landed about 250 slaves on the coast.

On the 7th of January last a ship, which only four months previously sailed from that harbour under American colours, then called the "*Venus*," returned as the "*Duqueza de Braganza*," and under the Portuguese flag, though there is ample reason to believe, that no valid transfer of the vessel was effected. This ship it is, I fear, indisputable, carried to Cuba the disproportionate number of 860 slaves from the coast of Africa.—Eight hundred and sixty miserable human beings having been cooped up in a ship, during the long and perilous voyage from the coast of Africa to the shores of Cuba!

The vessel "*Amalia*," to which I first referred, took in her miserable cargo at Madagascar, above 700 in number, of whom no fewer than 200 died on the voyage.

I cannot advert to these facts without horror, and I well know, that the succinct relation which I have felt myself bound to make of these atrocities, will afflict the benevolent feelings of Your Excellency. And yet this short extract from the annals of this horrid traffic, comprises only the occurrences of one week!

These facts, my Government has reason to believe, are well known to all the officers of the local administration of Cuba. But surely they cannot have reached the ears of the Captain-General of the Island, much less those of Her Majesty the Queen Regent. Most undoubtedly the Government of Her Catholic Majesty, whether under the presidency of Your Excellency or of any other liberal and enlightened Spaniard, could not do otherwise than look with grief and indignation on this continued violation, not only of the solemn compacts concluded between Great Britain and Spain, but of all the laws, human and divine, that we are universally taught to respect.

It is a poor subterfuge to say, as has been alleged, that in the present case the malefactor was Portuguese, and not Spanish. The evil-doer is of no country,—he violates the laws of all,—the Portuguese murderer is hanged by the laws of Spain, and there is no murder so cruel, no torture so exquisite, or so painfully prolonged, as that inflicted by the slave dealer upon his human cargo.

If Your Excellency will be pleased to consult the archives of your office, it will be seen that these complaints are far from new. Previous to the year 1835, in spite of the Treaty of 1817, the number of vessels fitted out in Cuba, for the Slave Trade, daily increased, and scarcely a month passed that this Legation was not instructed to lay the facts, proving this lamentable state of things, before the Spanish Government. At length the Treaty of 1835 was concluded, and it was hoped that the new clauses introduced into it, would have sufficed to produce some mitigation in this branch of human suffering. But zeal, and a determination to act up to the solemn engagements of the government, have been wanting on the part of Spanish agents. There has been a too easy leaning to popular prejudices or unfounded apprehensions, on the part of the authorities of the Queen of Cuba, on whom the pleadings of interested persons have had more influence, than a respect for the laws of humanity, or the dictates of national honour.

Some portion of blame, I regret to state, must also rest upon the Government of Her Catholic Majesty itself. The Second Article of the Treaty of 1835, provides, that within two months after the exchange of ratifications, there shall be promulgated throughout the dominions of Her Catholic Majesty a penal law, inflicting a severe punishment on all those, Her Majesty's subjects, who shall, under any pretext whatsoever, take any part whatever in the traffic in slaves: This Article is even to this day unexecuted. Numerous are the promises which the Government of Her Catholic Majesty has made to this Legation on this subject; but not one has hitherto been fulfilled. This important omission is considered by well informed persons on the spot, as one of the principal causes of the obstinate perseverance of Spanish subjects, in fitting out ships for these abominable enterprises.

CLASS B.—FURTHER SERIES.

On the other hand, my Government is far from being unwilling to acknowledge, that the best intentions have animated the Government of the metropolis; but of what avail are Royal Orders, issued to authorities who do not regard them? of what avail are the best instructions, issued to persons whose system is a total neglect of them?

The Government of Her Catholic Majesty, in the Royal Order of 2nd November last year, transmitted to the Captain-General of Cuba, directed him to adopt the most efficacious means for putting an end to the contraband trade in slaves at Cuba. This order does credit to the principles of honour and benevolence, which animate the Government of Her Catholic Majesty; it is an order which the authorities, acting under Her Catholic Majesty in that island, ought to have been proud to publish, and resolved to act upon. It nevertheless has not been permitted to see the light.

The Commissioners of the Mixed Court at the Havana, have applied to the Captain-General, requesting that he would make the order I have alluded to public, in the customary manner. His Excellency has refused to do so, assigning a reason which amounts to this; that because the order specifically applies to Cuba, it is therefore unfitting that the people of Cuba should be made aware of its existence.

I am instructed to urge upon Your Excellency the necessity of this order being immediately published, in the usual manner; and at the same time to observe, that it is not by a tardy and reluctant publication of the Royal Order, unaccompanied by corresponding measures, that the Captain-General will effectually carry into execution the intentions of his Sovereign.

These orders, when published, are rendered powerless against the Slave Trade of Cuba, by the determined supineness of the local authorities; and the Treaty, and all laws for fulfilling it, must obviously be ineffective, until the authorities of the island shall evince an honest determination, to carry into effect the expressed commands of their Sovereign, by punishing those who transgress these commands.

In conclusion, I beg to solicit Your Excellency's most serious attention to this grave and important subject; and most earnestly to request that some immediate steps may be taken upon it. Every hour lost is productive of misery and death. The honour of the Spanish Crown is concerned in the question; the character of good faith attached to the Spanish name is placed in doubt; the Royal word ought no longer to remain, as it now is in Cuba, a mere nullity, when it is not made a pretext, for hypocrisy.

I have, &c.

(Signed) HENRY SOUTHERN.

Don Evaristo Perez de Castro,
&c. &c. &c.

No. 16.

Viscount Palmerston to Mr. Southern.

SIR,

Foreign Office, May 18, 1839.

I HAVE received your Despatch, marked Slave Trade, of the 4th instant, enclosing copy of a note to the Spanish Minister, urging him to issue orders to the Captain-General of Cuba, for the publication of the Royal Decree of Madrid, of the 2nd of November, 1838, for putting an end to the contraband trade in Slaves in Cuba:

And I have the satisfaction of informing you, that I entirely approve of the note in question.

I am, &c.

(Signed) PALMERSTON.

Henry Southern, Esq.,
&c. &c. &c.

SPAIN. (*Consular.*)

No. 17.

Mr. Tolmé to Viscount Palmerston.—(Received January 12, 1839.)

MY LORD,

Havana, 28th November, 1838.

I HAVE the honour to transmit to your Lordship a copy of the list of vessels, supposed to be engaged in the Slave Trade, despatched from, and arrived at, this port in the month of October, as supplied to Her Majesty's Commissioners, after the correction of some defects, which they were enabled to point out.

Of the vessels that left, the "*Florida*" and "*Hasard*" were under the American flag. Both arrived here from Baltimore, the one to the firm of Man Lanedo Alrisqueta and Co., by whom she was afterwards cleared out, the other to that of Arrangon Doostent, and Co., by whom she was sold to Mr. Manegat, a name that already figures in the correspondence of the Commissioners. In order to trace, as far as possible, the connexion between the builders or purchasers in the United States, and the fitters-out in this place, of such vessels, I have written to our Consul, Mr. Mac Tavish, requesting him to furnish me with all the information which he can procure on the subject, and shall, at the proper season, wait on your Lordship with his reply. The "*Vigilante*," the "*Sin Ygual*," and the "*Amalia*," are the same ships that arrived in September and October. Of the vessels that landed cargoes in October, the principal number are among those already denounced by Her Majesty's Commissioners, as engaged in the Slave Trade. They all discharged on the south side of the island; part at Guaniman, part near Trinidad. Another Portuguese brig also arrived here in October, strongly suspected of having been engaged in the Slave Trade, the "*Escorpion*;" but as she came in ballast from St. Jago, whence she had regularly cleared from this place, I have deferred to include her in my report, until I receive a list, promised me by Mr. Consul Hardy, of all vessels that have landed slaves in his district, wherein she will no doubt be found.

My agent in Matanzas has not heard of any arrival in that neighbourhood during the month of October. The persons to whom I had applied for information on such subjects in Trinidad have declined giving it, fearful of making themselves inimical to their neighbours; but I expect, before another month passes, to meet with a correspondent bold enough to furnish the intelligence I require.

Mr. Consul Hardy promised me, as I have observed above, the desired notices from St. Jago; and I have no doubt of being able to procure, if not interfered with, information on these points from all parts of the island.

The Spanish schooner "*Salomé*," or, as she is sometimes called, "the *Nueva Amable Salomé*," which arrived here from the Coast in September, has proceeded with a cargo of produce to New Orleans. I have requested Mr. Consul Crawford to watch and apprise me of her future movements.

We have now here two vessels (British) condemned by the Mixed Tribunal at Sierra Leone, both bound to Vera Cruz, with cargoes from Cadiz. The one, the "*William Forster*," formerly the "*Iberia*," is no doubt *bonâ fide* English property; she has been raised upon, sails no more so well, and is, to all intents and purposes, a merchant ship, to be employed only in legitimate commerce; the other is the "*Arrogante*," formerly the "*Urraca*," and belongs, by the showing of her register, to Mr. Zulueta, a Spanish merchant in London, but she is chartered by the well-known firm of P. Martinez and Co., of this place, or their partner, Mr. P. Martinez, of Cadiz; and, as she is considered to be a

remarkably fast sailer, on which subject Lieutenant Luze, whose packet "Penguin" was in company with her for a day or two, can report, I shall not be surprised to see her again in her old career; and I have therefore requested Her Majesty's Vice-Consul in Vera Cruz, to which place she will probably proceed even before the blockade of the Mexican ports is raised, to keep an eye upon her, and I may consequently have occasion to advise your Lordship on her future course.

I took leave, in my Despatch, Slave Trade, of the 27th February, to mention the number of Portuguese, all or nearly so, slavers, which had cleared from this port and arrived here up to June, and would now add, that, in the memoirs of the Patriotic Society it is stated that,

There came in,		and sailed
in July,	2,	6.
August,	4,	7.
September	5,	2.
October	6,	3.

Portuguese vessels. These numbers differ but little from those of the specified lists which I have furnished to Her Majesty's Commissioners, and prove the approximate correctness of my returns.

They prove also, I regret to say, that the Slave Trade is continued here to the same extent as before; and indeed, unless the Government of Spain interfere earnestly and in good faith, nothing but physical opposition on the part of our navy, together with that moral influence which Her Majesty's Commissioners may exercise over this community, by the gradual propagation of enlightened views on the subject, will ever put an end to this hateful commerce.

I have, &c.

(Signed)

C. D. TOLME.

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

&c.

&c.

&c.

First Enclosure in No. 17.

1. *List of Vessels despatched from the Port of Havana in the Month of October, 1838, suspected of being engaged in the Slave Trade.*

October 11.	American schooner	"Florida,"	for the	Cape de Verds.
11.	"	"Hazard,"	for	San Tome.
19.	Portuguese brig	"Vigilante,"	for	Pablo de Loanda.
23.	Portuguese schooner	"San Igual,"	for	San Tome.
30.	"	"Amalia,"	for	Bonny.

Second Enclosure in No. 17.

2. *List of Vessels arrived in the Port of Havana in the Month of October 1838, after having landed Slaves, as it is said, on the adjacent Coast.*

October 4 or 5.	Portuguese schooner	"San Igual,"	after landing, it is said,	240 slaves.
" 4 or 5.	"	"Constancia,"	"	213 "
" 4 or 5.	Portuguese brig	"Maria Teresa,"	"	360 "
" 7 or 17.	Portuguese schooner	"Nostra Senhora del Buen viage,"	"	213 "
" 9 or 10.	"	"Amalia,"	"	200 "
" 18.	Portuguese brig	"Volador,"	"	269 "

Third Enclosure in No. 17.

Mr. Tolmé to Mr. Mc Tavish.

SIR,

Havana, 12th October, 1838.

THERE frequently arrive here from Baltimore, American vessels destined to proceed to the Cape de Verds or to a Portuguese settlement in Africa, and, being there put under Portuguese colours, to be employed in Slave Trade.

Of these vessels some enter without its being noticed in the public papers.

Such was recently the case with a schooner called the "*Florida*," whose arrival consequently almost escaped my notice.

I would, therefore, as I am directed by Her Majesty's Government to keep a watchful eye on such expeditions, beg to request you to inform me, from time to time, of the names of any clippers of suspicious character which leave your port for this, as well as any particulars respecting them which you may be able to procure.

I would also thank you to state to me whatever you may learn about the ownership of the above mentioned schooner "*Florida*," as well as about that of another called the "*Hasard*," both of which came from Baltimore, and have lately cleared, the one for the Cape de Verds, the other for St. Tomé, adding any further information you acquire about them, calculated to complete that chain of evidence, respecting these and other slaving expeditions, in which it is so desirable that not a link should be wanting.

I have, &c.

(Signed)

C. D. TOLME.

To John Mc Tavish, Esq., Her Majesty's Consul, Baltimore,
&c. &c. &c.

Fourth Enclosure in No. 17.

Mr. Tolmé to Mr. Crawford.

SIR,

Havana, November 14th, 1838.

I TOOK leave, under date of the 9th ultimo, to request you to procure for me some information respecting an American schooner called the "*Comet*," which had arrived from New Orleans, and proceeded from hence to the Coast of Africa.

I now beg you to do me the favour to be on the look out for the arrival of the Spanish schooner "*Nueva Amable Salomé*" at your port, and to inform me what subsequent destination is given to her. She is a well known slave trader, which has made several successful voyages, and arrived here in September with 203 negroes. She is now advertised for New Orleans.

I remain, &c.

(Signed)

C. D. TOLME.

To John Crawford, Esq., British Consul, New Orleans,
&c. &c. &c.

Fifth Enclosure in No. 17.

Mr. Tolmé to Mr. Giffard.

SIR,

British Consulate, November 27th, 1838.

THERE is now lying in this harbour a remarkably fast-sailing vessel, formerly the "*Urraca*" slaver, which being taken by one of Her Majesty's cruisers, was carried to Sierra Leone and there condemned and sold. She is now under British colours, being ostensibly the property of Mr. Zulueta of London, and is called the "*Arrogante*." From hence she is to proceed to Vera Cruz, or to some other port in Mexico, with a cargo which she has on board, laden in Cadiz, and as I suspect that after her discharge she will be again employed in the Slave Trade, I will thank you, if she should arrive with you, to keep an eye upon her, and in due time inform me whether she clears from Vera Cruz.

I am, &c.

(Signed)

C. D. TOLME.

To Francis Giffard, Esq., Her Majesty's Consul, Vera Cruz,
&c. &c. &c.

No. 18.

Mr. Tolmé to Viscount Palmerston.—(Received January 12, 1839.)

MY LORD,

British Consulate, Havana, December 4th, 1838.

I TOOK leave to state, in my Despatch "Slave Trade, of the 11th September last, that I had addressed myself on the subject of kidnapped British

negroes in this island, to Her Majesty's Consul at St. Jago, as well as to individuals of confidence in other parts of the Island where there were no Consular Agents, and that, as soon as I received their reports, I should have the honour of communicating the substance of them to your Lordship."

It is now my object to do so.

From Matanzas, Cardenas, and other parts on the north side of the Island, I am assured that no such negroes are known to have been introduced, and from Trinidad my correspondent writes in the same sense.

But Mr. Hardy has addressed to me, about two Africans who were stolen from Jamaica in 1834, the Enclosure No. 1, and I have in consequence directed a letter on the subject to the Captain-General, Enclosure No. 2.

I shall press the matter with his Excellency, but seeing from the correspondence contained in your Lordship's Despatch of the 11th July last, the little effect of such reclamations in Porto Rico, and knowing that the law advisers of the authorities in this island always decide against foreign claims, unless their concurrence in them is purchased, I have not the slightest hope of succeeding in obtaining the liberation of the poor people in question, and would therefore humbly suggest the propriety of the case being brought before the Spanish Government, as the only chance of rescuing the sufferers from perpetual slavery.

I have, &c.

(Signed)

C. D. TOLME, *Consul.*

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

First Enclosure in No. 18.

Mr. Hardy to Mr. Tolmé.

SIR,

British Consulate, St. Jago de Cuba, November 1st, 1838.

I HAVE to acknowledge the receipt of your two Despatches of the 11th of September and 1st of October, calling upon me to co-operate with you in effecting the discovery and liberation of any British negroes, who may have been kidnapped and brought into this Island, and requesting me to transmit to you a monthly return of the arrivals and departure of vessels engaged in the Slave Trade.

Under the first head I beg to call your attention to the enclosed Despatch from his Excellency Sir Lionel Smith to me, to the copy of my reply, embodying what had transpired between the General of the Province and myself, and to the final reply of the Señor Don Tomas de Yarto.

I hope to be able to transmit to you by the next mail a list of vessels that have landed slaves in the vicinity of this port since the commencement of the year, and have meanwhile to inform you that no suspicious vessel has been despatched from hence during the month of October, nor have any vessels landed Africans on the coast.

I am, &c.

(Signed)

J. HARDY, Jun., *Consul.*

C. D. Tolmé, Esq.
&c. &c. &c.

Sub-Enclosure A. in No. 18.

Sir Lionel Smith to Mr. Hardy.

King's House, Spanish Town, Jamaica,
September 28th, 1838.

SIR,

1. IN the month of August, 1834, a boy, named "Wellington," was taken from Montego Bay in this Island, and conveyed in the schooner-boat Martha, commanded by a man named James, to St. Jago de Cuba, and there sold to a person named Garcia.

2. I do myself the honour to enclose the copy of a letter which was addressed to the Governor-General of Cuba by the Marquis of Sligo, in April, 1835, on the

subject, but I have not been able to discover the Affidavits, copies of which, it would appear, were transmitted in his Lordship's letter; or any reply from the Governor of Cuba to that communication.

3. Although, as I have been given to understand, arrangements were at that time made to restore "Wellington" to his friends, recent occurrences have brought it to the notice of this Governor, that he is still detained in Cuba. Not doubting that the steps taken on this subject in the year 1835, are on record in the Consulate of St. Jago de Cuba, and that you will have no difficulty in tracing out the boy, I have to request you will be pleased to adopt such measures as may be necessary to obtain his immediate restitution.

J. Hardy, Esq.,
&c. &c. &c.

I have, &c.
 (Signed)

LIONEL SMITH.

Sub-Enclosure B. in No. 18.

The Marquis of Sligo to the Captain-General of Cuba.

MOST EXCELLENT SIR,

King's House, April 22, 1835.

I HAVE the honour herewith to transmit Copies of two Affidavits made by John Alford and John Thomas, relative to the deportation from this Island of a lad named "Wellington" in August last, by one James, Master of the schooner "Martha."

As it appears that a person named Garcia purchased the boy "Wellington" from the master of the said schooner-boat, and that he is now at St. Jago de Cuba, I am confident it will only be necessary to identify "Wellington" as the person described in the accompanying depositions, to induce Your Excellency to give directions for his release from further slavery, and that he may be allowed to return to Jamaica.

I beg, &c.
 (Signed) SLIGO,
 Governor and Captain-General of Jamaica.

The Governor and Captain-General of Cuba.

Sub-Enclosure C. in No. 18.

Mr. Hardy to Sir Lionel Smith.

SIR,

British Consulate, St. Jago de Cuba, October 20th, 1838.

I HAVE the honour to acquaint your Excellency, that on receiving your letter of the 28th of September, I immediately proceeded to address the Governor of that Province, claiming the restoration of the lad "Wellington," as well as of two others, of whom I received notice whilst making inquiry respecting him; and that I have received no further satisfaction than that contained in the answer of the Governor.

Commander Frazer, of Her Majesty's ship Nimrod, having since arrived with instructions from Commodore Douglas, to co-operate with me in procuring the liberation of "Wellington," we visited the Governor yesterday in order to obtain information as to the present state of the proceedings in the case; and whether the parties could be placed at liberty within a specified time, and if not, what reasons could be given for the contrary.

The Governor commenced his reply, by expatiating at considerable length on the nature of his duties, and the attributes of the Assessor-General of the Crown, and stated that so soon as he received my application of the 9th October, he had referred it to that functionary, in whose hands the matter still rested. His Excellency also added, that the investigation would be a very protracted one, as the cognizance of the case had, in the year 1834, been withdrawn from his predecessor's jurisdiction by the then Commandant of Marine, who had asserted that Garcia being matriculated for the sea service, could be judged by him solely; and as the creditors of Garcia had a voice in a measure which would tend to alienate a portion of his property. I immediately rejoined that the kidnapped men could not be considered as property; but the Governor replied, that by the Spanish Law

they were *primâ facie* placed in that light: The conversation ended in his requesting Commander Fraser to address him on the subject, when his letter should be referred to the Assessor-General, who would report on the present state of the proceedings instituted in virtue of my original application. Unfortunately the affidavits were not sent to the gentleman who officiated in my absence in 1834 and 1835, as Her Majesty's Consul at this port; and from the tenor of the copy of the letter from the Marquis of Sligo, they would appear to have been transmitted to the Captain-General of the island direct. I have succeeded, however, in collecting from the Licentiate, Don Hilario de Cisneros Saco, who filled the office of Assessor-General during those two years, the following facts:—

It appears, in the year 1834 he received information, that a man of the name of Garcia had smuggled into the country two young negroes from Jamaica, with the intention of causing them to be sold. He ordered his immediate arrest; the boys were examined, and it was clearly proved that he had enticed them on board his vessel at some port on the north side of Jamaica, together with a third, who was left through some means or other behind. They were ordered to be deposited with the then Protector of Slaves, Don Juan de Bautista Sagarra, to be delivered up whenever claimed. Garcia was liberated by the Commandant of Marines, and a summary of the whole case was transmitted to the Captain-General. This had scarcely been done, sufficient time had not even elapsed for the documents to reach the Havana, when a copy of the application from the Marquess of Sligo was sent on here by the Captain-General himself, with an order that the matter should be thoroughly investigated, the identity of the boys was established, and immediately reported to the Captain-General; but as Don Hilario de Cisneros vacated his office shortly afterwards, I have been unable to obtain any further information than that the two are still in existence, and that on Mr. Sagarra's being informed that the matter was in agitation, he had them brought down from his estate, to be in readiness to be handed over to me whenever he might be directed to do so. Garcia was some months back arrested on some information of another character, and is still in confinement; and it now appears that he never had been matriculated, and that the assertion to that effect of the then Commandant of Marine, had been boldly made in order to extricate him from his dilemma.

Whether Your Excellency renew your application in this quarter, or it be made (as urged by the Governor himself) to the Heads of Authority at the Havana, the investigation, as I write Commodore Douglas, will be a protracted one, and I am not all confident that the object Your Excellency has in view, will be obtained, unless through the interference of the Government at home with the Court of Madrid. The proverbial inertness of the Judge, the clamours of Garcia's creditors, the thousand facilities of evading the question as furnished by the system of judicature here, are such as to paralyze any exertions that I might make, though I shall lose no time in transmitting Your Excellency's Despatch to Her Majesty's Consul at the Havana, with a statement of all that has occurred.

It would appear that I have been misinformed as to the number of the boys kidnapped, as there was only one other.

Sir Lionel Smith,
&c. &c. &c.

I have, &c.
 (Signed) JOHN HARDY, *Junior.*

Sub-Enclosure D. in No. 18.

(Translation.) *The Governor of St. Jago de Cuba to Mr. Hardy.*

IN the report on the reclamation relative to the negro "Wellington" and two others, I have inserted a decree and the opinion of the assessor general directing that a letter should be written to you, Sir, containing the following enclosures.

Mr. Governor,—The particulars applied for in the annexed prior decree were sent by his Excellency, your predecessor Don Manuel Lorenzo, with the corresponding letter of the 12th July, 1836, to his Excellency the President Governor and Captain-General of the Island, but as yet no resolution has issued thereupon; of this I inform you that you may take what steps may appear to you fitting.

PEDRO THOMAS AROCHA.

Santiago, Island of Cuba, 24th October, 1838.

Cuba, 24th October, 1838.

HAVING seen the preceding communication of the notary of the Governor Don Pedro, T. Arocha, I desire it may be laid before his Excellency the Captain-General of the Island, for his Excellency to be pleased to determine what he shall deem proper touching the reclamation of Her Britannic Majesty's Consul, John Hardy, junior, Esq., in the names of the Governors of Jamaica, Sligo and Lionel Smith, which reclamation has been repeated by Sir John Fraser, as the circumstances which occasioned the detention of the claimed slaves, are in the possession of the above authorities, and as this Government has no power to adopt any further measures until the resolution of his Excellency be promulgated.

Let the actuary take a transcript of these proceedings, and keep it in the office of his Notaries in case it should be wanted, and for the information and satisfaction of the above Gentlemen and Consul, a copy was made out, together with copies of the above Report, and of this minute.

YARTO.
PIZARRO.
PEDRO T. AROCHA.

The above I communicate to you for your intelligence, and other needful ends.
God preserve you many years.

(Signed) THOMAS DE YARTO.

Cuba, October 25th, 1838.

Second Enclosure in No. 18.

Mr. C. D. Tolmé to the Captain General of Cuba.

MOST EXCELLENT SIR, *British Consulate, Havana, November 24th, 1838.*

FROM a representation which has just been made me by Mr. Hardy, Her Majesty's Consul at Santiago de Cuba, it appears, that in the year 1834, the Assessor General, Don Hilario de Cisneros Saco, having received information, that a man of the name of Garcia, had smuggled into the country from Jamaica, two young negroes, the one called "Wellington," ordered his immediate arrest, that the boys were examined, and the facts being clearly proved, that they were deposited with the protector of slaves, Don Juan de Bautista Sagarra, to be delivered up, whenever claimed, and that a summary of the whole case was transmitted to your Excellency's predecessor.

In April, 1835, His Excellency the Marquess of Sligo, the Governor and Captain-General of Jamaica, in a letter addressed to His Excellency the Governor and Captain-General of this Island made such claim, without it would seem, a successful result, for under date of the 28th September last, his successor His Excellency Sir Lionel Smith, addressed my colleague at St. Jago de Cuba, requesting him to endeavour to procure the release of the said "Wellington." Mr. Hardy in consequence applied to Governor Yarto on the subject, but was informed, under date of the 25th October last, that the case was before Your Excellency, who alone was competent to decide on it. I therefore take leave to request Your Excellency to be pleased to issue an order for the delivery of the said "Wellington" and his companion, to Her Majesty's Consul at Santiago, in order that they may be sent back to Jamaica forthwith.

*The Governor and Captain-General
of Cuba.*

I avail, &c.
(Signed)

C. D. TOLME.

No. 19.

Mr. Tolmé to Viscount Palmerston,—(Received February 19, 1839.)

MY LORD, *British Consulate, Havana, December 24th, 1838.*

I WAITED on your Lordship, under date of the 28th November last, Slave Trade, with lists of the vessels said to have left this port and arrived here, in the month of October, suspected of being engaged in the Slave Trade. I beg leave now to enclose copies of the lists of sailings and entries in November, of craft engaged in the traffic, furnished on the first instant, to Her Majesty's Commissioners.

CLASS B.—FURTHER SERIES.

They no doubt transmitted the same by the last packet, as I should have done, had I had a moment's leisure. Still, as I may be able to add a remark or two of interest, I now, though later, repeat the communication.

"The "*Lavandera*," despatched on the 7th of November, is the vessel reported to have arrived in September, under the name of the "*Ala*." The "*Clara*" is a Baltimore schooner, which arrived here on the 9th September last from Baltimore, and sailed again under American colours, with power to the Captain to effect her sale at the port of destination, S. Tomé, the conditions of such sale having been, as it is said, already agreed on here. The "*Maria Teresa*," is the very schooner that arrived, in October, to the well-known Mr. Mazorra.

Of the ships that came in, the "*Serea*" is a vessel formerly called the "*Chiva*;" the "*Maria Segunda*," is an old trader, since despatched again.

With regard to the trade in other parts of the Island, I beg to observe, that Mr. Hardy writes to me, that "no vessel connected with the commerce in slaves, entered, or was despatched from the port of Santiago de Cuba, in the month of November, nor were landed any slaves anywhere in its vicinity."

From Trinidad I have also no news of arrivals or departures.

My Matanzas correspondents say, that there were two arrivals at Camarioca in November; they believe that the "*Serea*" was one, and the other was the Portuguese schooner "*Victoria*," with 180 negroes. The Spanish brig "*Feliz*" was daily looked for with 350 to 400. From Matanzas the only vessel despatched, in the same month, was the American schooner "*Jago*," for the Cape de Verds.

From Mr. Consul M'Tavish, I have the communication, of which a copy forms the Enclosure No. 3, in answer to my letter of the 12th October last.

From Mr. Consul Crawford, of New Orleans, I have yet no reply to my inquiries, spoken of in my despatch Slave Trade, 3rd October, 1838.

The arrivals and departures of slave-vessels, in November, were more limited, it would seem, than usual; yet there is no lack or zeal on the part of the traders, and the traffic will be carried on in the sequel, with the same activity as has hitherto been displayed, worthy of a better cause, and under modifications, which I shall have to speak of in my next despatch.

I have, &c.

(Signed)

C. D. TOLME' *Consul.*

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

&c. &c. &c.

First Enclosure in No. 19.

A List of Vessels despatched from the Port of Havana in the month of November, 1838, suspected of being engaged in the Slave Trade.

November 7.	Portuguese schooner	Lavandera	for Isla de Principe.
" "	American schooner	Clara	" St. Tomé.
" 23	Portuguese schooner	Emprendedora	Gallinas.
" "	Portuguese brig	Maria Teresa	" Lagos.

Second Enclosure in No. 19.

List of Vessels arrived in the Port of Havana in the month of November, 1838, suspected of being engaged in the Slave Trade.

November 6	Portuguese schooner	Maria Segunda	with 216 slaves.
" 13	" "	Chiva* alias Serea	" 143 "

* My informant maintains that this vessel is called the Chiva, but she was reported in the public papers as the "Serea," and under this name was cleared out again

Third Enclosure in No. 19.

Mr. M Tavish to Mr. Tolmé.

SIR,

British Consulate, Baltimore, November 23rd, 1838.

By the schooner "*Rebecca*," which sails to-morrow morning, I hasten to furnish you with such information as I have been able to obtain, in relation to the two vessels referred to in your letter of the 12th ultimo.

The "*Florida*," Captain Kelly, as appears by the Exchange books, cleared from hence for Havana on the 19th June. I understand she was built for Kelly on speculation, in conjunction, I believe, with some ship-carpenters on the Point, was taken by him to your Island, and there disposed of.

Kelly has since returned to Baltimore, and sailed again on the 5th instant in the schooner "*Victory*," from Key West, from thence she proceeds to Havana.

The schooner "*Hazard*," Bailey, cleared for Havana on the 24th August, and as I am informed, was there sold; as to the ownership of that schooner, I have not as yet been able to learn any clear account, but as in the case of the "*Florida*," the Captain appears on the Exchange books, as owner. Captain Bailey having also returned to this port, sailed from hence on the 2nd instant for Pernambuco, in command of the brig "*Trafalgar*," despatched by Mr. Edward Robinson.

I shall at all times be happy to render you any service here, and remain in the mean time,

Sir, &c.

(Signed)

JOHN M'TAVISH.

To C. D. Tolme, Esq.,
&c. &c. &c.

No. 20.

Mr. Tolmé to Viscount Palmerston.—(Received February 9.)

MY LORD,

British Consulate, Havana, January 5th, 1839.

I HAD the honour, on the 2nd instant, of transmitting to Her Majesty's Commissioners the lists of vessels which left and arrived in the port of Havana, during the month of December, suspected of being engaged in the Slave Trade. Enclosures 1 and 2. Of those sailed, the "*Liberty*" is an American schooner, which arrived here from New Orleans on the 7th October last, the "*Constancia*," "*Maria Segunda*," and "*Serea*," are Portuguese schooners, which arrived, with slaves, on the 5th October, and 6th and 13th November in succession. The "*Reyna de los Angeles*" was formerly the Spanish schooner "*Rosario*" or "*Rosarita*."

The only arrival here, I believe, is "*El Trueño*."

From Matanzas, I am informed that the Spanish brig "*Felix*," alluded to in my Despatch of the 24th December, 1838, had landed in the vicinity 313 negroes.

From Trinidad I have no intelligence; but from Santiago de Cuba Mr. Hardy writes to me, under date of the 19th December last, that "a slaver, under Portuguese colours, landed on the 13th, at Juragua 430 Africans. Her name is the "*Esperanza*." She was formerly called the "*Famosa Estrella*," and sailed originally under British colours as the "*Montague*."

The entries have thus been few; the vessels despatched in December but too many. What, however, is most to be regretted, is a new feature in the trade, hinted at in my last despatch.

The parties concerned in it, having misgivings as to the efficacy of the Portuguese flag in covering their illegal traffic, have of late commenced the system of putting their craft under American colours, intending at the same time to retain those of Spain or Portugal; thus depriving British cruizers of the right of search by the use of the former, and protecting themselves from being overhauled by United States ships of war, by hoisting either of the latter flags. With this view, one Spanish schooner, the "*General Espartero*," proceeded to Key West, and returned as the "*Thomas*" of Havana, and another, which left this port as the well-known slaving schooner "*Nueva Amable Salomé*," has come back from New Orleans as the American schooner "*Encantadera*," and I believe that several have followed the same course.

So outrageous were these proceedings, such an abuse of the American flag, so contrary to the laws of the United States,—for these vessels have nothing but what they are pleased to call a "Sea letter," (namely, a bill of sale; and a declaration on oath by the purchaser, made before a notary, that he is an American citizen,) when the issue of sea letters is expressly prohibited by an act of Congress, dated, I think, in March 1810, that the American Consul here caused the "*Thomas*" of Havana "to be seized, and declares that no other vessel shall clear from hence under American colours, unless duly registered." Still all functionaries may not be so scrupulous: and even if they are, there is nothing to prevent these freebooters,

who are carrying on a commerce in their fellow-creatures, from prostituting the American ensign whenever it suits their purpose; and, indeed, I am informed by Commander Bushby, of Her Majesty's ship "Wanderer," that the Portuguese brig "*Escorpion*," captured by him on the 26th November last, did hoist and keep up American colours during the principal part of the chase; and I should therefore hope, that the United States Government, with these and similar facts before them will, for the honour of their flag, admit that modified right of search for which Great Britain has been so long contending; or, at all events, concur in some plan for putting down a trade, which I am convinced all, except the most degraded of their citizens, view with abhorrence.

Meanwhile I shall feel it my duty to direct the attention of such of the Commanders of Her Majesty's cruisers, as may visit the port, to those vessels which I consider to have fraudulently adopted the American flag; leaving them, if they should meet them at sea under suspicious circumstances, to act as they think fit.

I have taken the liberty to report the cases of the "*Thomas of Havana*," and "*Encantadera*," to Her Majesty's Minister at Washington, in a letter of which the Enclosure No. 3 is a copy, as he may be able to procure an immediate order to issue from the United States Government, for preventing the repetition of illegal clearances of such a character. I have also again addressed Mr. Consul Crawford, of New Orleans, requesting him to give me every information respecting the transfers of Spanish and American flags, in the cases of such vessels as may arrive from hence, and his replies I shall in due time have the honour to submit to your Lordship.

I have, &c.

(Signed)

C. D. TOLME', *Consul.*

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

&c.

&c.

&c.

First Enclosure in No. 20.

List of Vessels arrived in the Port of Havana in the month of December, 1838, supposed to have landed Slaves on the Coast of the Island of Cuba.

December 9, Schooner Brig, Portuguese, "*El Trueño*," landed 528 Africans at Mariel.

Second Enclosure in No. 20.

List of Vessels despatched at the Custom House of Havana in the month of December, 1838, suspected of being engaged in the Slave Trade.

December 3,	American Schooner,	" <i>Liberty</i> ,"	For Rio Pongo.
" 7	Portuguese "	" <i>Sereá</i> ,"	" Cabo Verde.
" 21	" "	" <i>Reyna de los Angeles</i> ,"	" S. Tomé.
" "	" "	" <i>Maria Segunda</i> ,"	" S. Pablo de Loanda.
" 22	" "	" <i>Constancia</i> ,"	" S. Tomé.
" 24	American "	" <i>William Savin</i> ,"	" Bahía de todos los Santos.

Third Enclosure in No. 20.

Mr. Tolmé to Mr. Fox.

SIR,

British Consulate, Havana, January, 5th, 1839.

THE slave-traders of this place, availing themselves of the American flag for carrying on their craft, have recently sent Spanish vessels to New Orleans and Key West, and there effected collusive sales of them, such vessels returning to this port to be despatched under American colours to the coast of Africa.

I would name, as instances, the Spanish schooner "*General Espartero*," now the American schooner "*Thomas of Havana*," and the Spanish schooner "*Nueva Amable Salomé*," now the American schooner "*Encantadora*." The first must have sailed from Key West to this port, after changing her flag, about the 10th ultimo; the last from New Orleans about the 20th. But these vessels have no right or title to the character of Americans; they are not registered as such; they have no papers, but what they call sea letters, which, according to the Act of Congress

of 26th March, 1810, were not issuable after the 30th of June of that year; and they therefore ought not to have been allowed to clear out as Americans by the clearing officers of New Orleans and Key West.

Yet there is too much reason to fear that many more such cases will occur; that ships really owned here will be transferred in the same way in the ports of the United States; and, navigating the seas under the American flag, having slaves on board, thus escape the vigilance of our cruisers; and I therefore take leave to mention the facts to you, for such use as you may think proper to make of them.

I have, &c.

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

(Signed)

C. D. TOLME', Consul.

No. 21.

Mr. Tolme to Viscount Palmerston.—(Received February 16.)

MY LORD,

British Consulate, Havana, January 17th, 1839.

I HAVE hitherto limited my reports on the Slave Trade to a monthly communication; but a peculiar case having occurred, I feel it my duty to make it known to your Lordship, even before the time in which I should transmit my periodical returns.

The American ship "*Venus*," alluded to in my Despatch of the 25th July, 1838, has just arrived from Africa with upwards of 860 negroes, and is now in this port as the Portuguese ship "*Duqueza de Braganza*."

This vessel, in August 1838, an American, arrived in January 1839, a Portuguese, with, as I have every reason to believe, the papers of the same "*Duqueza de Braganza*," as was reported by Her Majesty's Commissioners to have come in on the 12th January 1837, once the Spanish ship "*Europa*," at another time the Spanish ship "*Alerta*," originally the French ship "*Paquebot Bordalais, No. 1.*;" and lastly, having gone through all these camelion-like changes, the Spanish ship "*Provisional*," under which name she retired from her ignoble career, and conveyed troops to Porto Rico.

At all events, this vessel, the present "*Duqueza de Braganza*," since she was an American after 1837, could never legally become a Portuguese, and therefore sails under false colours; and I have consequently thought proper to address a letter, of which the enclosure is a copy, to Sir Charles Paget, as I do the present to your Lordship, on the subject.

I have, &c.

(Signed)

C. D. TOLME', Consul.

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

Enclosure in No. 21.

Mr. Tolmé to Sir Charles Paget, G.C.B.

SIR,

British Consulate, Havana, January 14th, 1839.

1. A first-rate Baltimore three-master of 460 tons arrived here on the 4th, and sailed for the coast of Africa, on the 25th of August last, as the American ship "*Venus*."

2. Whilst she was here, some of the Officers of Her Majesty's Navy, saw and examined her, among the rest, Commander Fraser, of the *Nimrod*.

3. She has returned, within a few days, from Africa, as the Portuguese ship "*Duqueza de Braganza*" after landing on the coast of this Island above 800 negroes.

4. Her Portuguese papers are said to be those of an old vessel, originally French, subsequently Spanish, and ultimately transferred to the Portuguese flag, under the name which the "*Venus*" now bears.

5. At all events, a vessel, American in 1838, as the "*Venus*" was, could never legally become a Portuguese; for Portugal has prohibited the adoption of her flag by foreign-built vessels, except steamers, after 16th January, 1837.

6. The "*Duquesa da Braganza*," therefore, navigated under false papers. Yet—
7. She will probably, again, ere long, depart from hence for Africa, without a change of flag.

8. It would be presumptuous in me even to offer a suggestion under such circumstances. I have only to state the facts, as I now do, availing myself of the opportunity of assuring you of the high respect with which I have the honour to be, &c.
(Signed) C. D. TOLME'.

The Vice-Admiral the Hon. Sir Chas. Paget, G.C.B.
&c. &c. &c.

No. 22.

Viscount Palmerston to Mr. Hardy.

SIR,

Foreign Office, February 25th, 1839.

I REFER you to a letter, which, on the 20th of October, 1838, you addressed to Sir Lionel Smith, respecting a negro boy named "Wellington," who had been kidnapped in Jamaica in the year 1834, and sold to an individual in Cuba, named Garcia; and I have to acquaint you, that a correspondence on the subject has recently taken place between the Colonial Department, Her Majesty's Envoy at Madrid, and myself, the result of which has been, that the Spanish Government has acceded to an application from Her Majesty's Government, that the boy above-mentioned shall be liberated, and shall be delivered over to you.

I herewith transmit to you copies of the Despatch, and of its enclosures, from Her Majesty's Envoy at Madrid, containing assurances from the Spanish Government, that orders have actually been given to the Captain-General of Cuba to this effect; and I have to desire, that you will demand from the local authorities at St. Jago de Cuba the liberation of the boy "Wellington," and that you will send him back to his own island.

You will not fail to acquaint me with the steps, which you shall take in execution of this instruction.

John Hardy, Jun., Esq.,
&c. &c. &c.

I am, &c.
(Signed) PALMERSTON.

No. 23.

Mr. Tolmé to Viscount Palmerston.—(Received April 1.)

(Extract.)

Havana, February 27th, 1839.

I HAVE the honour to enclose the January lists of vessels cleared from this port, suspected of being engaged in the Slave Trade, and of those arrived after having, as it is said, landed slaves on the adjacent coast.

Of the ships cleared, the "*Rebecca*" is an American schooner, which entered this port from Baltimore on the 5th December last, the then Captain being M'Neil. She was sold here by a private bill of sale, but her register was not given up, and she has proceeded for Gallinas, under the United States' flag, commanded by a new Master, authorised to put her under Portuguese colours at her place of destination, or at some intermediate port. The "*Oriental*" is only chartered to take out goods. The "*Fortuna*" is the well-known Spanish brig "*Llobregat*;" but though despatched at the Custom-house on the 28th January, she did not leave till the 22nd of the present month.

Of the vessels arrived, the "*Amelia*" was, I believe, formerly the "*Carvalho Marino*," despatched from hence on the 31st October last. The "*Dichosa Josefina*," and "*Segunda Union*," are, I presume, craft which have changed their names. The "*Brilhante*" is included in Mr. Consul Hardy's list, to which I shall refer in the course of this Despatch; whilst the "*Duquesa de Braganza*," of which I spoke in my letter of the 17th ultimo, is the old Bourdeaux Packet, No. 1, of whose metamorphoses the Enclosure No. 3 gives some details. Such transformations, such changes of names and flags, are so frequent, that, to trace them as they could and should be traced, would require more leisure than I have at my command.

Besides what these vessels brought, there were landed on the coast 540 slaves, or thereabouts, from a Portuguese craft, formerly the French brig "*Havre*," a brig which arrived here from Havre de Grace in September, 1837, was sold in December of the same year, and has since made more than one voyage to Africa. She was lost after discharging the above-mentioned cargo, and has thus ended her career.

It has been said that this ship navigated the seas under French colours; but I disbelieve the fact, simply because, shrewd as I think the Slave-traders are, I cannot think that they would use a flag which does not protect them from the search of our cruisers, and exposes them to that of French.

I am not aware of any negroes having been landed in the vicinity of Matanzas in the month of January. One brig, formerly the "*Manso*," under Spanish, now the "*Ulysses*," under Portuguese, colours, arrived at Matanzas, from Ayudah. She sailed from the former port on the 20th July for Africa, with a valuable investment of dry goods and some specie, and returned without cargo and without Master. This is the vessel which brought troops from Matanzas to Havana.

From Trinidad I have been unable to procure any information on the subject of the Slave Trade.

Mr. Consul Hardy has transmitted to me a list, of which the Enclosure No. 4, is a copy, of the vessels that landed negroes in the neighbourhood of St. Jago de Cuba in the year 1838, wherein, it is to be observed, two are contained, already reported by me, the "*Escorpion*," alias "*Volador*," on the 18th October, and the "*Brilhante*," on the 17th January.

From Mr. Consul Crawford, of New Orleans, I have now a reply to my letters respecting the "*Comet*," "*Conchita*," and "*Nueva Amable Salomé*." The first of these vessels has, it appears, belonged to a Spanish house in that place. The second, (not the "*Nueva Amable Salomé*," as I erroneously said in a former Despatch,) was put under the United States' flag as the "*Encantadora*," and came here as American property, with no papers but a bill of sale; whilst the last, originally intended to be transferred in the same manner, was to leave New Orleans early in this month, under her Spanish colours, for Havana. The fact is, that the Slave-traders, finding that the American Consul in this place would not clear vessels under American colours unless duly registered, have given up their plan of making such transfers as that of the "*Encantadora*;" and even this vessel, made an American in December last, has, within a few days, again become a Spaniard.

By the present packet I have received from Mr. Vice-Consul Giffard, of Vera Cruz, a letter respecting the British brig "*Arrogante*," of which I beg leave to enclose a copy, No. 5.

First Enclosure in No. 23.

List of Vessels despatched from Havana, in the month of January, 1839, suspected of being engaged in the Slave Trade.

January 23,	American schooner	" <i>Rebecca</i> "	Wilson,	Master, for	Gallinas.
" 26,	"	brig	" <i>Oriental</i> "	Hatch,	" Lagos.
" 28,	Portuguese	"	" <i>Fortuna</i> "	Barbosa	" "

Second Enclosure in No. 23.

List of Vessels arrived in the Port of Havana, in the month of January, 1839, after having landed Slaves, as it is said, on the adjacent Coast.

Portuguese.	Master.	Landed at.	Negroes.	Entered.	
Ship " <i>Amelia</i> "	Maquitta	Cabanas	510	4th	Jan.
Schooner " <i>Dichosa</i> "	Ramon	Guanima	220	6th	"
Ship " <i>Duqueza da Braganza</i> ,"	Cadet	Baños	841	7th	"
Schooner " <i>Joséfina</i> ,"	Rodriguize	Guanima	227	7th	"
" " <i>Brillante</i> ,"	Sanches	Juragua	223	17th	"
" " <i>Segunda Union</i> ,"	Olivia	Guanima	172	30th	"

Besides which 540 were landed on the south side of the island, from a Portuguese brig, originally the French brig "*Havre*, of Havre."

Third Enclosure in No. 23.

List of the Flag and Name which the Vessel, originally the "Paquebot Bordelais, No. 1," underwent, and of the Voyages made by her, up to the time when her Portuguese Papers were turned over to the Owners of the Ship originally under American Colours as the "Venus," of Baltimore, and now the Portuguese Ship "Duqueza de Braganza."

The French ship "*Paquebot Bordelaise*, No. 1," in February, 1833, became the Spanish "*Europa*," and, under this name, in March, 1833, sailed for Hamburg.

Sept., 1833, she returned.

Sept., ,, she sailed for Nassau.

Oct., ,, she returned.

Nov., ,, she sailed for Cayo Sal.

Dec., ,, she returned.

Feb., 1834, she sailed for Hamburg.

Aug., ,, she returned, and,

Sept., ,, being sold, became the

Spanish ship "*Alerta*," under which name, Sept., 21st, she sailed for Africa.

June, 1835, she returned.

July, ,, she sailed again for Africa.

Feb. 1836, she returned, and, as the

Spanish ship "*Europa*," again sailed in May, 1836, for Africa, returning as the

Portuguese ship "*Duqueza de Braganza*"
alias "*Europa*"
alias "*Alerta*" } Jan., 1837.

She subsequently became the Spanish ship "*Provisional*," made a voyage or two, under this name, to Santander, whence, in July, 1837, and, under the same name, sailed with troops, in the same month, for Porto Rico, and has not since returned here.

Being too old for the African trade, the plan of building a new vessel to navigate, under her papers, was then formed, and, with them, the American ship "*Venus*," became the Portuguese ship "*Duqueza de Braganza*."

Fourth Enclosure in No. 23.

Copy of a List furnished by Mr. Consul Hardy, of such Slave Vessels as succeeded in landing their cargo at Juragua, in the year 1838.

			Master	From	Negroes.	
January	4th,	Portuguese schooner	" <i>Joven Luisa</i> "	Monso	Aviso	291
"	20th,	"	" <i>Magdalena</i> "	Artiaga	Principe	219
February	11th,	brigantine	" <i>Esperanca</i> "	Saldanha	"	420
April	24th,	Spanish	" <i>General Espartero</i> ,"	Bano	"	455
July	28th,	Portuguese	" <i>Triunfo de Loanda</i> "	Mercil	Coast of Africa	345
August	3rd,	"	" <i>Escorpion</i> "	Carlos	"	273
December	14th,	"	" <i>Esperanca</i> "	Saldanha	"	430
"	18th,	schooner	" <i>Enriqueta</i> "	Garcia	"	130
"	26th,	"	" <i>Brillante</i> "	Garcia	"	240

Fifth Enclosure in No. 23.

Mr. Vice-Consul Giffard to Mr. Consul Tolme.

SIR,

British Consulate, Vera Cruz, January 20th, 1839.

I HAVE the honour to acknowledge the receipt of your communication, of the 27th November last, relating to the suspicious schooner "*Arrogante*," and to acquaint you that, as soon as I learn her ostensible or probable movements, you shall be informed therewith. She is still in the bay, waiting some arrangement between the belligerents to be permitted to discharge her cargo.

I have, &c.,

C. D. Tolmé, Esq.,
&c. &c. &c.

(Signed)

J. GIFFARD, Vice-Consul.

No. 24.

Mr. Consul Tolmé to Viscount Palmerston.—(Received April 1.)

(Extract.)

Havana, February 28th, 1839.

IN reply to your Lordship's Despatch, of the 31st December, 1838, Slave Trade, I beg to say that I perfectly remember having, in the beginning of the year 1836, penned a strong recommendation in favour of Don Jozé Miguel Fernandez, who was then applying for the appointment of Portuguese Consul at this place.

At that time I was not aware that Mr. Fernandez was one of the most notorious slave dealers whose names are to be found in the records of the Mixed Courts, for the Parliamentary Papers were then to me a sealed book, they were never forwarded to me, either by Her Majesty's Government, or by the Commissioners. I hardly knew of their existence.

It is true that I did know that Mr. Fernandez was said to have some interest in the Slave Trade, but I did not therefore consider him necessarily unfit for a consular appointment, because, to use the words of a celebrated abolitionist, "among the merchants concerned in this traffic a great majority are of general fair character, some men of considerable improvement of mind, and I could point out more than one possessed of uncommon integrity and kindness of heart;" and, Mr. Fernandez, being just one possessed of these qualities, combined with judgment and intelligence, I could not (barring the displeasure I must feel at his being engaged in a traffic which I most conscientiously disapprove of) but esteem, and feel justified in recommending him to a Government whose flag, at the time I did so, was scarcely employed at all in these waters for slaving purposes.

That I was not singular in this respect, is proved by the Judges of the Tribunal of Commerce in this city having certified that he was a person of extensive knowledge in the commercial line, and a man of honour and delicate conduct, and by one of the most estimable of my colleagues having declared that Mr. Fernandez enjoyed the very best opinion and credit in this community; that he was of a mild, amiable, and conciliatory character; that he was acquainted with many languages, and possessed vast commercial information, especially in its bearings on the laws, manners, and customs of Spain, and was therefore peculiarly capable of well representing a foreign Government.

Nor, my Lord, did Mr. Fernandez' conduct as Consul belie the good opinion entertained of him. During his short career he detected several Portuguese vessels having false papers; he prevented such collusive transfers to the Portuguese flag as have since taken place, and he denounced the fraudulent proceedings in the Cape de Verds; and it is just because he did act so, that he was suspended.

In fact, whatever may be Mr. Fernandez' views as to the Slave Trade, and they are probably the views unfortunately held by the great mass of this population, yet, in his consular character, he acted with perfect integrity; and if he had been continued, I am confident that there would have been considerably less use of Portuguese colours fraudulently obtained. The "*Venus*" would never have been the means of conveying 850 negroes to a life of bondage.

Considering these facts, I trust that your Lordship will see that there was, at the time when I did so, no impropriety in my recommending Mr. Fernandez, and that the character I gave of him was fully justified by his conduct.

I have, &c.

(Signed)

C. D. TOLME.

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

No. 25.

Viscount Palmerston to Mr. Consul Tolmé.

SIR,

Foreign Office, April 12, 1839.

I HAVE received your letter of the 28th of February, 1839, in which you state your reasons why you recommended M. Fernandez for the appointment of Portuguese Consul at the Havana.

I regret to have to observe in reply, that I cannot consider your explanation to be

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satisfactory, inasmuch as you admit that you recommended M. Fernandez for the situation in question, with the knowledge that he was considered to be concerned in Slave Trade.

Mr. Consul Tolmé,
&c. &c. &c.

I am, &c.
(Signed) PALMERSTON.

No. 26.

Mr. Tolme to Viscount Palmerston.—(*Received May 7.*)

(Extract.)

British Consulate, Havana, March 20, 1839.

I HAVE announced to Her Majesty's Commissioners that, during the month of February, there have been despatched from hence to the Cape de Verds and the Coast of Africa, the

American Schooner,	" <i>W. Bayard</i> ,"	for Cape de Verds,
Spanish	" <i>N. Sa del Rosario</i> ,"	"
Portuguese	" <i>Montaña</i> ,"	" L. Pablo de Loanda,
American Brig,	" <i>Morris Cooper</i> ,"	" Lagos, and the
American Schooner,	" <i>Perry Spencer</i> ,"	" Gallinas;

and that there have arrived, the

Portuguese Brig,	" <i>Felicidad</i> ,"	with 447 Africans,
"	" <i>Matilde</i> ,"	" 296 "
Montevidean "	" <i>Primogente</i> ,"	" 467 "
Portuguese Schooner,	" <i>Labadeira</i> ,"	" 229 " and the
"	" <i>Eliza</i> ,"	" 116 "

Of the vessels despatched, the "*William Bayard*" arrived on the 22nd December from San José, and was sold, if not transferred here; the "*N. Sa del Rosario*" was a vessel formerly in the Campeachy trade; the "*Montaña*" is a brig which arrived from the coast of Africa last September; the "*Morris Cooper*" came in from New Orleans on the 25th December, and even previously, I suspect, belonged to Spaniards, though ostensibly owned by United States citizens; whilst the "*Perry Spencer*" came in from Mobile on the 17th of last January, and was disposed of here.

When I say that these American vessels were sold, I do not mean to say that they were legally transferred, according to the forms required in the United States, or by their Consuls abroad; they were, for the most part, disposed of by a private agreement, on the condition of the American master delivering them over, either at the Cape de Verds or on the coast of Africa, the purchase-money having been previously deposited here on the security of a charter.

Of the vessels that have arrived, the "*Primogenito*," now under Montevidean colours, was formerly the Spanish brig "*Terrible*;" she was subsequently put under the Portuguese flag; was taken, sold at Sierra Leone, came into the hands of the well-known Mr. Blanco, and was sent to the river Plata to acquire a new national character. I have written to Mr. Hood respecting her;—the "*Labadeira*" was despatched from hence the 7th November.

The other vessels arrived are, I believe, Americans under new names. Had I time and means I could ascertain the fact.

The upshot of this and my former reports is a very melancholy one. There appear from all that I have learnt, to have arrived, in January and February, no less than 12 slavers, with about 4300 unfortunate Africans. It is possible that more may have come in; and probably in the outports there have been arrivals which have not come to my knowledge.

Now let us compare this with the reported arrivals of former years. From the correspondence of the British Commissioners of the Havana, it would appear that, up to the end of February, the period of the year at which, according to my returns, 4300 negroes, or thereabouts, had been imported in 1839, there had arrived in 1832 but 4 vessels, with I calculate at most

			1200 Negroes
1833	-	6	ditto 1800 "
1834	-	7	ditto 2400 "
1835	-	8	ditto 2400 "
1836	-	15	ditto 4000 "

whilst in 1837 the number rose to 18 vessels with about 6000; so that the trade,

of late years, in spite of the Spanish Treaty, which has driven vessels under this flag out of the trade, has materially increased :

And I hesitate not to say, that so long as the increasing prosperity of this island creates a demand for slaves, the traffic will be carried on to the same, and even a greater, extent than at present, unless Great Britain adopt much more efficient measures than heretofore for putting a stop to it.

Enclosure in No. 26.

Mr. Tolmé to Mr. Hood.

SIR,

British Consulate, Havana, 28th February, 1839.

I BEG to inform you, that on the 14th instant the brig "*Primogenito*" arrived here under Montevidean colours, after having landed on the coast 467 negroes.

This vessel was formerly the Spanish brig "*Terrible*;" she was subsequently put under the Portuguese flag; was taken, and condemned, and sold at Sierra Leone, where she was purchased for account of the notorious M. Blanco, and sent, it is said, to Montevideo.

I take leave to communicate the facts to you, as they may be the means of enabling you to prevent, in the sequel, a similar abuse of the Montevidean flag.

I have, &c.

T. S. Hood, Esq.
&c. &c. &c.

(Signed)

C. D. TOLME', Consul.

No. 27.

Mr. Consul Tolmé to Viscount Palmerston.—(Received May 21, 1839.

(Extract.)

Havana, April 11th, 1839.

ON the 2nd instant I transmitted to Her Majesty's Commissioners the lists of vessels despatched from hence in March, suspected of being engaged in the Slave Trade, and of those which, in the same month, arrived here, after having, as it is said, landed slaves on the adjacent coast.

I now beg to wait on your Lordship with similar lists, and the following remarks thereon :

Of the vessels despatched, the "*Wyoming*" entered from New York on the 2nd January last, and was sold here for about 10,600 dollars; the "*Octavia*" from New Orleans on the 28th January, consigned to a party whose name already figures in the records of the Mixed Courts, Mr. Pedro Manegat; to this person she is said to have previously belonged, and to belong still. The "*Josefina*" is a schooner reported from Africa in January; the "*Constituçao*" was formerly the "*Dolphin*," mentioned in my despatch Slave Trade, October 3, 1838, and the "*Jack Wilding*" is a schooner which came in from Mobile on the 1st March, and was sold for about 9000 dollars.

Of the vessels arrived, the "*Constituçao*" is the one mentioned above; the "*Josefina*" is a schooner often reported; the "*Liberal*" is the Spanish brig which arrived from Barcelona on the 20th November, 1837, as the "*Negrito*," and was despatched February, 1838, under her present name and colours, for the coast of Africa, having, as it was then too late to legally acquire a Portuguese character, probably navigated with the papers of some other vessel. She has been more than a year absent, and, having taken in about 500 Africans, has landed but half of her original cargo, whilst the "*Maria II.*" is the notorious ship "*Socorro*," commanded really, though not ostensibly, by her former master, Monsieur Muzzard, and has disembarked about 300 negroes less than she took in. Monsieur Muzzard says that he had no sickness on board, but that he lost that number in a storm off the Cape of Good Hope on the 7th January last, when he feared even for the safety of his vessel. Who knows what may have been the fate of these unfortunate beings?

In this report I have again to lament, that the number of slaves introduced has

been so large. According to my returns there have arrived in this neighbourhood, in 1839, no less than 5,546 souls, whilst by the Parliamentary papers, taking ships to bring 600, brigs 400, and schooners 200, there had landed,

In the first quarter of 1837,	6,200	souls.
” 1836,	6,800	”
” 1835,	3,200	”
” 1834,	2,800	”
” 1833,	2,400	”
and 1832,	1,200	”

only, showing a gradual increase of the trade; and as there are now, as far as I can judge, from Havana alone, full 24 vessels out, we may expect this year as large arrivals as usual, unless Her Majesty's cruisers are fortunate in their captures; and in fact there appears, more than I ever knew it before during my residence in this island, an eagerness on the part of the slave traders to purchase fast-sailing American built vessels, and to send them out to Africa under the flag of the United States. Scarcely a fleet schooner arrives, suited for this traffic, but she is immediately sold at extravagant prices. One, the "*Hound*," as appears by the weekly report of the 30th March, which I have the honour to enclose, No. 3, was disposed of, the very day she came, for the enormous price of 11,000 dollars; and things go so far, that people advertise vessels, as peculiarly worthy of the notice of purchasers, on the plea of their having been expressly built for corsairs—a singular recommendation in times of peace. I enclose a handbill to that effect.

I have no report this month from Santiago de Cuba, probably owing to the absence of Mr. Hardy.

My arrangements at Trinidad are not yet completed, but from thence, as well as other parts of the island, I shall be able, in the sequel, to obtain information of all that is passing there in the Slave Trade.

At Matanzas there arrived in March the Portuguese schooner "*Victoria*," a vessel mentioned in my despatch, Slave Trade, of the 3rd October, 1838. She landed about 280 negroes. This fact, as well as some others of interest, are stated in the Enclosure No. 5, extract of a letter from that port.

The fast-sailing British schooner "*Arrogante*," referred to in my despatch of the 28th November, 1838, has returned from Vera Cruz to the address of P. Martinez and Co., and will probably proceed to Cadiz or Gibraltar, where it would not be surprising if she were transferred to some other flag, to pursue her old career. Her ownership, her consignees, and even her name, are sufficient to justify suspicion as to her intended movements.

I have furnished some of the officers of the cruizers on this station with lists of the vessels engaged in the Slave Trade, to the best of my belief still out; of the dates of their sailing, of the length of the voyage from hence to Africa and back, by which they may form some opinion of the probable period of return, and of the points whereat the debarkation of negroes has of late taken place. Of these notices the Enclosure No. 6 is a copy.

I am now engaged in collecting materials for a list of vessels in port, likely to proceed to Africa, which I shall send when complete, and repeat occasionally, as it may be of service to Her Majesty's cruizers on that coast.

Indeed I shall be glad to procure and communicate all the information within my reach, bearing on the Slave Trade.

First Enclosure in No. 27.

List of Vessels despatched from Havana in the month of March, 1839, suspected of being engaged in Slave Trade.

March 6	American brig	" <i>Wyoming</i> ,"	Christopher, Master, for Pitavasa.
”	” schooner,	" <i>Octavia</i> ,"	Hickins, ” ” Gold Coast.
” 12	Portuguese ”	" <i>Josefina</i> ,"	H. Rodriguez. ” ” St. Tomé.
” 21	” ”	" <i>Constituição</i> ,"	J. Rodriguez, ” ” St. Tolme.
”	American ”	" <i>Jack Wilding</i> ,"	Eneas, ” ” Cape de Verds.

Second Enclosure in No. 27.

List of Vessels which enter the Havana in March 1839, after having landed, it is believed, slaves in the vicinity.

			Masters.		Slaves.
March 3,	Portuguese schooner,	" <i>Constituição</i> ,"	J. Rodriguez,	after landing, it is said,	213.
" 7,	"	" <i>Josefina</i> ,"	A. Jozé,	"	235.
" 11,	" ship,	" <i>Maria 2da</i> ,"	A. Batalla,	"	553.
" 23,	" brig,	" <i>Liberal</i> ,"	A. Santez,	"	257.

Third Enclosure in No. 27.

Notice of Advertisement of Sale of an American schooner for the Slave Trade.

"*Hound*," American schooner, Corner: sold, C. Drake and Co.

Fourth Enclosure in No. 27.

Slip from an Havana Newspaper.

SE VENDEN,

EL nuevo y velero Berg. Charles Edmonson, su Cap. Richardson, farrado y claveteado en cobre hace seis meses, construido hace tres años en un puerto del golfo de Méjico, de las mejores maderas y espresamente para corsario; se halla perfectamente provisto de todo lo necesario para navegar, y se podrá despachar sin demora impondrán el capitan á bordo ó sus consignatarios.

D. CARLOS DRAKE Y. COMP.

Fifth Enclosure in No. 27.

Extract of a Letter from Matanzas, dated March 29, 1839.

"THE two schooners mentioned in my last have both arrived with full cargos; one of them, the Portuguese schooner "*Constitucão*," formerly the "*Dolphin*," of Baltimore, with about 300; the other, the "*Victoria*," also built at Baltimore, with some 280; both owned here, and both in my opinion sailing under forged registers. Another Baltimore built schooner, the "*Mary Ann Carson*," was sold at this port in June last, and was dispatched to the North Coast about the same time as the two above named.—A report prevails, that she has been captured and carried to Sierra Leone, for attempting to use one half of her original register. which it seems was delivered by the Consul to the American Captain, and it is supposed sold by him to the purchasers of the vessel. An expedition was fitted out some four or five months since at Havana, in which a Mr. Paul Faber (supposed to be an Englishman), who had a factory at Rio Pongo, is gone supercargo; he is expected at the favourite disembarking spot, "*Camarioca*," every moment. Another Company here is looking out for a vessel to replace one, of whose loss news is just received. The death of little Montak, of Baltimore (said to be a British subject), who was in the practice of sending out so many schooners' for sale, will be a serious loss to these gentry."

Sixth Enclosure in No. 27.

Copy of a Note given to the Commander of Her Majesty's Cruizers on the Coast of Cuba.

THE Enclosure is a list of all vessels which have left this port for the Coast of Africa since the beginning of September, 1838, and the dates of their sailings. The "*Comet*," the first on the list, has returned, so has the "*Lavandeira*"; some others which changed their names, may also be back, but unless taken on the Coast of Africa or lost, I think that at least 24 out of the 32 may still be looked for. You may judge of the time in which they are to be expected back by the following calculations, made up from the parliamentary papers. It seems that out and home—

Was in 1830,	The shortest Voyage. 4 months, 20 days.	The longest. 11 months, 12 days.	The average length of Voyages. 7 months, 23 days.
" 1831,	4 " "	9 " 18 "	6 " 5 "
" 1832,	4 " 14 "	9 " 21 "	6 " 5 "
" 1833,	4 " 17 "	12 " 11 "	7 " 16 "
" 1834,	5 " 21 "	15 " 15 "	8 " 12 "
" 1835,	5 " 5 "	14 " 9 "	7 " 27 "
On the average of } the six years, }	4 " 23 "	12 " 6 "	7 " 9 "

The long voyages are rare, they are generally occasioned by extraordinary delays on the coast, by detention, by loss of time in changing papers; and sometimes vessels, put down as long out, may have made an intermediate trip.

At the end of four months from the time of their leaving Havana, they may daily come, and when out seven or eight months, it is only in rare cases that they return at all.

The place of landing the negroes in Cuba is always left, in some degree, to the master of the vessel in which they come, but, as stated in a letter dated 30th April, 1835, from P. Martínez and Co. to the Captain of one of their slavers, (see parliamentary papers, Class A, 1835, p. 75), the general desire is "that the cargoes be disembarked at Havana or Matanzas, or any other of the intermediate ports, such as Arcos de Canasi, Puerto Escondido, Santa Cruz, or failing these, at Banes; but in case of bad weather or chase, whenever it can be done, and though the owners dislike their vessels discharging on the south side of the Island, which (as remarked in the prescribed letter), "is much exposed," yet many cargoes are landed there, as will be seen by the following list of the places at which, during the last six months, vessels have put their negroes on shore, of 25 cargoes.

9	were landed at	Guanima.
4	"	near Trinidad.
3	"	at Manil.
2	"	Camarioca.
1	was	Puente de Guano.
1	"	Cabanos.
1	"	Banes.
1	"	Cogimar.
1	"	Santa Cruz.
1	"	Canimar.
1	"	near Santiago de Cuba.

Which shows the points more necessary to be watched.

PORTUGAL.

No. 28.

Lord Howard de Walden to Viscount Palmerston.—(Received February 6.)

MY LORD,

Madrid, February 21, 1839.

HAVING observed, on reference to the archives in this Legation, that, in 1833, Senhor Candido Jozé Xavier, then Secretary of State for Foreign Affairs to Her Most Faithful Majesty, had, on a representation from the British Government respecting the conduct of Senhor João Baptiste Moreira, in regard to the Slave Trade, declared officially, that that individual had been dismissed from his post as Consul and Chargé d'Affaires at Rio de Janeiro, I have addressed a note to the Viscount de Sá da Bandeira, a copy of which I enclose, requesting, for the information of Her Majesty's Government, that the reasons may be made known to me, which led to the reinstatement in office, of an individual of such notoriety in Slave Trade transactions.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

&c.

&c.

&c.

Enclosure in No. 28.

Lord Howard de Walden to Viscount de Sá da Bandeira.

MONSIEUR LE VICOMTE,

Lisbon, January 16, 1839.

My predecessor at this Court having received, so long ago as the year 1833, from his Excellency Senhor Candido Jozé Xavier, the Secretary of State for Foreign Affairs to Her Most Faithful Majesty, the official declaration, in reply to representations brought forward on the part of the British Government, respecting the protection given to slave-traders by Senhor João Baptista Moreira, whose proceedings have lately been the cause of a renewed correspondence on the above subject, that His Imperial Majesty the Duke of Braganza, Regent, in the name of the Queen, had already, for motives not less painful, dismissed the said Moreira; and Senhor Candido Jozé Xavier expressed his hopes that Senhor Joaquim Barroso Perreira, who had been nominated as his successor by His Imperial Majesty, to the Consulate-General and Chargé d'Affaires of Portugal at the Court of Rio de Janeiro, would not give cause for any just reclamations of this or any other nature.

I trust, under these circumstances, Your Excellency will not object to favour me, for the information of Her Majesty's Government, with the reasons which, in face of such assurance, so honourable to the Emperor Don Pedro, have led to the reinstatement of a person, so denounced in His Imperial Majesty's name, and of such recorded notoriety in Slave Trade transactions.

I have, &c.,

(Signed) HOWARD DE WALDEN.

His Excellency the Viscount de Sá da Bandeira,

&c.

&c.

&c.

No. 29.

Lord Howard de Walden to Viscount Palmerston.—(Received February 6.)

(Extract.)

Lisbon, January 24, 1839.

I HAVE again spoken to the Viscount de Sà da Bandeira on the subject of the Slave Trade Treaty. On my representing to him the importance of a speedy decision on this question, with reference to the approaching meeting of Parliament, he fully admitted it; but, on my informing him that I had no authority to make any concession whatever on the last points of difference, as reported in my Despatch, of the 8th of December of last year, he gave me the intimation I had been led to expect, that the matter must be determined by the Cortes.

I have no idea that any concessions on the particular points of dissent above referred to would alone insure the signature of the proposed Treaty, complete in other respects. I look upon the refusal of the Viscount de Sà da Bandeira to be based on calculations of policy, influenced by the state of party, and of support sought for by him for his administration.

No. 30.

Lord Howard de Walden to Viscount Palmerston.—(Received February 6.)

(Extract.)

Lisbon, January 27th, 1839.

HAVING been informed by Rear-Admiral Sir John Ommanney, that Her Majesty's ship, "Camelion" had been despatched from England, with a number of Portuguese on board, lately of the crew of the slave-ship "*Diligente*," captured under Portuguese colours, by Her Majesty's ship "*Electra*," and who were to be delivered over to the Portuguese authorities, in order that, on being proved to be guilty as slave traders, they might meet the punishment assigned for their crimes under the law of the 10th of December, 1836, prohibiting the Slave Trade, I communicated the fact, though not in a formal manner, to the Viscount de Sà da Bandeira, saying, that my motive for so doing, previous to having received any instructions myself, was to prevent all unnecessary delay in making the said prisoners over to the Government, immediately on their arrival.

The Viscount appeared to me to be extremely annoyed. He told me on my seeing him at Court to-day, that he had not yet consulted his colleagues on the matter, nor had he made up his own mind as to the course to be pursued. He said that his impression was, that the Portuguese Government would refuse to receive these prisoners, in consequence of their being captured to the south of the Line, and that the affair would make a great noise in Lisbon, and in the Cortes, and would be extremely inconvenient and embarrassing to the Government.

I replied that we should not care at all for noise in the Cortes, that we considered ourselves in the right, and had taken our line; that I could easily understand how inconvenient it was to him and to the Government, to have their sincerity in enforcing their law, for the abolition of the Slave Trade, and for the punishment of those guilty of the traffic, thus brought practically and publicly before the world, and put to the test at this moment; but that, when those men arrived, I, at once, should call upon him officially, to receive them at my hands as criminals, and that upon the course the Government adopted, the spirit of sincerity, in which the negotiations for the accomplishment of a Treaty for the extinction of the Slave Trade had been conducted, would be judged.

At this moment, we were summoned into the Queen's presence; as there were several other persons waiting for audiences, and a Council of Ministers was to be held immediately afterwards, I had not an opportunity of continuing the conversation.

As, however, I think it highly probable, that the Portuguese Government will refuse to receive the individuals in question, I lose no time in requesting instructions as to the course to be pursued in regard to them, in such a contingency.

No. 31.

M. de Carvalho to Viscount Palmerston.—(Received February 8, 1839.)

THE Undersigned, Chargé d'Affaires of Her Most Faithful Majesty, had the honour to receive the note addressed to him on the 2nd instant, by His Excel-

lency Lord Viscount Palmerston, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, in which his Excellency acquaints the Undersigned, that Mr. Armitage, a mate of Her Britannic Majesty's ship, "Rover," intrusted with the charge of the schooner "*Flor de Loanda*," and of the persons belonging to that vessel, who have recently arrived in England, has been promoted to the rank of Lieutenant, as a mark of the satisfaction with which Her Britannic Majesty's Government have viewed the proceedings of the "*Rover*."

His Excellency Lord Viscount Palmerston also acquaints the Undersigned, that it is the intention of the Lords of the Admiralty to promote Lieutenant Bosanquet, of Her Majesty's ship "*Leveret*," to the rank of commander, and to appoint him to the command of a ship of a superior class, to cruize upon the African station, as a reward for his activity and perseverance in the suppression of the Slave Trade; and His Excellency concludes by requesting the Undersigned to communicate the preceding statement to the Government of Her Most Faithful Majesty, as containing evidence of the determination of Her Britannic Majesty's Government to watch over, and by every proper means to accomplish, the suppression of the illegal traffic in slaves.

The Undersigned in reply has the honour to assure His Excellency Lord Viscount Palmerston, that he will not fail to transmit to his Government by next Saturday's mail, a copy of His Excellency's note, and at the same time begs leave to observe, that such a proceeding on the part of Her Britannic Majesty's Government cannot but be deeply felt by that of Her Most Faithful Majesty; for, with respect to the capture of the Portuguese schooner, "*Flor de Loanda*," by the British ship "*Rover*," it has already been proved without contradiction, that, there being yet no new treaty concluded between the two Crowns of Portugal and Great Britain for the total abolition of the Slave Trade, the existing treaties on this subject do not confer on British cruisers the least right to detain any Portuguese ship employed in the Slave Trade, which may be met with south of the equator; and such being the case with the "*Flor de Loanda*," the promotion of Mr. Armitage to the rank of Lieutenant, as a mark of satisfaction for the part he took in the proceedings of the "*Rover*," is not the reward of merit, but an encouragement to violate the law of nations, not creditable to any Government, and less to be expected from the British towards its ancient and ever faithful ally.

The statement respecting the promotion of Lieutenant Bosanquet to the rank of commander is still more extraordinary, and highly offensive to the dignity of the Portuguese Crown: since, after Her Britannic Majesty's Government had expressed their regret, that the conduct of Lieutenant Bosanquet in searching the vessels in the harbour of Moçambique, without the permission and concurrence of the Portuguese authorities, and in searching the Spanish ship "*Diogenes*," and retaining possession of her, in a Portuguese harbour, had given *just* cause of complaint to the Government of Portugal, it could hardly be thought that Her Britannic Majesty's Government, instead of granting, as requested, a sufficient reparation of the insult offered to the Portuguese Crown and flag, and admitting the just claim preferred by the owner of the "*Diogenes*," for the sum of 181,855 dollars, as a compensation for the losses and damages occasioned to him by Lieutenant Bosanquet's attack upon, and detention of, his vessel at Moçambique, would reward the said Lieutenant for his conduct, thus sanctioning the attack made by him, in a port belonging to an ancient ally of his Sovereign, in contempt of the rights and dignity of the Crown of Portugal, and of the law of nations, which is, and ought effectually to be, the same for the weak, as well as the powerful.

And are such the *proper* means which Her Britannic Majesty's Government are determined to pursue, in order to accomplish the suppression of the illegal traffic in slaves, at the time, moreover, that negotiations to this effect are pending between the two Crowns of Portugal and Great Britain? Let impartial justice decide whether they are worthy of a liberal and enlightened Government.

The Undersigned avails himself with great pleasure of this opportunity to renew to His Excellency Lord Viscount Palmerston, the assurances of his highest consideration.

(Signed) CHEV. REBELLO DE CARVALHO

London, February 7, 1839.

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

&c.

&c.

&c.

No. 32.

Lord Howard de Walden to Viscount Palmerston.—(Received February 12.)

(Extract.)

Lisbon, February 2, 1839.

I HAD yesterday an interview with the Viscount de Sá da Bandeira at the Foreign Office, when I communicated to His Excellency the contents of your Despatch of the 19th of January last, Slave Trade, in which your Lordship states the grounds on which Her Majesty's Government must refuse to admit of any concession on the four points, which had been specified by me as the principal causes of dissent on the part of the Viscount de Sá, to the last project of treaty for the abolition of the Slave Trade.

His Excellency declared that there was no force in any of your Lordship's reasoning, except in regard to the non-insertion of the clause regarding ancient treaties (as required by the Viscount de Sá); the objections to which he remarked were "specious." He then added, that these were not all the objections he had to the project; that there were many others.

I reminded him, that the points in question were the objections he had made to the text of the project as it stood; that we had not gone into the question of insertions, modifications, and amendments, which he might *desire* to make in it, to render it more in conformity to the project which he had proposed; that it was quite unnecessary for us to enter into further detailed discussion, being at variance on so many main points, on which Her Majesty's Government could not make any concession; that upon these alone the negotiation must be brought to a close, if not agreed to by the Portuguese Government.

I then entered into a long discussion with the Viscount de Sá on the inconvenient effect his resistance would entail on the general relations existing between Portugal and Great Britain, pointing out how little sympathy he would obtain from his "protection of the slave-traders," as that was, in fact, the practical view which would be taken of his course of policy with regard to the Slave Trade treaty; that as for difficulty with the Cortes, I was myself perfectly satisfied, that no one would get up to say one word publicly against the proposed Slave Trade treaty, if declared necessary by the Government for the prosperity of the Portuguese colonies; that Portugal gained nothing by the delay in the Treaty, while, according to his own admission, he was retarding the civilization and prosperity of her colonies, and endangering her relations with Great Britain.

The Viscount had recourse only to his old arguments, but on my pressing him for a decision on the Treaty, he replied, "perhaps you may be able to sign it with another Minister."

This gave rise to some conversation on the instability of the Government, but on my not admitting the probability of a change, he concluded by saying he must see what the Cortes would say on the subject of the Slave Trade, on discussing the Address. On my asking him who was likely to introduce a discussion on this topic, he informed me he would himself speak on the subject.

No. 33.

Lord Howard de Walden to Viscount Palmerston.—(Received February 12.)

(Extract.)

Lisbon, February 5, 1839.

WITH reference to my Despatch, Slave Trade, of the 27th of January, I have the honour to inform your Lordship, that Her Majesty's ship "*Camelion*" arrived last night, having on board only 9 out of the 14 Portuguese prisoners named in the list sent out to Rear-Admiral Sir John Ommanney, by the Lords Commissioners of Admiralty.

No. 34.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, February 14th, 1839.

I HAVE received your Lordship's Despatch, Slave Trade, of the 27th of January, 1839, respecting certain individuals, who formed part of the crew of the

Portuguese slave-vessel "*Diligente*," recently captured by Her Majesty's ship "*Electra*," and who have been sent to Lisbon, to be there delivered up to the Portuguese authorities, to be tried by Portuguese law.

With reference to my Despatch to your Lordship, of the 2nd instant, I have to instruct you, to cause the men in question to be handed over to the Portuguese Government; and I have to desire, that your Lordship at the same time will present a note to the Portuguese Government, calling upon that Government to bring the men in question to punishment, by due process of Portuguese law. It must rest with the Portuguese Government to take what course it chooses to adopt on this matter; but when once the individuals in question have been given up to the Portuguese Authorities, neither Sir John Ommanney nor your Lordship will have any more concern with them.

You will consult with Sir John Ommanney as to the manner of carrying this instruction into effect.

I am, &c.
(Signed) PALMERSTON.

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

No. 35.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, February 16th, 1839.

I HAVE received your Lordship's Despatch, marked Slave Trade, of the 5th instant; and I herewith forward to your Lordship a copy of a Despatch and of its enclosures, which I have received from Her Majesty's Commissioners at Rio de Janeiro, and which contains the only information received at this office respecting the capture of the Portuguese slave vessel "*Diligente*," beyond that which has already been communicated to your Lordship in my Despatch of the 2nd instant.

I am, &c.
(Signed) PALMERSTON.

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

Enclosure in No. 35.

Rio Commissioners to Viscount Palmerston.—December 12, 1838.

(See Class A., No. 53, p. 130.)

No. 36.

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

(Extract.)

Lisbon, February 11th, 1839.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 2nd instant, Slave Trade, relative to part of the crew of the Portuguese slaver "*Diligente*," who have been sent to Lisbon in Her Majesty's ship "*Camelion*," to be delivered over to the Portuguese authorities, to be punished under the law prohibiting the Slave Trade.

I shall lose no time in addressing the Viscount de Sà da Bandeira on the subject.

I learn from Rear-Admiral Sir John Ommanney, that only nine out of the fourteen named in the list transmitted by your Lordship have as yet arrived; the remaining five are not accounted for.

No. 37.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, February 23, 1839.

I HEREWITH transmit to your Lordship, for your information, a copy

of a letter which I have received from Messrs. Simpson and Cobb, respecting the slave vessel the "*Flor de Loanda*," and a copy of the answer which I have returned thereto.

I am, &c.

(Signed)

PALMERSTON.

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

First Enclosure in No. 37.

Messrs. Simpson and Cobb to Viscount Palmerston.

MY LORD,

11, *Austin Friars*, February 2, 1839.

WE have the honour to enclose, for your Lordship's consideration, the copy of a letter, which we have felt it our duty to address to the Solicitor for the Admiralty, on behalf of Captain Barboza, of the Portuguese brig "*Flor de Loanda*," and his companions, and of Mr. Jones's reply to us.

In bringing this subject under your Lordship's notice, we beg leave to add, that we have no desire to press for extreme right on behalf of these parties, and in proposing that the ship and cargo should be restored to Captain Barboza, we hope that we have asked for nothing unreasonable under the circumstances of the case.

We have, &c.

(Signed)

SIMPSON AND COBB.

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

Sub-Enclosure A. in No. 37.

Messrs. Simpson and Cobb to Mr. Jones.

SIR,

No. 11, *Austin Friars*, January 31, 1839.

CAPTAIN BARBOZA, having been released from his confinement, has arrived in town, and has consulted us on the subject of the seizure of his vessel and cargo, her detention after the result of the Mixed Commission at Rio was declared, and the injuries which he and his companions have suffered.

Looking at the result of the proceedings before the Mixed Commission at Rio de Janeiro, a copy of which is now before us, and the release of Captain Barboza after the issuing of the writ of Habeas Corpus, we cannot consider the result of an appeal to a court of justice on their behalf as at all doubtful; but we have no wish to resort to such an alternative, unless compelled to do so, and the conduct we have pursued in not calling for a return of the writ, will, we hope, be taken as evidence of our wish to act with moderation. Under these circumstances, we have considered it advisable to address the present communication to you, in the hope that Her Majesty's Government will give immediate orders for the release of the brig "*Flor de Loanda*" and her cargo, and if this should be done, we should advise Captain Barboza to rest satisfied, and waive any claim for damages; but if Her Majesty's Government should decline to grant this reasonable request, we must then consider what steps he should adopt, for the purpose of obtaining redress for the injuries which he has sustained. We think it right to add, that we now address you as the Solicitors of Captain Barboza and his companions, and that we are instructed by them, and not by the Portuguese minister, who, having procured the release of his countrymen, has done all that at present he considers necessary on his part.

We have, &c.

(Signed)

SIMPSON AND COBB.

Charles Jones, Esq.

Sub-Enclosure B. in No. 37.

Mr. Jones to Messrs. Simpson and Cobb.

GENTLEMEN,

Lancaster Place, February 1, 1839.

I BEG leave to acknowledge the receipt of your letter of yesterday's

date, applying, on behalf of M. Barboza for the restoration of the "*Flor de Loanda*" and her cargo of slaves, and to acquaint you that, as the disposal of that vessel and her cargo rests with the department of Her Majesty's Principal Secretary of State for Foreign Affairs, between whom and Mr. Carvalho, the Chargé d'Affaires of the Queen of Portugal, some correspondence has taken place on the subject, it is not in my power to give any answer to your application.

I am, &c.

(Signed)

CHARLES JONES.

Messrs. Simpson and Cobb, 11, Austin Friars.

Second Enclosure in No. 37.

Mr. Strangways to Messrs. Simpson and Cobb.

GENTLEMEN,

Foreign Office, February 22, 1839.

I AM directed by Viscount Palmerston to acquaint you, with reference to your application to his Lordship respecting the slave-vessel the "*Flor de Loanda*," that nothing, which has occurred with respect to that vessel, can be considered as depriving the captors of the right to take her and her slaves for adjudication, to a Mixed British and Portuguese Court of Commission.

For although both the ship and her owner were Brazilian and not Portuguese, in the view in which the Brazilian Court would have had to consider them; and although, therefore, the Mixed British and Brazilian Court of Commission might have proceeded on sure grounds to adjudicate the case; yet as M. Barboza was by birth a Portuguese, and insisted on these circumstances as exempting him from the jurisdiction of the Brazilian Commission, he cannot now, with propriety, object to the jurisdiction of a Portuguese Commission.

Her Majesty's Government have accordingly determined, that the case of the "*Flor de Loanda*" shall be submitted to the Mixed British and Portuguese Commission at Sierra Leone; and the vessel, which, not being sea-worthy, has been detained at Rio Janeiro, will be kept in deposit to await the judgment of the Court.

I am, &c.

(Signed)

W. F. STRANGWAYS.

Messrs. Simpson and Cobb,
&c. &c.

No. 38.

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

MY LORD,

Lisbon, February 15, 1839.

I HAVE the honour to acknowledge the receipt of your Lordship's instructions, relative to the individuals, lately part of the crew of the slaver "*Diligente*," captured by Her Majesty's ship "*Electra*," and who have been sent out to Lisbon by the Lords Commissioners of the Admiralty, to be delivered over to the Portuguese Government, to be tried for the offence which they have committed against the laws of Portugal.

I herewith enclose a copy of the note, which I have addressed to the Viscount de Sà da Bandeira on the subject. To this communication I received from His Excellency, after two days' interval, a note, requesting to know in what latitude the "*Diligente*" had been captured; of this I transmit a copy, as also of my reply, furnishing His Excellency with an extract from the Log of Her Majesty's ship "*Electra*."

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

First Enclosure in No. 38.

Lord Howard to Viscount de Sà da Bandeira.

MY LORD,

Lisbon, February 11, 1839.

THE Undersigned, &c. has the honour to inform the Viscount de Sà da Bandeira, &c. that nine persons, part of the crew of the Portuguese brigantine-

schooner "*Diligente*," captured, having 302 slaves on board, by Her Majesty's ship "*Electra*," have been sent to Lisbon, under orders from Her Majesty's Government, to be delivered over to the Government of Her Most Faithful Majesty, to be dealt with by them according to the law of Portugal, by which the Slave Trade is prohibited, and the penalties regulated, by which those guilty of participation in this infamous traffic are to be visited.

A mate and a corporal of Her Majesty's ship "*Electra*," have also arrived as witnesses, to give evidence against the above-mentioned individuals, and are in possession of documents explanatory of the case.

The Undersigned having reported these circumstances to the Viscount de Sà da Bandeira, awaits information from His Excellency, as to the delivering up to the Portuguese Government of the nine men in question, whose names are herewith recorded, in order that, being Portuguese subjects, they may be tried for their offences by the Portuguese Tribunals.

As the Undersigned has reason to believe, that the "*Diligente*" was fitted out in the Tagus, he therefore thinks it useful to call the attention of the Viscount de Sà to this circumstance, which, if correct, can no doubt be proved, and would aggravate materially the criminality of those engaged in the Slave Trade enterprize of this vessel bearing the Portuguese flag.

The Undersigned, &c.
(Signed) HOWARD DE WALDEN.

Names of the Nine Persons forming part of the Crew of the Slaver "Diligente."

José Martinho.	Carlo Fereira.
Manoel Martinho.	Pedro Antonio.
Francisco Jozé.	Francisco da Silva.
João Santiago.	José Francisco.
José Estevão.	

His Excellency the Viscount de Sà de Bandeira.
&c. &c. &c.

Second Enclosure in No. 38.

(Translation.)

Viscount de Sà da Bandeira to Lord Howard de Walden.

MY LORD,

Foreign Affairs' Office, February 13th, 1839.

HAVING received your Lordship's note of the 11th instant, in which your Lordship informs me, that nine sailors belonging to the Portuguese brigantine "*Diligente*," captured, with 302 slaves on board, by Her Britannic Majesty's brig-of-war "*Electra*," and who are sent by the British Government to be judged by the Portuguese laws, which prohibit the trade in slaves, I have the honour to request, that your Lordship may be pleased to declare in what latitude and longitude the said brigantine, to which the above-mentioned sailors belong, was captured; as also that your Lordship may be pleased to communicate to me such communications as your Lordship possesses, and upon which your Lordship declares in the said note, that you have every reason to believe, that the said brigantine was equipped in this port.

I remain, &c.

(Signed) SA DA BANDEIRA.

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

Third Enclosure in No. 38.

Lord Howard de Walden to Viscount de Sà da Bandeira.

MONSIEUR LE VICOMTE,

Lisbon, February 14th, 1839.

I LOSE no time in forwarding to Your Excellency the information you request in your note of yesterday, respecting the capture of the slaver "*Diligente*," which will be found in the accompanying extract from the Log of Her Majesty's ship "*Electra*." Any additional particulars required by Your Excellency can

probably be supplied by the witnesses, who, I have already informed Your Excellency, have been sent out to Lisbon by Her Britannic Majesty's Government, for the purpose of affording to the proper authorities, evidence in the prosecution of those of the slave-trading crew, who are placed at the disposal of the Government of Her Most Faithful Majesty.

The above witnesses are ready to make their deposition before any magistrate, pointed out or named by Your Excellency as authorized to receive the same.

With respect to the fitting out of the "*Diligente*" in this port, having furnished Your Excellency with the name of the vessel, as well as of part of the crew, who are Portuguese subjects, and having relations and acquaintance at Lisbon, no difficulty can be experienced on the part of the Custom House or the police, in giving Your Excellency every particular which may tend to identify her, if the vessel suspected; but, with respect to which further evidence, taken before the Mixed Commission at Sierra Leone, will, no doubt, afford all necessary information.

I have, &c.

(Signed) HOWARD DE WALDEN.

His Excellency the Viscount de Sà da Bandeira,
&c. &c. &c.

Fourth Enclosure in No. 38.

Copy of the Log of Her Majesty's Sloop "Electra," on the 1st of December, 1838.

H.	K.	F.	Courses.	Winds.	Lee-way.	Squalls.	Remarks.—Her Majesty's ship "Electra," Dec. 1, 1838.
1	8	..	N. N. E. $\frac{1}{2}$ E.	..			<p>A.M.—Moderate breezes and hazy, in flying jib, carried away main-top-gallant sheet; 2.20, squally, up mainsail, and lowered top-gallant sails; 2.30, set ditto; 4, fresh breezes and squally; 5.10, squally, in top-gallant sails; 6, set ditto; 7.30, set main royal and flying jib; 8, calm and cloudy; 9, mustered by divisions; 9.15, observed a suspicious schooner on weather bow; hoisted American colours; schooner showed Monte Videan; 10.10, schooner hauled to the wind, hoisted our colours, which was not answered; fired a gun; schooner not shortening sail, fired several shots close to her; noon, schooner tacked.</p> <p>Schooner N. 77° E. 1 mile.</p>
2	8	..	N. E. by N.	..			
3	6	..	N. N. E.	Vble.			
4	6	..	..	..
5	8	4	N. by E.	..			
6	8	4	N. by E. $\frac{1}{2}$ E.	..			
7	7	4	N. by E.	East			
8	5	4	N. N. E.	..			
9	7	..	N. by E. $\frac{1}{2}$ E.	..			
10	7	4	..	..	
11	7	6	S. by E. $\frac{1}{2}$ E.	Vble.			
12	8	4	..	..	

Course.	Distance.	Latitude S.		Longitude W.		Bearings and Distance at Noon.	
		D. R.	Obs.	D. R.	Chr.		
N.	8 E.	109	16.40	16.38.	29.29	29.54	Isle Fernando de Noronha N. 11° W. 780 Miles.

H.	K.	F.	Courses.	Winds.	Lee-way.	Squalls.	Remarks.—Her Majesty's ship "Electra," Dec. 1, 1838.
1	1	4	N. E. $\frac{1}{2}$ E.	..			<p>P.M.—Fresh breezes and squally; 12.10, tacked, fired several shot close alongside of schooner; 1, she shortened sail, and hoisted Portuguese colours; shortened sail, hove to, and boarded the "<i>Diligente</i>" brigantine with 302 slaves on board, bound to Rio; sent Lieutenant Heseltine, Mr. Parson, Mate, five seamen, and three Marines, to take her to Rio, with six weeks' provisions, and nine casks of water; 4, ditto wore; received 14 men (part of the crew) from the schooner; 6, squally, with rain; 6.20, filled, made sail, and parted company with prize, giving her three cheers; squally; in third reef of mizen topsail and top-gallant sails; midnight, ditto</p> <p>(Signed) WM. PRESTON, Commander.</p>
2	3	..	N. by E.	..			
3	..	..	N. E. by N.	E. by N.		
4	..	Up.	N. E. by N.	..			
5	..	Off	N. N. W.	..			
6	..	..	..	..
7	..	..	..	Vble.		
8	3	4	N. by E.	..			
9	6	..	N. $\frac{1}{2}$ E.	..			
10	8	..	North.	..			
11	8	..	N. by E.	..			
12	8	..	N. by E. $\frac{1}{2}$ E.	..			

No. 39.

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

(Extract.)

Lisbon, February 15th, 1839.

THE debate in the Chamber of Deputies, on the Slave Trade abolition question, adjourned on Saturday the 9th instant, was resumed on Wednesday. The general tone of the discussion was creditable and satisfactory. The various

amendments, which had been proposed on the first day's discussion, were withdrawn after the speech of Viscount de Sà da Bandeira, under an explanation made, as on the part of the House, by Senhor Jozé da Silva Carvalho, that having expressed UNANIMOUSLY their desire that the Slave Trade should be effectually put down, the Government were called upon to concert the proper means of carrying into effect, without delay, the object they all had in view.

On the following day I called on the Viscount de Sà da Bandeira, in order that he might fix a time, when the question of the acceptance or rejection of the ultimatum of Her Majesty's Government, might be definitely announced to me.

The Viscount de Sà admitted that the tone of the Cortes had relieved him from much of anticipated difficulty in that quarter; but, from his language, it was evident to me that he had not at all altered his intention of refusing to sign the Treaty. He again alluded to the unsuitableness of making any engagements in perpetuity, harping upon the necessity of the absolute power of revision, and denouncing as absurd and impracticable Annex C.

The Right of Visit constitutes, I have no doubt, the real objection of the Viscount to the principle of perpetuity so contested by him.

I in vain endeavoured to combat the pertinacity, with which His Excellency insisted upon the duration of the Treaty being for a limited period, by calling on him to state to me, what practical inconveniences there were, which even the liveliest imagination could conjure up as possible to be incurred by Portugal, which could for a moment be weighed against the positive and immediate loss, under which, according to his own admission, this country was suffering from the continuance of Slave Trade in her colonies. I then entreated him to consider the extent of the disgrace upon the Portuguese flag, and the embarrassment to the Government in their relations with Great Britain, which would be entailed as the consequence of breaking off the negotiations of the Treaty, on such grounds as those he had stated, with regard to Annex C. I pointed out to him, that it might be true that certain provisions might be difficult of execution in the Portuguese colonies; and that also, as he argued, changes might and probably would take place, after lapse of time, to render alterations highly necessary; but I explained to him, that we proposed this code of regulations, as the result of long consideration and experience, as the one best calculated, as at present informed, to attain the object in view—the welfare of the liberated Africans; that it was never deemed to be immutable; that this being the case, it might be looked upon even as only a basis, on which he would find Her Majesty's Government at all times ready to co-operate with the Portuguese Government, for the purpose of amending existing, or enacting any new, regulations, which might be rendered desirable for the protection and benefit of the free blacks in question.

The Viscount replied to my arguments, that he could not, in his conscience, give up these points; and that being the case, he did not see what could be done, the interests and dignity of the country being involved in these concessions.

On this I asked him whether he considered the interests and dignity of the country, when he recollected the consequences of breaking off this Treaty; that the prosperity of the colonies would be deferred thereby indefinitely; that his country would be denounced by all the civilized world, as the protector of Slave-traders and the abettor of the Slave Trade; that in the British Parliament the strongest measures adopted against Portugal would be hailed with acclamation, while speeches there pronounced, most injurious to the character of the Government and of the nation, would go forth to all parts of the world unanswered; that he and his friends might cry out and declaim against us in reply as much as they liked in the Cortes; that nothing they said would be heard of or read out of Portugal.

I then reminded him of the consideration of the honour of the flag, and asked him whether provoking proceedings against it was consulting the honour and dignity of the nation. I concluded, however, by saying, that I did not call upon him for a definitive answer on the subject of the Treaty that day, but that I should do so on Saturday, after he had had time to consult with his colleagues.

No. 40.

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

Lisbon, February 17, 1839.

I CALLED yesterday on the Viscount de Sà da Bandeira, according to appointment, to receive from His Excellency the communication of the decision of the

Portuguese Government, as to the acceptance or rejection by them of the definitive project of Treaty for the abolition of the Slave Trade, proposed by Her Majesty's Government after the most mature consideration, and adopted as the result of the long-pending negotiations for the fulfilment of the engagements of the Crown of Portugal, and which had been presented by Mr. Jerningham on the 1st of last August, as the ultimatum of Her Majesty's Government.

On my inquiring of His Excellency, what communication he had to make to me, he placed in my hand copies of your Lordship's note of the 2nd of this month to Senhor Carvalho, the Portuguese Chargé d'Affaires, and of the answer which that agent of the Portuguese Government had returned to it. I returned the papers to him, saying that I had already received from your Lordship a copy of the first note, but had not seen the second, (*i. e.* the answer,) remarking that all such painful correspondence would have been avoided by the conclusion of the proposed Treaty, and that this was another instance of the importance—as affecting a good understanding between the two Governments—of its signature.

His Excellency declared that, treated as he was, he would never sign the Treaty; that he would not be dictated to in the manner which had been attempted by the British Government; that it was not so that a friendly country was to be treated; that, after all the trouble he had taken, for the purpose of concluding a satisfactory Treaty, the result of previous labours had been set aside by your Lordship, and an entirely new counter-project had been brought forward; that there had, in fact, been no question of negotiation; that your Lordship's Despatch to Mr. Jerningham, which had been communicated to him by your Lordship's instructions, had made it impossible for him to consent to adopt the Treaty in the form in which it was presented; that his honour forbade him to do so; that, let the consequences be what they might, he would not now sign this Treaty; that the fault would not be his, and that therefore he did not care, and that he would publish all the correspondence.

He assured me he did not mean to say anything offensive; but that he thought himself ill treated, and that justice had not been done to his intentions, which had caused him to express himself with warmth as to his determination.

I replied, that as he had come to a decision, there was but little more to be said; that although I could not at all comprehend the feelings which had influenced him, in persevering in a policy so certain to produce consequences directly at variance with the interests of his country, yet that I must make some comment upon the inaccuracy of several of the assertions he had advanced in support or justification of his line of conduct.

First, with regard to the counter-project which had been presented by Mr. Jerningham, accompanied by a communication, which he appeared to consider offensive. I must call his Excellency's attention to the fact, that the counter-project in question was nothing more or less than the general winding up of all previous propositions and counter-propositions; that I need only refer him to the original project, to prove the extent of the alterations which had been made during the late negotiations, and the desire which had been manifested by Her Majesty's Government to meet His Excellency's views and wishes, wherever it was practicable; that this counter-project being the result of mature deliberation, Her Majesty's Government having gone to the utmost point, in adopting the amendments and alterations proposed by Portugal, Mr. Jerningham was desired not to send back again (it being useless to do so) any of those propositions not consented to, and which Her Majesty's Government had thus deliberately and definitively rejected; that this counter-project, which the Viscount de Sà denominated quite new, was, to all intents and purposes, as far as the question of negotiation was to be considered, nothing more than the draft of the counter-project which he had presented, though amended in form, and adapted to the principles necessary to be adhered to by Her Majesty's Government; that negotiations could not go on indefinitely; that when points of dissent existed, the time must come when one party or the other must at last propose their ultimatum, and that Her Majesty's Government had adopted this course only after four years' fruitless negotiation; that now, upon the causes alleged by him for his dissent, would the sincerity of the motives of his rejection of this Treaty be pronounced by the world.

I then proceeded to remark upon what he said with respect to the tone of some of your Lordship's official communications. I admitted they were not couched in the terms usual towards a Government, in relations of strict friendship with another, but I begged leave to refer him to his own correspondence, to the notes

CLASS B.—FURTHER SERIES.

which he had signed, or had ordered to be presented, the first in June, addressed to me after my departure from Lisbon, respecting the Slave Trade; a second on the part of Senhor Carvalho, respecting the "*Diogenes*," and also a third respecting the "*Flor de Loanda*," and to ask him whether he was to suppose, that the offensive terms and spirit of those notes, for which he was responsible, whoever might be the authors, could be expected by him to be passed over by your Lordship, and to be nugatory, as to their effect, on the friendly and conciliatory tone which had so long and so unprofitably been maintained towards the Portuguese Government. I reminded the Viscount de Sá that in fact, even since the Revolution, the system of the Portuguese Government, as illustrated by their measures and acts, had been as hostile as possible towards Great Britain; that, therefore, your Lordship could not look upon the Government of Portugal as standing in relations of strict friendship towards that of Her Majesty.

The Viscount was unwilling to admit, that the tone of the notes referred to was such as I had characterized, and he proposed to go over them at an early day, with me, it being too late then to do so. I then inquired of His Excellency, whether it was his intention to forward any instructions to the Portuguese Chargé d' Affaires in London, to make any communication on His Excellency's part, in explanation to your Lordship on the subject of the breaking off the negotiations of the Treaty.

He replied, that he did not mean to make any communication to the Portuguese Chargé d' Affaires, that he had nothing more to add to what he had said to me; that he could not sign any Treaty dictated, as this had been, to the Government of Portugal.

No. 41.

Lord Howard de Walden to Viscount Palmerston.—(Received March 3.)

MY LORD,

Lisbon, February 18th, 1839.

I OMITTED, owing to press of time, in reporting to your Lordship yesterday, the substance of my final interview, on the previous day, with the Viscount de Sá da Bandeira, with reference to the signature of the proposed Slave Trade Treaty, to record a most important feature in our discussion, which was that relating to the extent of the engagements of the Crown of Portugal, under the true interpretation of existing Treaties.

On my laying great stress on the pledges given by the Crown of Portugal to co-operate with Great Britain to put down the Slave Trade, and on the extent to which, in direct violation of the stipulations of Treaties, the Portuguese Government had ever since 1826 protected this traffic, His Excellency contended, that it had been legal south of the line, until the publication of the Decree of the 10th December, 1836.

I called upon him to turn to the Treaty of 1815, and to the Convention of 1817, the last of which indeed, under the additional Article of 11th September, 1817, had in fact become the special law applicable to the Slave Trade, since the abolition of the Slave Trade by the Decree of the 10th of December, 1836. I pointed out to His Excellency, that by Article 4th of the Treaty of 1815, "The high contracting parties reserve to themselves, and engage to determine, by a separate treaty, the period at which the trade in slaves shall universally cease, and be prohibited, throughout the entire dominions of Portugal;" but that the Prince Regent renewed his declaration and engagement, that during the interval which is to elapse before such general and final abolition of the Slave Trade, "it shall not be lawful for the subjects of Portugal to engage in the same, or to permit their flag to be used, except for the purpose of supplying the transatlantic possessions belonging to the Crown of Portugal;" that in Article 1st of the Convention of 1817, which was to be considered as the real basis of the Treaty, and the true interpretation of the spirit of the engagements contracted by the Crown, it was distinctly laid down, that "the object of the Convention was, on the part of the two Governments, mutually to prevent their respective subjects from carrying on an illicit slave trade;" that the two high contracting Powers declare, that they consider as "illicit, any traffic in slaves carried on under the following circumstances:—

"1st. Either by British ships, and under the British flag; or for the account of British subjects, by any vessel, or under any flag whatsoever.

"2nd. By Portuguese vessels in any of the harbours or roads of the Coast of Africa, which are prohibited by the 1st Article of the Treaty of the 22nd January, 1815.

"3rd. Under the Portuguese or British flag, for the account of the subjects of any other Government.

"4th. By Portuguese vessels bound for any port not in the dominions of His Most Faithful Majesty."

That although it was true, that a reservation had been made at the time in favour of the Transatlantic Dominions of the Crown of Portugal, yet that even the exercise of that right had been invested with numerous restrictions, for the special purpose of preventing abuse under the clause of reservation.

I called His Excellency's attention also to the form of Instructions for Cruizers, in which it is distinctly laid down that the exception made is only in favour of what has been defined as *legal traffic*; that by Article 4th of the Convention of 1817, where the traffic continued to be lawful, every vessel destined for the Slave Trade must nevertheless be provided with a Royal Passport, conformable to the model annexed to the Convention, of which this model formed "an integral part;" that this passport is to be signed by the "Minister and Secretary of State for the Affairs of the Marine and Transatlantic Dominions, and to be granted solely under special conditions and obligations; and they are moreover to show, that they have complied with the provisions of the Alvará of the 24th of November, 1813, by which His Majesty was pleased to regulate the conveyance of Slaves from the coast of Africa to his dominions of Brazil;" "that this passport is to specify the number of Slaves authorized under the Royal License."

I then proceeded to analyze the separate Article of the 11th of September, 1817, which I contended was evidently to be interpreted according to the true spirit of preceding Treaties, as a provision for that new state of things, which was contemplated on the general abolition of the Slave Trade taking place in Portugal; and that in default of other stipulations which might possibly then be thought expedient by both countries, the additional Convention was at all events to come into general operation for 15 years, the reservation stipulated for in Article 2nd and Article 4th. being obviously cancelled, under the *new* state of things, which rendered this provident explanation adviseable. His Excellency was not disposed to admit this interpretation of the Separate Article; but I maintained, that even if a doubt could exist as to the real intent of that Article, all obscurity must at once be removed by turning to the Treaty between Great Britain and Spain, concluded at the same time, identical in spirit and almost the same in text, in which this same reserved right of carrying Slaves south of the Equator, so contended for by Portugal, is equally stipulated for on the same basis, and conceded on the same grounds and under the same qualifications, to the purport that "no Spanish merchant-man, or slave-ship, shall on any pretence whatever, be detained, which shall be found anywhere near the land or on the high seas, south of the Equator, during the period for which the traffic is to remain lawful, according to the stipulations subsisting between the high contracting parties."

The Viscount de Sá da Bandeira was naturally unwilling to admit the interpretation of the Separate Article to the extent for which I contended; but the result of our discussion on this point was, that he was forced to admit that under the actual provisions of the Treaty, the Slave Trade had in fact become illegal universally for Portugal (owing to the impossibility of complying with the forms so minutely prescribed as integral parts of the Treaties) since the separation of the transatlantic possessions of Portugal from the mother country.

I took the opportunity, while commenting upon the extraordinary measure of a claim being put forward by the Portuguese Government for indemnity for a Slaver, of reminding His Excellency, that it was distinctly laid down by Treaty, (in Article 9th, Convention of 1817), that in the event of a Slave Vessel captured not being condemned by the Mixed Commission, she was in no way entitled to compensation for more than the amount of Slaves she was *legally entitled to carry*; and I asked his Excellency, on what new basis, *the carrying Slaves being acknowledged by him to be illegal*, compensation was to be calculated for a Slaver. On this His Excellency had not a word to say, but again declared it was a mere question of the "*Flag*." He still, however, maintained, that Great Britain had not the right of search, south of the line, under Treaties, and that that was the important point at issue, the essence of the dispute; while I contended, that the protection afforded

by the Portuguese Flag to the Slave Trade, which was now admitted by him to be illegal under the engagement of Treaties, constituted the whole question, and was the one on which his claim for continued respect or forbearance towards the flag of Portugal would be brought to the test.

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

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

No. 42.

Lord Howard de Walden to Viscount Palmerston.—(Received March 3.)

(Extract.)

Lisbon, February 21st, 1839.

I HAD yesterday an interview with the Viscount de Sá da Bandeira, when I resumed the subject of our discussion on the previous Saturday, as reported in my Despatch marked Slave Trade, of the 17th instant, respecting the tone of the official correspondence of the Portuguese Government, with that of Great Britain.

I said, that as His Excellency complained especially of the tone of some of your Lordship's notes, I would merely request him to cast his eyes over some of the notes of Portuguese diplomatic agents, on questions connected with the Slave Trade, and see whether they were such, in expression or spirit, as entitled the Portuguese Government to any forbearance on the part of Great Britain.

I said, I particularly attended to the correspondence relative to the "*Diogenes*," and the "*Flor de Loanda*," as they were the cases more immediately before us, and as connected with the communication made by your Lordship to Senhor Carvalho, at which His Excellency expressed himself so much hurt and offended.

I then went through the note of Senhor Carvalho, which I called to His Excellency's recollection, had been presented by that agent, by His Excellency's orders, after an explanation had been afforded to the Portuguese Government of the extraordinary provocation given by this piratical slaver, and which had entailed the proceeding on the part of Her Majesty's ship "*Leveret*," but which, although by no means justified by Her Majesty's Government, in the breast of unprejudiced parties could not be interpreted an intentional insult to the flag of Portugal, notwithstanding its character of hostility to the piratical slaver seeking protection under the flag of Portugal. I then pointed out the expressions "atrocious violence," "great offence offered to the Crown of Portugal and flag," "outrageous attack," "criminal conduct;" the designating the proceeding of Lieutenant Bosanquet against the Spanish slaver "the greatest offence the Crown could have received, and so enormous a crime, that the Government of Mozambique would only fulfil its strict duty, if, repelling force with force, they had immediately ordered the said Lieutenant to be tried and punished with all the severity of the law;" calling for "a public disapprobation equal to the enormity of the offence," and "amends for all losses and damages," and characterizing the claim of the Captain of the "*Diogenes*" as "just," "and to which the Portuguese Government, pressed by the Spanish Government, and in fulfilment of its duty, in consequence of the boarding and capture of the '*Diogenes*' being perpetrated in a port of the Portuguese dominions, and under the batteries of one of its forts, gives all its support, and adopts as its own before the British Government."

I then asked the Viscount, whether stronger expressions could have been used, had the occurrence taken place in the Tagus, without the slightest provocation having been given, or any explanation afforded to the Portuguese Government, and I added, What then is the real case? The Portuguese Government are affording their countenance to a piratical slaver under Spanish colours, guilty of having murdered and wounded part of a boat's crew, belonging to Her Majesty's ship "*Leveret*," and which had been protected by the slave trading authorities of Mozambique; that it was for a slave trader, in fact, that the Portuguese Government manifested such zeal.

The Viscount did not contest the justness of my remarks, but contended that it was entirely a question of respect due to the Portuguese flag, and that as such only it had been taken up by the Government.

I then took up the note of Senhor Moreira, Portuguese Chargé d'Affaires at Rio de Janeiro, addressed to Mr. Ouseley, dated July 7th, 1838, and I called His Excellency's attention to the various passages in which that agent of the Portuguese Government designates the conduct of officers in Her Majesty's naval service as "scandalous and barbarous;" their acts "illegal, despotic, and inhuman," "scandalous and unheard of;" as violating "not only the *rights of nations*, but also every principle of humanity;" their proceedings as "hostile to all the bonds of friendship and peace existing between England and Portugal." All this, too, I said, was in favour of a slaver taken with slaves on board, in contravention of Portuguese laws, believed even to be Brazilian and owned by Brazilians; which vessel, with her cargo, this same agent had been applied to, to take possession of, in order to be sent to Portugal to be tried under the laws of their own country, and which he refused to do. I proceeded to remark, that I had not yet done with this Portuguese agent; that I must recall to His Excellency's recollection the document enclosed in the note addressed by Senhor Moreira to Her Majesty's Chargé d'Affaires, purporting to be a "Petition from Teixeira Barboza and other Portuguese subjects, prisoners on board the '*Flor de Loanda*.'" On going through this document, I specially called His Excellency's attention to the expressions "that the petitioners were suffering the most tyrannical and unheard of oppression;" that the Commander of Her Majesty's ship "Stag" "was trampling under foot all the laws of humanity;" that he was exercising the most "infamous and atrocious despotism on Portuguese subjects," (slave-traders, I remarked,) "having a right to expect every protection against the barbarous oppressors of their honour, life, and liberty; being victims of the scandalous exertion of superior force, and of the arrogant ferocity" of certain crews of vessels of war of Her Britannic Majesty, and suffering under horrible despotism, "sinking under the oppression of torments, their lives failing in the midst of disease, of oppression, and of misery."

I then proceeded to call His Excellency's attention to those parts in which the question is asked, "How long shall these arrogant despots, these petty tyrants, these senseless and ferocious executioners—how long shall these English officers consider themselves authorized to practise, within this port, every sort of violence and barbarity against subjects of another nation?" and in which it is stated, that "it is time to contend with energy for the rights of the petitioners, overturned with such haughtiness and coolness; it is time at once to put a stop to similar attempts, which offend against nature, revolt humanity, and violate the sanctity of treaties;" and the rights of treaties invoked in order that "the laws of humanity should be respected, and the petitioners finally relieved from the oppression of such unheard of and revolting atrocity, suitable only to the ages of barbarism, only authorized by laws of iron, by the decrees of a despot, but never compatible with, or justifiable by the principles of sound philosophy, consecrated in the codes of civilized nations, and always held in veneration by free, humane, and civilized people," as also other passages of the same character.

During the reading of this document, I begged His Excellency as we went on to figure to himself all the above expressions respecting liberty, humanity, &c., as applied by the negroes to the Portuguese slave-trading crew, so zealously protected by Senhor Moreira, and to say whether the whole contents of this document, as an appeal to the Portuguese Government, ought not to have been construed as against them, as acting in direct violation themselves of all those high principles of right, justice, national protection, liberty, and humanity, so insultingly invoked by them.

The only remark in regard to the document made by the Viscount de Sá was, "les coquins!" He did not say a word in excuse of such language or proceedings, though he still harped upon the origin of all these "affairs" being the illegal search and detention of vessels, protected by the national flag of Portugal.

His Excellency then said that, to prove his anxious desire to bring to a termination all such differences as had been referred to, he had considered how the main difficulties in the way of the conclusion of a suitable Treaty for the suppression of the Slave Trade could be brought about, and he showed me some notes he had made on the various principal points, which were as follows:

1. The proposed guarantee of the safety of the colonial possessions, required by Portugal to be reduced to a general engagement of naval assistance from the Cape of Good Hope, to be afforded in case of emergency to the Portuguese authorities in Africa, without specifying details.

2. A declaration to be inserted, that nothing in the new convention was to be

interpreted as invalidating any political engagements of friendship, alliance, &c., contracted under any former Treaties.

3. The crews of slavers captured, to be delivered up reciprocally, to be tried by the tribunals of their own country.

4. The abolition of the Slave Trade to be an engagement in perpetuity; but the stipulations as to right of visit, &c., and other details, to be limited to fourteen years.

5. Annex C., in the last counter-project to be suppressed.

6. The Viscount de Sá da Bandeira's counter-project (not the project presented on the part of Her Majesty's Government), to be admitted as the basis of the renewed negotiations.

On reading these memoranda, I at once told the Viscount de Sá, that such propositions were utterly inadmissible; that I could not now open any fresh negotiations as to terms; that I had reported to your Lordship the decision he had announced to me at our last conference; that I could make no alteration in the project which had been submitted to the Portuguese Government; and that if a Treaty was to be signed by me, it must be in strict conformity to the draft in His Excellency's possession.

This the Viscount declared to be impossible, protesting that he never would consent to sign such a Treaty, particularly after the manner in which it had been brought forward.

I took this opportunity of remarking to the Viscount de Sá, that while he was pleased to characterise as *dictatorial* the manner in which the last project had been presented to him as the ultimatum of Her Majesty's Government, (this too only after four years' negotiations with the different Portuguese ministers,) he entirely lost sight of what had been the tone employed by himself in a very early stage of our negotiations, even on presenting his first counter-project, which was accompanied by observations breathing anything but a cordial spirit of co-operation, and concluded in terms directly offensive, as regarded the actual engagements contracted at the peace between the Crowns of Portugal and Great Britain. I then briefly quoted some expressions in the last paragraph of the paper in question, in which the Viscount de Sá remarks, "that in the event of his proposition not being acceded to, his alternative would be, that the Mixed Commissions would thus be continued, with other stipulations of the Convention of 1817, prejudicial, and anything but decorous for the Portuguese nation; but it would only proclaim aloud, that these stipulations were only *one more* of the many onerous and *oppressive legacies* left by the absolute Government; and *whatever of odious* they might contain would never fall on the present one, which, by recurring to the Separate Article of the said Convention, will prove to the nation, that, in spite of the justice on their side, their efforts were fruitless to obtain better conditions; but in the mean time, that the British cruizers would in no way be allowed to exceed the instructions as regards Portuguese vessels, stipulated for in the said Convention of July 28th, 1817, and its annexes, and which, according to the Separate Article, are to remain in force for fifteen years longer."

The Viscount, on this, merely replied, that he really did not recollect what expressions he might have used on former occasions, but that he had to decide on the existing state of things, and that he could not sign the proposed Treaty, and that he protested against any right to visit or capture any vessel under the Portuguese flag, south of the line.

In concluding my report on the long conversations I have had lately with the Viscount de Sá da Bandeira, I think it right to state, that I look upon them as entirely without any practical result, as I consider his Excellency to be controlled by some overwhelming influence.

No. 43.

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

(Extract.)

Lisbon, February 28, 1839.

I ENCLOSE herewith two numbers of the "*Nacional*" newspaper, which contain articles relative to the Slave Trade.

I add the "*Correio*" newspaper of the 26th instant, in which the article appeared which gave rise to the answer of the "*Nacional*."

First Enclosure in No. 43.

From "O Nacional," Lisbon.

(Translation.)

27th February, 1839.

MUCH has been written on the state of our Colonies, and on the necessity of abolishing the Slave Trade; even in yesterday's "*Director*" a surprise is expressed that the Viscount de Sá da Bandeira refuses signing a Treaty to this effect with Great Britain. The document of which we are about to speak, namely, the sitting of the Council of high functionaries of Angola, 12th September, 1837, will, it appears to us, not a little contribute to throw light on this question.

The Governor-General of Angola informed the Council that, on the 10th December, 1836, there had been promulgated in Lisbon a decree, for the abolition of the Slave Trade in the dominions of Africa; but, as in conformity with Article 16 of the Law of the 7th of the same month and year, he must lay before the Council for examination the new enactments, and put in practice only such part of them as could be carried into effect, and was suited to the circumstances of the country, he submitted to the examination of the Members present the decree respecting the abolition of slavery, that they might deliberate on the possibility of carrying it into execution.

The Council, after mature examination, was of opinion that, though it considered the execution of the law possible, to a certain extent, in the districts of the ports of Loanda and Benguela, as far as the cannon of the fortresses could reach, it nevertheless thought, that the majority of its provisions tended utterly to annihilate the only means of the country, while they did not remedy the evil which it was intended to obviate, nor offered any other thing by way of substitute, in place of the prodigious vacuum they left in the present state of the prosperity of the province. That though the lawful Slave Trade in the ports of Loanda and Benguela was till then not prohibited *de jure*, still, however, it was forbid *de facto* from 1830, inasmuch as the Governors, ever since that year, gave no passports to slave ships, nor licences at the Custom-houses for the exportation of slaves. In spite, however, of these efforts, it was notorious that negroes were clandestinely shipped at many points of the coast over which it neither was nor is possible to watch, as vessels used to sail in ballast, or with a small cargo of colonial produce, and with passports for Portuguese ports, they proceeding to procure slaves at the ports of Ambriz, Cabinda, and Rio Zaire, independent, *de facto*, from the Portuguese dominion, an irrefragable proof whereof was the great quantity of merchandise placed every month into the warehouses of the Custom-house, of which scarcely the twentieth part found consumers, or could be exchanged for the small portion of bees'-wax, ivory, gum-copal, and oil that is exported, and the duties on which would ill-suffice for maintaining a detachment of a hundred men.

Seeing that the coasts of the colony are so extensive, and more especially that the settlements and factories have recently been established one after the other in the said northern ports, there were no means to extinguish the odious traffic, and the only provisions of the decree that could be adopted would have no other result than that of driving away the ships from these ports of Loanda and Benguela, which had become so inhospitable to the vessels arriving at them. The Council declares, that it entertains a profound respect for the august hand that signed the decree, and the humane principles on which it was founded; but it must state, that the proposed repressive measures would serve to chase, by cannon-shot from the fortresses, all the vessels approaching them, inasmuch as if a system of repression was introduced, the cupidity of many would render it yet more insupportable by creating fresh embarrassments, and imparting consequence to the least circumstances, so that no ship would escape falling under one or the other qualification of the decree, and the immediate effect of it would be the emigration of commercial houses, and of the most wealthy settlers, part of whom had already removed to Brazil in 1830, without ever returning, and, consequently, the total decline and disappearance of the remaining resources, and which yet may be rendered available with a good result towards the extinctions of this traffic, such as the improvement of agriculture, the creation of arts, and civilization. The council cannot persuade itself that Her Majesty should desire the *immediate* ruin of the Colony, with a view to its eventual and future prosperity, towards which not a single step has as yet been taken. Hence the Council, though aware that the laws must be carried into effect, whether attended with good or bad consequences, nevertheless ventures to

propose the temporary suspension of that part of the decree which is most detrimental, not only to the vital interests of Angola, but also to the total extinction of the traffic among the people of independent fortunes. It would not be just to prohibit it entirely, without offering to the merchants of Loanda, and to the settlers up the country, an indemnity for the large capitals, which many state at upwards of four hundred contos, laid out in the interior on the purchase of slaves,—speculations which frequently take from eighteen months to two years before a return is realised, since the traders often proceed as far as Mozambique. That the ill effects of the traffic in this country were not so great as it was attempted to represent, and that the commerce of importation at Angola, the only one permitted, trenches neither on the interests of Portugal, by diminishing the population of the Colony, nor even perhaps on those of humanity, about which so much is said; not on those of Portugal, because the slaves are not yet in the Portuguese jurisdiction; and not on those of humanity, because the major part of the negroes, exchanged by the settlers for merchandize, are prisoners who heretofore were sacrificed, or criminals condemned to death, and who are now ransomed; so that the traffic has softened the customs of those tribes, and lessened the monstrous barbarity of their penal system.

The good effects of the Decree, springing from the real principles of philanthropy, and from the true interests of Colonies, are understood everywhere, but its inconveniences are known only in Africa. It was therefore resolved to propose to Her Majesty to decree on this subject, in accordance with the Cortes, that it should be lawful, while the refusal of licences and passports for slaves was continued to slave vessels, not to subject them to be searched, or to the embarrassments which, along with the prohibited traffic, it would be desirable to avoid, lest they should destroy the small remnant of permitted commerce still subsisting, since it would be advisable to imitate the English Government, which levying war with might and main against the slave trade, suffers, nevertheless, the exportation of commodities, which it well knows to be employed solely in this traffic. The council concludes by soliciting from Her Majesty those measures, to which the Decree in question is said to be preliminary, and in the second place the eager promotion, by employing the means now in existence, of the increase of European population, of agriculture, of the arts, and of civilization, this being the only powerful method for destroying this hydra.

The "*Nacional*" would be glad if the "*Director*," and its other contemporaries, took this subject in hand, and after weighing the reasons set forth by the principal functionaries of Angola, declare whether, with the praiseworthy design of abolishing the Slave Trade, we are competent to deprive Portugal of such vast and important possessions, in virtue of absurd measures, diametrically opposed to the interests of all the Portuguese residing in them. They will then find whether the noble Viscount Sá da Bandeira had, or had not, cogent motives for refusing to accede to proposals ruinous to our dominions beyond sea, and whether there is any sincerity in the philanthropy of those who, after erecting themselves into protectors of the negroes, allow the people of Luxembourg and Limbourg, bound to Belgium by the two-fold ties of religion and interest, to be awarded, against their will, like a flock of sheep, to the King of Holland, and that in Russia and Poland, Europeans drag on a painful existence in fetters and shackles, suffering the most abject and most degrading slavery.

Second Enclosure in No. 43.

From the "*Nacional*."

(Translation.)

Lisbon, February 27th, 1839.

THE President of the Council of Ministers, in the sitting of the 13th instant, spoke on the question of the Slave Trade, clearly showing that the Portuguese Government has at all times evinced itself solicitous for the abolition of the Slave Trade, the obstacles in the way of it having solely proceeded from the British Government.

In January, 1815, two Treaties were concluded at Vienna; the first, on the 21st, by which the British Government bound itself to pay 300,000*l.* by way of indemnity for Portuguese ships, wrongfully captured with slaves on board, by the men of war of Her Britannic Majesty. In Article 1 of this Treaty, Portugal

abolished the Slave Trade to the north of the equator. By Article 3 was annulled the Treaty of Alliance of 1810. By the 4th the contracting parties reserved to, and bound, themselves to fix, by a separate Treaty, the period at which the Slave Trade was to cease totally in all the Portuguese dominions. By the 5th, the Government of Her Britannic Majesty desisted from demanding the instalments yet remaining due towards the completion of the payment of the loan of 600,000*l.*, contracted by Portugal, in London, the 21st April, 1809.

The noble Viscount then observed, that the Portuguese Plenipotentiaries at the Congress did all in their power for the benefit of their country; but that on examining their correspondence, he had discovered the difficulties which they had to combat, one of the principal being the endeavour for obtaining the abrogation of the Treaty of 1810. They proposed, that if England gave up the Commercial Treaty of 1810, Portugal would engage entirely to abolish the Slave Trade in the space of 8 years; to which Lord Castlereagh replied, that he was not authorised to treat on this basis.

The English thereupon manifested their philanthropic intention of giving up their scandalous monopoly in Portugal, and not caring about the prosperity of the negroes, upheld the interests of their manufactures. At this moment they once more return to the question, because Portugal, emancipated in its industry by the termination of that ignominious convention, begins to make considerable progress in the improvement and increase of its products. Not being able to prevent this great benefit, or to revive those measures which proved so ruinous to our country, they are obstinately bent on promoting the alienation of all our important African colonies, laying before us conditions to which no country can ever submit, whose Government values the most sacred of its duties.

The suppression of the Slave Trade cannot be carried into execution, so long as the Government is unprovided with the necessary resources for promoting the civilization and the reform of the customs, of those who inhabit the interior of Africa. Hitherto the consequences of the law of the 10th December, 1836, have been disastrous only for Angola, and entirely favourable to the barbarous ports of Ambriz, Cabinda, and Zaire, whither the American ships resort with impunity to traffic in slaves, who otherwise would be assassinated by the tribes that take them prisoners. The merchants of Angola are on the point of emigrating from a country where they cannot invest their capital, and though it may be imagined that this circumstance does not affect the spirit of the colonists, no doubt whatever can be entertained that discontent makes its way, not only among the white Portuguese, but also among the blacks, and the manumitted negroes of whom the garrison is in a great measure composed.

For a length of time attempts have been made to draw attention to the advantages derivable from coffee, bees-wax, ivory, and gum-copal, but from the natural indolence of the natives, it has not hitherto been possible to prevail on them, either by promises or threats, to attend to those resources. The produce of Angola is therefore limited by the disposition of the inhabitants, and we ought to try if it be not practicable to send thither active and persevering persons. It behoves us to make the emigrants of the kingdom and the Islands bend their course to Africa instead of Brazil, to prevent as much as it is possible, by legal means, emigration out of the Portuguese dominions, and to afford every encouragement to agriculture, the working of mines, and the commerce of our African provinces. But how are the lower classes of the kingdom and the Islands to be induced to pass to the insalubrious climate of Africa, when they find that the Portuguese Government sends there a conto of reis, and a vessel loaded with files, for the construction of a city beyond sea! What confidence can they place in those who give proofs of so great a penury, in those who are not solicitous to collect materials prior to commencing an edifice, and in him who boasts of his determination to kill the hydra without having the club of Hercules in his hand! Emigration will never take place so long as the Government does not afford efficacious protection to the colonists,—money, and plenty of it, provisions, implements, and a conviction of the flourishing state of the country which they are about to inhabit.

The "*Correio*," alluding to this subject, says, "We are informed that the negotiations set on foot between Viscount Sá da Bandeira and the Minister of Her Britannic Majesty to this Court, for the total abolition of the Slave Trade, and the prevention of its continuance, by Portuguese subjects, under the Portuguese flag, are entirely interrupted and at an end.

"We are ignorant" continues our contemporary, "what reasons the Viscount

may have for not signing the Treaty, but we hope that they are powerful enough to justify him in the opinion of the nation, whose majority is, for the good of humanity, unwilling that the Slave Trade should continue under our flag."

We are equally uninformed as to the reasons in this particular, but have grounds for believing, that the Viscount's refusal proceeded solely from demands degrading to the national honour, and extremely fatal to the interests of the country. If so, we can only eulogize the Minister for the real service he has rendered to his country, and especially to our Colonies, by not bending the neck to insolent proposals. Let His Excellency not be afraid to prosecute the career he has begun, the whole country is unanimous in repelling, with indignation, any measures tending to increase the difficulties which surround us; and the result of his constancy, his noble bearing, and national spirit, will be the triumph of the course of reason, because, fortunately, Portugal is not a British Factory, which must admit and accede to whatever the Cabinet of St. James' dictates.

"The terrible contraband which takes place in regard to this article, does not admit, in exchange, the great value of the commodities, which entered the African ports when this traffic was allowed, whence it follows, that the loss of duties for want of those importations is unfounded, slaves are purchased with dollars, which remain in the hands of speculators, while the State receives only the infamy of permitting such a barbarous commerce, which is carried on or protected by (what horror!) even the retainers of the Government."

The commodities employed in the Slave Trade go in a great measure not to Angola, but to Ambriz, Cabinda, and other ports not under the sway of Portugal. Still, however, this abundance in the ports north of Angola redounds to the benefit of the State, inasmuch as the negroes resort to the capital of our establishment, to barter many objects which they receive in exchange for slaves, namely, such as are of greater value in the country, gunpowder, arms, &c. Whoever asserted that the traffic in negroes is conducted with hard cash alone, has no knowledge of the circumstances of the Africans, otherwise he would not advance such an absurdity. The original dealers in slaves are the blacks who take them prisoners in their mutual wars, and would infallibly put them to death, if this commerce afforded no inducement for sparing them. Now dollars have no value in the eyes of blacks; they only ask for brandy, cotton goods, glass beads, mirrors, knives, arms, and many sorts of hardware, with which they are already familiarized. The articles are in spite of the prohibition of the Decree of the 10th December, relative to slavery, furnished in part by our colonies, and it is this supply which maintains from five to six thousand inhabitants at Angola, as well as the garrisons of the fortresses. Let, therefore, our contemporary refrain from alleging, that neither the state nor the inhabitants of our African possessions derive any benefit from the traffic; they not only benefit by this commerce, carried on beyond our jurisdiction, but, if it were possible that it could cease entirely, the immediate result would be, either the ruin of our settlements by an invasion from the interior, as has already been experienced in the district of Mozambique, or the union with Brazil.

Nothing can be more just than to punish the authorities that are wanting to their duty, violating the law, and rendering themselves unworthy the confidence of their sovereign; but to punish them at the instance of foreigners, and without making public the motives which Government had for adopting such a measure, is as reprehensible as to tolerate the crime. No citizen ought to be denied a hearing because he is a Governor; every one has a right to be heard, and a man must not suffer in his reputation merely to please a diplomatist.

Our contemporary will take notice, that we do not utter a syllable in favour of the Slave Trade, and that we confine ourselves merely to the advocacy of the national honour, lest in our Treaties the dignity of the Crown and the interests of the people should be sacrificed. The opposition which is manifested is not against the extinction of the Slave Trade, it is against humiliating and unheard-of demands, against requisitions amounting to the loss of Territories, which have cost Portugal so much capital and so many victims, and which we are in no-wise disposed to sacrifice solely to the pleasure of complying with the wishes of our generous Allies. Let the Noble Viscount abide by the resolution he has taken, he will be seconded by the sympathies of all Portuguese, and by the aid of those who have none.

Third Enclosure in No. 43.

From the "*Correio de Lisboa*," 26th February, 1839.

WE are informed that the negotiations between His Excellency Viscount de Sá da Bandeira and the Minister of Her Britannic Majesty, &c.,

(This whole passage is recited in the "*Nacional*," extract No. 2.)

(The paragraphs not inserted there are the following.)

"It is very true that in such stipulations great attention ought to be paid to the actual state of our colonies, but we are of opinion that the greatest detriment which they experience arises from the Slave Trade, the terrible contraband, &c.

(See extract No. 2.)

We do not yield to any one in our zeal for the honour of the nation; we desire that in our contracts not the least particle may be lost of the dignity of the Crown, and of the interests of the people, but when we come to consider the singular resistance offered to the cessation of the Slave Trade, which has been abolished by all civilized Governments, we cannot refrain from manifesting a lively desire, that the grounds of this resistance may be stated.

We recollect what was said last year by an English Minister in the House of Commons, and we therefore deem it so much the more necessary that an exposition should be put forth, of the motives which have prevented the conclusion of the Treaty.

No. 44.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, March 9th, 1839.

YOUR Lordship's Despatches upon Slave Trade have been received up to that of the 23rd of February, 1839.

Her Majesty's Government entirely approve the language which, in your Despatch of the 13th of February, 1839, your Lordship reports yourself to have held, in your conversation of the 16th of that month with the Viscount de Sá da Bandeira, upon the subject of the Treaty engagements between Great Britain and Portugal on the Slave Trade.

I am, &c.

(Signed)

PALMERSTON.

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

No. 45.

Lord Howard de Walden to Viscount Palmerston:—(Received March 12.)

MY LORD,

Lisbon, March 3rd, 1839.

I HAVE the honour herewith to transmit a copy of the answer, which I last night received from the Viscount de Sá da Bandeira, to my notes of the 11th and 14th of last month, relative to the Portuguese crew of the slaver "*Diligente*," and in which His Excellency signifies to me, 1st., the decision of the Portuguese Government not to proceed against these men (parties in the Slave Trade); 2nd., protests against the infraction of Treaties, and the insult offered to the Portuguese flag by a British cruiser, in the capture of the "*Diligente*" (slaver); 3rd., claims indemnity and satisfaction (for interfering with the Slave Trade enterprise of this vessel); and 4th., calls on me to give full liberty to these men (notwithstanding the gross violation by them of Portuguese Law, and the engagement of the Crown of Portugal towards Great Britain).

I enclose copies of two notes, which I have this day addressed on this matter to the Viscount de Sá da Bandeira, the first being in reply to his note, and the second announcing to His Excellency that, on his demand, the men of the slaver "*Diligente*" had been duly made over by Her Majesty's Vice Consul to the Aju-

dante da Praça of the arsenal, by whom an acknowledgment of their having been delivered up was duly executed.

I transmitted to His Excellency at the same time, the depositions of the witnesses against these slave traders; it rests now with the Portuguese authorities, to take cognizance of the criminality of these men, as it may seem to please their Government or not. I add the reports of Rear Admiral Sir John Ommanney, and of Mr. Vice Consul Meagher, communicating to me the transfer of the sailors of the slaver "*Diligente*," from Her Majesty's ship "*Donegal*" to the arsenal.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

&c.

&c.

&c.

First Enclosure in No. 45.

Viscount de Sá da Bandeira to Lord Howard de Walden.

THE Undersigned, President of the Council, &c. has had the honour to receive the two notes, dated the 11th and 14th of last month, which were addressed to him by Lord Howard de Walden, &c.

In the former of these notes His Lordship informed him, that nine sailors, belonging to the crew of the Portuguese brigantine "*Diligente*," captured, with 302 slaves on board, by the British corvette "*Electra*," had been sent to Lisbon by the British Government, to be delivered over to the Government of Her Majesty, in order that they might be tried by the Portuguese tribunals, in conformity with the laws of Portugal, which prohibit the Slave Trade, and visited with the penalties due to those engaged in the said infamous traffic; His Lordship adding, that he awaited notice from the Undersigned in order to verify the delivery of these men to the Government of Her Majesty for that purpose. The other note enclosed an extract from the log of Her Britannic Majesty's ship "*Electra*," by which it appears that the said brigantine "*Diligente*" had been captured by her, on the 1st of December of last year, in lat. 16° 40' south of the Line.

The Government of Her Majesty having taken into consideration the contents of the said notes, the Undersigned has received orders from Her Majesty to reply to his Lordship, that she can never recognize the slightest right for British cruizers to detain, and much less to capture, to the south of the equator, any Portuguese vessel, however illicit the traffic in slaves in which she may be employed may be considered. The 4th paragraph of instructions, annexed to the additional Convention of July 28th, 1817, expressly prohibits them so to do, *under any pretext whatever*, with the sole exception of the chase having commenced to the north of the equator; which did not occur in the case of the vessel in question, which was seen and captured much to the south of the Line. By the 5th article of the same Convention, the cruizers are obliged to *adhere strictly to the exact tenor* of these instructions; and, by the 7th article, no alterations can be made therein by the British Government, unless by common accord with that of Her Majesty, which as yet has not taken place.

The circumstance of the said traffic being prohibited in all the Portuguese dominions by the Decree of the 10th of December, 1836, confers no authority whatever on the British cruizers to capture Portuguese vessels to the south of the equator, because it is in the very same hypothesis of the existence of the said prohibition that, by the separate article of the Convention of July 28th, 1817, it was stipulated that the said Convention should be continued for 15 years longer, in the event of not coming to some other arrangement, which agreement has not been realized.

By the very fact of the Government of Great Britain having pressed the Portuguese Government to conclude a new Treaty, in order to enable their cruizers to capture Portuguese vessels to the south of the Line, which might be found engaged in the said traffic, they have recognized, in the most solemn manner, the necessity which exists of Her Majesty's consent being expressed in a new Treaty, in order to effect such captures; and the cruizers who make them without that consent commit a manifest violation of the said additional Convention, and an insult to the Portuguese flag, which the British Government cannot fail to punish when those aggressors belong to their navy.

The Undersigned adds, also, that the Government of Her Majesty could not even

punish the above-mentioned prisoners, because, at the time of the capture of the said brigantine, the execution of the Decree of December 10th, 1836, being still suspended in the Province of Angola, no penalty could be imposed on the said prisoners.

According to the orders of Her Majesty above mentioned, the Undersigned requests from his Lordship that the prisoners should be immediately set at liberty, and protests against the insult offered by the British cruizers to the flag of Portugal, in the illegal capture of the brigantine "*Diligente*," demanding satisfaction for the same, and also her delivery up to her owner, with full indemnity of the losses and damages suffered.

The undersigned, &c,
(Signed) SA' DA BANDEIRA.

Foreign Department, March 2nd, 1839.

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

Second Enclosure in No. 45.

Lord Howard de Walden to Viscount de Sá da Bandeira.

THE Undersigned, &c., has had the honour, this night, to receive from the Viscount de Sá da Bandeira, &c., a note in answer to the communication he made to His Excellency, three weeks ago, relative to certain Portuguese subjects, captured on board a slave vessel by one of Her Majesty's cruizers, and who had been sent to Lisbon to be delivered over to the Portuguese Government, to be tried under the law said to prohibit the disgraceful traffic in human flesh, so notoriously carried on under the Portuguese flag, in direct violation of the engagements of Treaty between the Crown of Portugal and Great Britain.

The Undersigned, though in some degree prepared, by the previous tone of His Excellency, for the decision of the Government of Her Most Faithful Majesty, to receive a protest against the interference of a British cruizer with any slave enterprise, carried on under the Portuguese flag south of the Line, instead of an offer of co-operation for the purpose of bringing those offenders engaged in the traffic in slaves to punishment, did not anticipate the extraordinary communication he has received from His Excellency, being that of the entire absolution of these men, taken *flagrante delicto*, on the alleged ground of the decree of the 10th December, 1836, though published by His Excellency in Lisbon, not having been made law in Angola.

It could hardly be necessary, when the Treaties were before the Viscount de Sá da Bandeira, from which His Excellency quotes, for the purpose, it would seem, of interpreting the humane interference on the part of Her Majesty's cruizer against the slaver in question, as more criminal than the conduct of those engaged under the Portuguese flag in the traffic of slaves, to point out to His Excellency, that, even if the remarkable announcement made to him now for the first time by His Excellency, in regard to the nullity of the Decree of the 10th December, 1836, in Angola, could be recognised previous to any reference to a tribunal before which all the evidence connected with this Slave Trade enterprise could have been duly investigated, as a reason for disabling Her Most Faithful Majesty's Government from proceeding against the men in question, there is, at all events, an Alvará, specially pointed out by the Convention of 1817, under which the general illegality of the Slave Trade voyage of the "*Diligente*" cannot be questioned, and according to which Portuguese subjects carrying on illicit Slave Trade are to be punished.

The instructions, however, received by the Undersigned from Her Majesty's Government in sending out these slave traders to Lisbon, being to deliver them up to the Portuguese Authorities, he must remark that, if they remained three weeks on board a British man-of-war in the Tagus, it has been solely in consequence of His Excellency neither having claimed them, or consented to receive them.

The Undersigned begs to remind His Excellency further, with reference to the unexpected and protracted detention of these men on board Her Majesty's ship "*Donegal*," that, in consequence of their being Portuguese subjects, the

Undersigned had, long previous to their arrival, prepared His Excellency to receive them.

The Undersigned has only further to add, in expressing his regret at the resolution adopted by the Government of Her Most Faithful Majesty, that he shall communicate his wish to Rear Admiral Sir J. Ommanney, that the men in question may be landed to-morrow, and their names signified to the proper functionary at the place of their disembarkation ;

And he avails, &c.

(Signed) HOWARD DE WALDEN.

March 3rd, 1839.

Viscount de Sá da Bandeira,
&c. &c. &c.

Third Enclosure in No. 45.

Lord Howard de Walden to Viscount de Sá da Bandeira.

THE Undersigned, &c. has the honour to communicate to the Viscount de Sá da Bandeira, &c. for His Excellency's information, that the Portuguese part of the crew of the slaver "*Diligente*," who were sent out to Lisbon under orders from Her Majesty's Government to be delivered over to the Portuguese authorities, have, in compliance with His Excellency's desire, been this day landed at the arsenal, and made over by Her Majesty's Vice-Consul to the Adjutante da Praça, before whom the men were mustered, and a receipt passed, acknowledging their having been duly delivered over to him.

The Undersigned has now the honour to transmit to the Viscount de Sá da Bandeira the sworn depositions of witnesses against the men in question, proving them to have been captured while engaged in illicit Slave Trade, in infraction of the laws of Portugal.

The Undersigned having thus fulfilled the instructions he has received from Her Majesty's Government, it is now by His Excellency and the Government of Her Most Faithful Majesty that any further proceedings in regard to these Slave-traders must be directed, as matter involving the obligations of treaties and the administration of the laws of Portugal.

The undersigned, &c.

(Signed)

HOWARD DE WALDEN.

Lisbon, 3rd March, 1839.

Viscount de Sá da Bandeira,
&c. &c. &c.

Fourth Enclosure in No. 45.

Rear-Admiral Sir J. Ommanney to Lord Howard de Walden.

MY LORD,

H.M.S. "*Donegal*," the *Tagus*, 4th March, 1839.

I HAVE the honour of informing your Lordship, that immediately on my return to the "*Donegal*" yesterday, I sent the ten Portuguese sailors, captured in the "*Diligente*," to be landed at the arsenal, according to the arrangement which your Lordship had made.

I enclose a copy of the list sent with the men, and a copy of the receipt which was given to the officer of Her Majesty's ship "*Donegal*," by the Lieutenant and Adjutant of the arsenal, who took charge of them.

I have, &c.

JOHN OMMANNEY, *Rear-Admiral.*

(Signed)

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

Fifth Enclosure in No. 45.

List of ten Portuguese who were captured on board the "Diligente" Slave Vessel, under Portuguese Colours, with 302 Slaves on board, on the Coast of Brazil, on the 1st December, 1838, by Her Britannic Majesty's Ship "Electra."

THE within-named men having been sent out to the Admiral commanding Her Britannic Majesty's ships in the Tagus, to be delivered up to the Portuguese authorities—

(Here follow the names of the ten sailors.)

(Signed)

J. A. OMMANNEY.

Dated on board the "Donegal," 3rd March, 1839.

Sixth Enclosure in No. 45.

(Receipt.)

O ILLMO. SR. Viz-Consul Inglez, e juntamente com hum official de Marinha de Sua Magestade Britannica, fizerao entrega neste Arsenal de Marinha os dez Marinheiros Portuguezes, remetidos de bordo da Nao Almirante, a saber.

Joze Martino, Carlos A. Ferreira, Manoel Martins, Pedro Antonio, Francisco Joze, Francisco da Silva, Joao St. Jago, Joze Francisco, Joze Sperao, e Manoel de Carvalho, e para constar passei o presente que acino.

(Signed)

JOAO VERISSIMO MAXIMO DA CRUZ,

Segundo Teniente Adjudande.

Arsenal de Marinha, 3 de Março de 1839.

(Examined.) J. A. Oy.

Seventh Enclosure in No. 45.

Mr. Consul Meagher to Lord Howard de Walden.

MY LORD,

Lisbon, March 3rd, 1839.

AGREEABLY to the instructions I received from your Lordship this morning, I beg leave to state, that I proceeded on board Her Majesty's ship "Donegal," and from thence to the Portuguese Royal Arsenal, in the boat sent there by Rear-Admiral Sir John Ommanney, with ten Portuguese seamen, part of the crew of the Portuguese slave-vessel "*Diligente*," where, having spoken with the Adjutant, the said individuals were delivered over to him, and who has passed a receipt for their due delivery, by names as per margin;* which receipt I gave to Lieutenant Cannon, the officer in charge, for the purpose of being delivered to the Admiral.

I have, &c.

(Signed)

JEREMIAH MEAGHER.

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

No. 46.

Lord Howard de Walden to Viscount Palmerston.—(Received March 17.)

MY LORD,

Lisbon, March 11th, 1839.

HAVING in my notes of the 2nd and 3rd instant, to the Viscount de Sá da Bandeira, confined myself principally to the crew of the "*Diligente*," I have

* JOSE MARTINS.
CARLOS A. FERREIRA.
MANOEL MARTINAS.
PEDRO ANTONIO.
FRANCISCO JOSE.
FRANCISCO DA SILVA.
JOAO ST. JAGO.
JOZE FRANCISCO.
JOZE SPERAO.
MANOEL CARVALHO.

thought it expedient to notice that part of His Excellency's note, in which he demands "satisfaction for the insult offered by the British cruisers to the Portuguese flag, in the illegal capture of the brigantine '*Diligente*,' and the surrender of that vessel to her owner, with full indemnity for all loss and damage incurred."

I have the honour to enclose a copy of the note, which I have addressed to the Viscount de Sá da Bandeira, with reference to the above pretensions.

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 Sá da Bandeira.

THE Undersigned, &c. in transmitting to his Government the note, which he received on the 2nd instant from the Viscount de Sá da Bandeira, &c., relative to the crew of the slaver "*Diligente*," has found himself totally incompetent to render in his report an explanation of the precise grounds on which His Excellency had demanded, in the name of Her Most Faithful Majesty, satisfaction for an insult stated to have been offered by certain cruisers of Her Britannic Majesty, to the Portuguese flag borne by this slaver, and has claimed the surrender of this vessel to its owner, with full indemnity for all losses and damages which have been incurred by her detention.

The Undersigned, not being aware that the case of this vessel has as yet been decided by the Mixed Commission at Sierra Leone, whither she had been duly sent for adjudication; and as Her Majesty's Government consequently may be ignorant of the features of the case, which have given rise to so peremptory a tone on the part of the Portuguese Government, has the honour to request, in elucidation of this affair, information on the following points:—

- 1st. Whether the "*Diligente*" has been recognised as a Portuguese-built vessel?
- 2nd. Whether the "*Diligente*" is owned by a Portuguese subject?
- 3rd. Whether the "*Diligente*" is considered by the Portuguese Government as having been navigating, when captured, in strict conformity to Portuguese navigation laws?
- 4th. Whether the "*Diligente*" is looked upon, under interpretation of the engagement of treaties towards Great Britain, confirmed by laws, as having been engaged in legal traffic?

5th. Whether the value or estimated profit on the 302 slaves on board the "*Diligente*," liberated by Her Majesty's cruiser "*Electra*," are to constitute the basis of the indemnity and compensation demanded, in the name of Her Most Faithful Majesty, of the Government of Great Britain?

The Undersigned can assure the Viscount de Sá da Bandeira, that any representation made on the part of Her Most Faithful Majesty, will at all times meet with the utmost attention from the British Government; and that, in regard to the present case, any wanton disregard on the part of any officer in Her Majesty's service, in observance of the respect due to the Portuguese flag, (if the vessel bearing it should really be entitled to any,) will be most severely visited upon the offenders.

The Undersigned must, however, be allowed to remind His Excellency, that it is not upon the mere allegations or the bare demand of any one party, that either a case of insult towards the national flag of a country can be considered as made good, or that a claim for indemnity for loss can in any way be admitted, in the treating on such matter between two Governments.

It is therefore upon these grounds, with the utmost desire to bring the *real* offenders in the case of the slaver "*Diligente*" to justice, and make them suffer the penalty due to their crimes or delinquencies, that the Undersigned has the honour to address himself to the Viscount de Sá da Bandeira, to obtain such further light on this case as he has above specified.

All the papers found on board the "*Diligente*" having been sealed up, (as the undersigned has been informed by the Captor,) and forwarded as evidence against her to Sierra Leone, where the case will be duly investigated and decided, the British Government are in possession of no other authentic particulars, beyond those already made known to the Portuguese Government by the Undersigned, viz. the fact

of her having had 302 slaves on board, being partly navigated by Portuguese, and having, after wearing Montevidean colours during the chase, hoisted a Portuguese flag (adopted habitually as the ægis of the Slave-trader) at the moment of capture.

The Undersigned avails, &c.

Lisbon, March 6, 1839.

(Signed) HOWARD DE WALDEN.

His Excellency the Viscount de Sá da Bandeira,
&c. &c. &c.

No. 47.

Lord Howard de Walden to Viscount Palmerston.—(Received March 17.)

(Extract.)

Lisbon, March 11th, 1839.

WITH reference to my Despatch, "Slave Trade," of the 3rd instant, in which I reported to your Lordship the transfer of the seamen of the slaver "*Diligente*," from Her Majesty's ship "*Donegal*," to the Arsenal, I have the honour to acquaint you, that the men in question have not yet been released.

I have been unable to obtain an explanation of the contradictory conduct on the part of the Viscount de Sá da Bandeira, in demanding that these men should "immediately be placed at liberty," after stating that they could not be looked upon as criminal by the Portuguese Government, for the reason he gave in his note, and yet allowing them, after having been given up to a Portuguese authority, to remain prisoners in the Arsenal.

Had the men been placed at liberty by my directions, on the Viscount de Sá da Bandeira's demand, no further notice would have been taken of them; but it would appear that these men having been taken charge of by a Portuguese functionary, that officer has required an authorization for their release, which it has not been so easy to obtain at once, from those who fear responsibility in disregarding the law, in a case which has attracted such attention as that of the capture of the Slaver "*Diligente*," and the disposal of the Portuguese portion of her crew.

No. 48.

Lord Howard de Walden to Mr. Strangways.—(Received March 18.)

(Extract.)

Lisbon, March 11th, 1839.

WITH reference to your Despatch, marked "Separate," of the 20th of December last, I have the honour herewith to transmit the two decrees required by Viscount Palmerston, relative to the Slave Trade.

First Enclosure in No. 48.

(Translation.)

Alvara for preventing the conveyance of Negroes to Sea-port Towns of such Territories as are not in the Portuguese Dominions. Dated 14th October, 1751.

I, THE KING, make known to those to whom this alvara, having the form of a law, shall come, That it having been represented to me, in a report from my Council beyond sea, how great an irregularity is occasioned, by negroes being exported from Brazil, and conveyed to dominions not belonging to me, whereof results a notorious prejudice to the public welfare, and to my royal revenue, and that it is necessary to devise a proper remedy, I deem it right to ordain, in general, that no blacks shall be conveyed to sea-port towns of such territories, as are not in my royal dominions; and, if the contrary be ascertained, that the triple value of each slave shall be forfeited, half of it to go to the informer, and the other half to the royal revenue; and that the persons guilty of contraband shall be banished for ten years to Angola. It being likewise ordered that no clearance shall be given for

CLASS B.—FURTHER SERIES.

the Colonia do Sacramento, or other localities in the vicinity of the Portuguese frontier, without entering, in a separate book (to be kept at the Provedorias), the name and marks of the slave; and a pass shall be transmitted to the Provedoria, or the ordinary Court of Justice of the place to which the clearance is given, which pass such authority shall be obliged to return within a year; and all the Justices of those places on the frontier shall be obliged to send every year to the Provedorias of the city of Bahia, and of Rio de Janeiro, a list of all the slaves that had arrived, and of all those who abide there, specifying such as died, or were absent for some justifiable reason, or from having proceeded to territories of my conquests.

Wherefore, I command my Viceroy and Captain-General by sea and land of the State of Brazil, and all the Governors, Superior Captains of that State, and the Provedors of the royal revenue in the same, to cause this my alvara to be published, which shall be registered in the Courts of Justice in Brazil, and in all the Provedorias of the royal revenue, and in such other parts as may be proper, that it may be known what I ordain in this alvara; and that it may be fulfilled and observed completely, as set forth in it without any hesitation, which alvara shall have the effect of a "carta," although it is to be in force for upwards of a year, notwithstanding the Ordinance of Book II., Tit. 40, to the contrary; and it shall be published and registered in my Supreme Chancery of the kingdom.

(Signed) KING.

(Signed) MARQUESS DE PENALVA.

Lisbon, 14th October, 1751.

Second Enclosure in No. 48.

(Translation.)

Alvara of the 19th September, 1761.

I, THE KING, make known to those who shall see this alvara, which has the force of law, that, having been informed of the many and the great inconveniences, resulting from the excess and licence with which, contrary to the laws and customs of other civilised Courts, annually is conveyed from Africa, America, and Asia, to these kingdoms, so extraordinary a number of black slaves, that, while they cause in my dominions beyond sea a sensible want of hands, for the cultivation of the ground and the working of mines, they only resort to this continent to supply the places of menials, who, being of little use, abandon themselves to sloth, and plunge into vice, its natural consequence. And having directed men of learning and piety, and zealous of the service of God, as well as of my own, and of the common welfare, to deliberate with many Ministers of my Council and Tribunal, on the subject of those inconveniences, and of others deserving my royal care; and having adopted their opinions, I decree that, from the day of the publication of this law in the ports of America, Africa, and Asia, and after the expiration of six months, in the first and second ports referred to, and of a twelvemonth in the ports of Asia, it shall not be lawful in any of them to embark or to disembark in these kingdoms of Portugal and of the Algarves any black male or female; ordaining that all those who shall arrive in the said kingdoms after the expiration of the periods above stated, to be calculated from the day of publication of the present, shall, in virtue of this decree, be free and emancipated, without needing any other letter of manumission or emancipation, or any other warrant, beyond the certificates of the Administrations and the Officers of the Custom-houses of the places where they land; which certificates I command to be handed to them forthwith, together with the specifications of the localities whence they shall have sailed, of the vessels in which they arrive, and of the day, month, and year that they are set on shore—the aforesaid Administrators and Officers being entitled to the quadruple of the fees of those certificates, at the expense of the masters of those blacks, or of the persons who shall carry them in their company. But if these certificates be withheld from them for more than eight and forty consecutive hours, to be reckoned from that at which they enter the ships, the officers withholding them shall incur the penalty of suspension during my pleasure; and in this case those who find themselves aggrieved shall apply to the Judges and the Justices of the respective territories having ordinary jurisdiction in them, in order that each of them may

produce the said certificates, with the same fees, and with the declaration of the doubts or negligences of the above Administrators or Officers of the Custom-houses, to the end that, on the parties complaining of them to the Regidors, Presidents of Courts of Justice of the respective departments and jurisdictions, they may cause immediately this procedure to be carried into effect, and without the formality of a court, and may promulgate in the same manner the penalties above directed. In addition to the latter, I direct that all and every person, of whatever state or condition, who shall sell, buy, or retain under their subjection, and in their service, against their will, as slaves, any black men or women, that may arrive in these kingdoms after the expiration of the said periods, shall be visited with the penalties established by law against those who keep private prisons, and who subject free persons to captivity. But it is not my royal intention that, with regard to the black men and women who are already in these kingdoms, and may arrive in them within the periods referred to, any innovation should take place in consequence of the present law, nor that, under the pretext of it, slaves that now are, or shall hereafter be in my dominions beyond sea, should desert; on the contrary I ordain that all the free black males and females who may come to these kingdoms to live, trade, or serve in them, with the enjoyment of that full liberty which is due to them, shall indispensably bring a pass from the respective Chambers of the places whence they have sailed, so as that these passes shall make appear their sex, age, and person, establishing their identity, and manifesting that they are those very same emancipated and free blacks; and that if any should arrive without those passes so drawn up, they shall be seized, maintained, and sent back to the places whence they came, at the expense of the persons in whose company or vessel they have arrived, or shall have been found.

And this shall be complied with as fully as is set forth in it: Therefore, I command the Tribunal of the Dezembargo of the Court, the Council of my royal revenue, and, beyond sea, the House of *Supplicação*, the Court of Conscience, and orders, the Senate of the Chambers, the Junta of the Commerce of these Kingdoms, and its dominions, the Governors of the Department and Tribunal of Porto, and of the Courts of Judicature, at Bahia, and Rio de Janeiro, the Vice-roys of the States of India and Brazil, the Governors and Captains'-General, and every other Governor of the same states; and also, the ministers, officials, and other individuals of them, and of these realms, to fulfil and guard, and cause entirely to be fulfilled and guarded, this my alvara, notwithstanding any other laws or provisions opposed to its contents, and which I also hold for abrogated, solely to this effect, while, in all other respects, they remain always in their vigour: And I command Doctor Manoel Gomes de Carvalho, of my Council, and Supreme Chancellor of these Kingdoms and Seignories, to cause it to be published and registered in the office of the Supreme Chancellor of the Kingdom: And it shall, in the same manner, be published in my kingdoms and dominions, and in each of the districts of them, that it may come to the cognizance of all, and no one may be able to plead ignorance.

It shall also be registered in all the Courts of Justice of my kingdoms and dominions, and at other points where such laws are usually registered; and this alvara shall also be deposited in the Tower of Tombo.

Given in the Palace of our Lady of Ajuda, the 19th September, 1761.

No. 49.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, March 22, 1839.

YOUR Lordship's Despatches, marked Slave Trade, to that of the 11th inst., have been received.

Her Majesty's Government entirely approve the language which your Lordship held, in your note of the 6th of March, to the Viscount de Sá, in answer to that part of His Excellency's note of the 2nd of the same month, in which he had de-

manded "satisfaction for the insult offered by the British cruisers, in the illegal capture of the brigantine, '*Diligente*,'" and the surrender of that vessel to her owner, with full indemnity for all loss and damage incurred.

I am, &c.

(Signed)

PALMERSTON.

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

No. 50.

Lord Howard de Walden to Viscount Palmerston.—(Received April 17.)

(Extract.)

Lisbon, April 7, 1839.

I HAVE the honour to enclose a copy of a portaria signed by the Viscount de Sá da Bandeira, and published in the *Diario do Governo* of the 2nd instant, by which the Queen directs judicial proceedings to be instituted against the ex-Governor-General of Angola, Manoel Bernardo Vidal, 1st, for not having carried into execution the decree of the 10th December 1836, prohibiting the Slave Trade. 2ndly, For exacting 800 milreis from each vessel engaged in the Slave Trade (as is reported officially as being notorious) for license to receive a cargo of slaves; and, 3dly, for having taken advantage of his post for illicit profits, and various other abuses of authority.

This step has been taken by the Viscount de Sá da Bandeira, eleven months after the representation which had been made officially to him, in the name of Her Majesty's Government, respecting the notorious conduct of the Governor, Vidal.

The Viscount de Sá da Bandeira also proposed two days ago to the Chargé d'Affaires of His Danish Majesty, to conclude a Treaty between Portugal and Denmark for the suppression of the Slave Trade, similar to that contracted between France and Great Britain.

It is quite unnecessary for me to make any comment on this overture of the Viscount de Sá da Bandeira to the Danish Chargé d'Affaires, while refusing to conclude with France a Treaty, the project of which contains, as I understand, not one stipulation to which the Portuguese Government had been able to object in principle, but, as the price of which, the Viscount de Sá da Bandeira, gratuitously annexes an evidently inadmissible condition, of the cession to Portugal of certain disputed territory on the coast of Africa.

Enclosure in No. 50.

Portaria.

Her Majesty the Queen having been informed, that the late Governor-General of the province of Angola, Manoel Bernardo Vidal, far from giving due fulfilment to the decree of the 10th December, 1836, prohibiting the traffic in slaves in the Portuguese dominions, as he was bound to do by the 25th article of the said decree, pretexting as an excuse, the power, granted by a decree of anterior date, to Governors'-General in Council to suspend the execution of laws hitherto published, in the event of their being found impossible to execute, behaved, on that head, not only with negligence and remissness, but even with connivance; it having been officially affirmed to this department, that it was publicly notorious that, to enable any vessel to take on board a cargo of slaves, it was necessary to pay a certain sum, of which the said ex-Governor received 800 milreis (about 200*l.*), Her Majesty commands, through the Minister of Marine and the Colonies, that the Deputy Attorney-General of the said province, should produce before the Judge of the same, according to the 20th and 22nd articles of the above-mentioned Decree, the necessary accusation against the said ex-Governor-General, having regard to the opinion of the Attorney-General of the Crown herewith transmitted, and making use of the evidence of witnesses, a copy of which is also enclosed, requests that the dispositions of Article 19, and others of the same Decree, may be

put in vigour towards him. And as, from the representation (also enclosed,) signed by John Antonio de Miranda Vieira, on the 29th October of last year, appears also strong evidence, that the said ex-Governor-General took advantage of his situation to obtain illicit gains, and that he was guilty of various abuses of his authority, the said Deputy Attorney-General will cause the proper proceedings to be instituted against him, according to the alvara of 14th April, 1835.

(Signed)

SA' DA BANDEIRA,

Palace of Necessidades, March 16, 1839.

No. 51.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, April 20, 1839.

It appears from the accompanying papers, that the vessel, the "*Diligente*," bearing the flag of Portugal, and furnished with Portuguese papers by the Portuguese Consul-General at Cadiz, was captured by Her Majesty's ship "*Brisk*," and was condemned on a charge of Slave Trade, in March, 1837, at Sierra Leone. That she was purchased at Sierra Leone by one Miguel Bertinotte, who took her back to Cadiz, and that she was there furnished with a false set of Portuguese papers, by the Portuguese Consul-General, who thus became instrumental a second time to purposes of Slave Trade, in respect of this vessel.

The papers which were furnished to the "*Diligente*," in the second instance, were antedated eighteen months back: they were prepared in the office of the Consul-General; they are attested by his seal and signature; but all the witnesses examined in the case, including the Captain, the Mate, and the Owner, were compelled to admit the falsehood of those papers.

The fact that a Portuguese functionary has connived at, and has aided a trade, which is prohibited and branded as a crime by the laws of his own country, ought to be held sufficient grounds for inflicting upon him the severe displeasure of his Sovereign. In the present case, Mr. Machado, besides rendering such aid, has assisted in fabricating false papers, in order to further that object: and Her Majesty's Government therefore, desire, that, in laying the facts of this case before the Portuguese Government, you will express the hope of Her Majesty's Government, that the Government of Portugal will not suffer such conduct on the part of a Portuguese functionary to pass unpunished.

(Signed) I am, &c.
PALMERSTON.*To Lord Howard de Walden.*
&c. &c. &c.

First Enclosure in No. 51.

Sierra Leone Commissioners, October 20, 1838.

(See Class A., No. 10, p. 11.)

Second Enclosure in No. 51.

Sir John Barrow to Mr. Strangways.

SIR,

Admiralty, 28th January, 1839.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Viscount Palmerston, copy of a letter from Lieutenant A. Kellett, commanding Her Majesty's brig "*Brisk*," to Rear-Admiral the

Honourable George Elliot, dated the 23rd of October last, respecting the Slave Trade.

I am, &c.
(Signed)

J. BARROW.

To the Right Honourable W. F. Strangways.
&c. &c. &c.

Sub-Enclosure in No. 51.

(Extract.) *Lieutenant Kellett to Admiral Eliot.*

Her Majesty's brig "Brisk," at Sea, October 23rd, 1838.

I HAVE the honour to call your attention to the case of the brig "*Diligente*," condemned in the Spanish Mixed Commission Court, to Her Majesty's brig "*Brisk*," under my command. This vessel was condemned at Sierra Leone, in December, 1836, as the "*Paqueta de Cabo Verde*," sold to a Mr. Lake, and transferred by bill of sale, on the 2nd of January, 1837, to Miguel Bertinote, a Spanish slave-dealer at the Gallinas, for 1000*l*. This notorious character arrived at Sierra Leone for the above purpose, and cleared out under Spanish colours for the Havana, in April, 1837; she then visited several ports in Old Spain, and ultimately arrived at Cadiz, on the 30th September, 1837. It would appear, from the fictitious bill of sale, dated the 2d of January 1837, at Cadiz, that the vessel was sold as the "*Feroz Africano*," to Gabriel Lopez, as attorney to Francisco Cardovo de Mello, of Cape Verd Islands, who is the nominal owner of almost all Spanish vessels, which, since the Treaty with Spain in 1835, have been transferred to the Portuguese flag.

It will appear this vessel, after a sham bill of sale, received a passport from the Portuguese Consul-General at Cadiz, dated the 5th of January, 1837; and her name changed to the "*Diligente*," at the very time the vessel and owner were at Sierra Leone, and then only two days in his possession; it has appeared that the Master and Mate are on the roll, dated the 5th of January, 1837, and the Master's name in the passport of the same date; though, in evidence given before the Court of Mixed Commission, they swear they never saw the vessel until June, 1838.

I beg leave to call your attention to the conduct of the Consul-General of Her Most Faithful Majesty, aiding and assisting in carrying on the Slave Trade, contrary to the solemn Treaty entered into by his Government. This most glaring case of fraud could not have been completed without the assistance, or connivance, of the authorities of Her Catholic Majesty at the port of Cadiz.

No. 52.

Viscount Palmerston to Lord Howard de Walden.

(Extract.)

Foreign Office, April 20th, 1839.

I TRANSMIT herewith to your Lordship an extract of a Despatch from Her Majesty's Chargé d'Affaires at Rio de Janeiro, together with a copy of the Enclosure therein referred to, containing a statement in answer to calumnies published in a Rio de Janeiro newspaper, and republished at Lisbon, against the conduct of Her Majesty's naval officers towards prisoners on board of the slaver the "*Flor de Loanda*."

Enclosure in No. 52.

Mr. Ouseley to Viscount Palmerston, Rio de Janeiro, February 16th, 1839.

(See No. 79, p. 130.)

No. 53.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, April 20th, 1839.

I TRANSMIT herewith to your Lordship a note, which I have to desire that you will present to the Portuguese Minister for Foreign Affairs, in reply to the note which was addressed to your Lordship, on the 22nd May, 1838, by Viscount de Sá da Bandeira, and which contained observations upon the communication, made by your Lordship to that Minister, respecting the Resolution of the House of Commons of the 10th May, 1838, on the subject of the Slave Trade.

You will find the enclosed note written out ready for delivery. You will have a copy made of it, to be kept in the archives of Her Majesty's Mission in Lisbon; and after signing the enclosed original, with the date filled up, you will transmit it without delay to the Portuguese Minister.

Your Lordship, in acknowledging the receipt of this Despatch, will have the goodness to state the date, which you shall have affixed to the note which is enclosed in it.

I am, &c.

(Signed)

PALMERSTON.

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

 Enclosure in No. 53.

Draft of a Note to be presented by Lord Howard de Walden to the Portuguese Government.

THE Undersigned, &c., has been instructed to state to Viscount de Sá da Bandeira, &c., that the British Government had hoped, that its negotiation with Portugal for a new Treaty for the suppression of the Slave Trade would have ended by a result, which would have rendered unnecessary, on the part of the British Government, any detailed reply to the note which M. de Sá da Bandeira addressed to the Undersigned on the 22nd May, 1838. But that expectation having been disappointed, the Undersigned is now instructed to make the following observations in answer to that note.

M. de Sá da Bandeira, in the note in question, adverting, in the first place, to the communication made to him on the 20th May, 1838, by the Undersigned, sets out by stating his intention to demonstrate, "how destitute of the least pretext to justice are the heavy charges, made against the Portuguese Government, that a system of war and piracy against the human race is now pursuing with impunity under its flag."

Her Majesty's Government would have felt sincere pleasure, if the note of M. de Sá da Bandeira had contained any disproof of those charges; because it would have been gratifying to Her Majesty's Government to find, that a Power, which has long been connected by close alliance with Great Britain, had vindicated itself from an accusation of so grave a description; but Her Majesty's Government regret to have to say, that while, on the one hand, those charges are supported by ascertained facts, M. de Sá's note, on the other hand, does not contain even an attempt to refute them.

A long recital of the facts, by which those charges are borne out, is to be found in the note* which was addressed by Viscount Palmerston to the Baron de Moncorvo on the 30th April, 1836; and the earnest attention of the Portuguese Government was at that time called to the circumstances detailed in that note.

The statement in Viscount Palmerston's note was not controverted; but the misdeeds which it enumerated have remained unpunished; and the persons who protected the offenders still continue in authority.

In the months of March, April, and May of the last year, facts of the same nature, but of a more recent date, were made known to the Portuguese Government. These facts have not been disputed; for to deny them was

 * See page 83.

impossible. But Her Majesty's Government is not aware, that any steps have been taken thereupon by the Portuguese Government, for the purpose of putting these practices down.

M. de Sá da Bandeira then goes on to allege, as an excuse for the conduct of Portugal in this matter, that she has, in times past, had all other nations for accomplices in this crime; and that Great Britain herself, at an early period of her history, engaged largely in the now proscribed Slave Trade.

These assertions are indisputably true; but what do they prove? or how do they bear, in exculpation of the present conduct of Portugal? Do they not rather render that conduct the less excusable? For, if Great Britain has long since spontaneously abandoned her course of crime; and if almost all the other nations of Europe have followed her example; does it not add to the criminality of Portugal, that she should still persevere in a system of guilt, which her former accomplices have thus repudiated?

But, as Viscount de Sá has thought fit to appeal to history, Her Majesty's Government deem it right to observe, that, however early the period at which Great Britain began the Slave Trade, she found even then, that this trade had already been established by Portugal for upwards of a century before.

The Portuguese annals show, that the earliest Portuguese navigators in the African seas, though they had the honour of first opening to Europe the great water-road to the vast regions of the East, yet tarnished their glory by practising the crime which continues, even to this day, to stain the character of their country.

The earliest narrator of those voyages, Cada Mosto, relates, that, in the middle of the fifteenth century, the Slave Trade was put under regulation by Prince Henry of Portugal, in order to check the desultory incursions, which the Portuguese had previously been in the habit of making upon the villages on the coast, for the purpose of carrying off slaves. It was ordered, that the slaves should thenceforward be brought down to the coast by the native traders, and should be purchased from them at fixed prices. At that early period, the number imported annually into Portugal from Arguin alone, is stated, by Cada Mosto, to have amounted to from 700 to 800 "head." For these Africans were not then counted by the modern system of enumeration by souls, but, like cattle, were reckoned by the head.

The difference, then, on this point, between Great Britain and Portugal, appears to be, that Great Britain was the last of the two to take to the Slave Trade, and was the first to leave it off; that Portugal began to practise it the first, and now clings to it the last.

M. de Sá da Bandeira then proceeds, but with what advantage to his argument is not apparent, to enumerate the successive steps which Great Britain has taken, while pursuing her disinterested and generous course of atonement to the African race for the injustice of her former conduct. M. de Sá records the honourable and persevering exertions by which the friends of humanity in England, after many years of untiring labour, succeeded in persuading the Legislature to abolish the Slave Trade; to abolish it, moreover, without being bound to do so by Treaty with any foreign power, and without being paid for doing so, by the treasury of any foreign nation. He mentions the successive attempts made by British slave-traders to evade the abolition law, and adverts to the various remedies applied by the Legislature to make that law more stringent and effectual; till at last the severity of the punishment, and the rigorous enforcement of the law, entirely put an end to the crime. But the Viscount de Sá does not stop here, nor does he omit to record, that the British nation, not satisfied with simply abolishing the trade in slaves, felt that it could not hold itself exempt from guilt, so long as the condition of slavery should continue to exist in the dominions of the British Crown; and that the British people, by an act of disinterested generosity, unparalleled in the history of the world, gave freedom to 800,000 slaves, paying, at the same time, as compensation to the owners, no less a sum than twenty millions sterling. And what, it may be asked, after so noble a proof of sincerity, what becomes of the sneers of those who, incapable, it must be supposed, themselves, of any generous sentiments, ascribed to motives of selfish and sordid interest the efforts of Great Britain, to persuade other nations to abstain from the trade in slaves?

But, great is the contrast, which the picture, thus drawn by Viscount de Sá of the conduct of Great Britain, presents to the course which has been pursued

on the same subject by Portugal; who has declined to fulfil the engagements of solemn Treaties, which bind her to abolish the Slave Trade; who has refused to do the very thing for which, by her own admission, she has received upwards of 400,000*l.*; and whose laws against Slave Trade have remained a dead letter, and have never yet, in any single instance, been carried into execution.

But, if the inference which Viscount de Sá intends to draw from this part of his note is, that Great Britain found it difficult to put down her Slave Trade, and that Portugal is therefore excusable for not having put an end to hers; the reply is simple and obvious: that Great Britain, having the will and the determination to act, has fully accomplished her purpose; and that as Portugal has not achieved the same end, it must thence be inferred, that she has not the same determination and good will.

But it must not be forgotten that the British Government is not now asking of Portugal fully to follow out the noble example which Great Britain has set her. Portugal is not bound by Treaty to emancipate her slaves; and Great Britain asks nothing which she has not, by Treaty, a right to demand. But Portugal is bound by Treaty to abolish her Slave Trade; and what the Treaty stipulates, Great Britain is justified in exacting.

Viscount de Sá admits, that Portugal has contracted engagements; but denies their alleged extent, and asserts that they have been fulfilled. He acknowledges that Portugal has received from England a large sum of money, in consideration of the abolition of the Slave Trade of Portugal; but he asserts that this sum was less than has been represented; that it was paid for the partial, and not for the total abolition; and that it was also partly a compensation for the restitution of French Guayana to France.

Now let these allegations be successively examined.

M. de Sá da Bandeira admits, that in 1810 Portugal "bound herself by a Treaty to England to abolish the Slave Trade in all her dominions." Is this a limited engagement? and has this engagement been fulfilled? nay, has the Slave Trade been really abolished, not "in all the dominions of Portugal," but even in any one single part of those dominions? and is it not, on the contrary, notorious, that, even in the port of Lisbon itself, vessels have been permitted to be equipped for that very traffic? And if all of these questions can only be answered unfavourably to Portugal, this part of Viscount de Sá's defence must necessarily fall to the ground.

With respect to the payment, which was received by Portugal for the abolition of her Slave Trade, His Excellency says, that the sum actually received by Portugal was not so much as 600,000*l.*, as has been stated, but was rather more than 400,000*l.* If Her Majesty's Government have overstated the amount of actual payment, they are ready to correct their error. Assuming the statement of the Viscount de Sá to be correct, they conceive that payment of between 400,000*l.* and 500,000*l.* was sufficient to entitle Great Britain to demand the fulfilment of the condition, upon which that large payment was made.

But was this sum paid for a partial or for a total abolition of the Slave Trade of Portugal? The most cursory examination of the Treaty of 1815 will show that it was for the total, and not for a partial, abolition, that this sum was granted to Portugal. For the preamble of that Treaty, and the Fourth Article, distinctly contemplate and provide for the general and final abolition of the Slave Trade by Portugal; and the payment to Portugal having been stipulated in the Fifth Article, must be deemed to be the British consideration for the preceding Portuguese engagements.

Nor is this correlation affected by the fact, that the payment was to be made as soon as the ratification of the Treaty should be published. On the contrary, this circumstance shows, that Great Britain would not consent to make the payment, until Portugal should, by making known to the world her ratified engagements, have bound herself, in the most solemn and public manner, to the final and complete abolition of her Slave Trade.

Subsequent events have indeed shown, that it would have been more prudent in Great Britain to have withheld the payment, until the engagements of Portugal should have been fully and punctually performed. But it ill becomes the Portuguese Government, to make the misplaced confidence of Great Britain in the good faith of Portugal, the subject of taunt or of reproach.

But the British Government must be permitted to observe, that there is an appearance of discrepancy, between different passages, in this part of Viscount de

Sá's note; because, while in one passage he asserts, that the sum of between 400,000*l.* and 500,000*l.* was paid to Portugal, at all events, in consideration of a partial abolition of her Slave Trade, in another passage he repels the notion, "that Portugal ever sold her co-operation to any other nation."

Viscount de Sá, however, appeals to the negotiations of 1815, for the proof of the interpretation, which he gives to the engagements contracted by Portugal.

But the engagements of a nation are to be determined by its Treaties, and not by the varying propositions and replies, which may have been made by either party during the progress of the negotiations which led to those Treaties; and even if Viscount de Sá was right in his interpretation of the negotiations of 1815, his argument would be of little avail, unless he could explain away the clear and incontrovertible text of the Treaty subsequently concluded.

But Her Majesty's Government will follow Viscount de Sá into an examination of the negotiations to which he refers.

The papers, to which Viscount de Sá especially alludes, are the note of 12th January, 1815, from the Portuguese Plenipotentiaries to Lord Castlereagh; the Treaty of 22nd January, 1815; and the first secret article annexed to that Treaty; and he particularly insists, that this last-mentioned document shows, that the residue of the 600,000*l.* was given by Great Britain to Portugal, in consideration of the restitution of Guayana by Portugal to France.

Now, the history of this part of the negotiations in question is as follows:—

At the commencement of the conferences on Slave Trade, held at the Congress of Vienna, the Portuguese Plenipotentiaries, on the 17th November, 1814, delivered in their propositions in writing,—“Their offers” were; that Portugal should abolish immediately the trade to the north of the Line, and, in *eight years* afterwards, should put an end to her Slave Trade every where else; provided that, *during that period* of eight years, the British cruisers should not prevent the trade to the south of the Line.

“Their” corresponding “demands” were, first, that an indemnity should be granted for Portuguese losses, sustained in Africa, in consequence of seizures of Portuguese ships by British cruisers; and that this indemnity should be the subject of a Convention, to precede the Treaty of Abolition; secondly, that Great Britain should be pleased to acquit Portugal of the remainder of her debt of 600,000*l.*; thirdly, that Great Britain should guarantee to Portugal, Bissao, and Cacheo; fourthly, that the Treaty of Commerce of 1810 should be cancelled.

Lord Castlereagh, having stated that he had no power to cancel the Commercial Treaty of 1810, delivered in a note to the Portuguese Plenipotentiaries, in which he proposed, first, to give immediately to Portugal 300,000*l.* for the losses sustained by Portuguese subjects in Africa, provided that Portugal would immediately abolish her Slave Trade north of the line; and, secondly, that the other points at issue, including the remission of the residue of the loan, and the *fixing of the period to be assigned by Portugal for the entire abolition* of the Trade, should be left for subsequent discussion.

But the Portuguese Plenipotentiaries demanded, even for the abolition north of the Line, not only the proposed immediate payment of 300,000, but also the remission of the residue of the loan of 600,000*l.*; and besides this, the abrogation of the Treaty of Alliance of 1810; and they took that opportunity of objecting to the cession of Guayana to France, evidently meaning, as Lord Castlereagh observed, to make that cession a ground for new demands, both upon France and upon Great Britain; and, in fact, such demands were afterwards embodied in the note referred to by M. de Sá da Bandeira.

But the Portuguese Plenipotentiaries, in their note of 12th January, 1815, demand the 300,000*l.* as compensation for losses previously sustained; and on that ground, they object to its being included in the same Treaty, which was to declare the principle of future abolition.

The British Government, anxious to make every possible sacrifice for the attainment of its object, consented, without hesitation, to cancel the Treaty of Alliance of 1810, and to grant the 300,000*l.* for losses sustained previously to 1815, and consented to the request of the Portuguese Plenipotentiaries, that the grant of that 300,000*l.* should not be included in the Treaty, which was to contain the principle of general and final abolition; though the remission of the residue of the debt of 600,000*l.* was included in that Treaty. From thence, it seems clear that the 300,000*l.* was not the price of future and entire abolition; but that the remission of the outstanding portion of the 600,000*l.* was.

Accordingly, on the 21st of January, 1815, Great Britain concluded a Convention with Portugal, by which, in consideration of regulations to be made by Portugal for the suppression of the Slave Trade, Great Britain agreed to give 300,000*l.* to Portugal, to be distributed by the Portuguese Government in discharge of claims, on account of captures made by British cruizers before the 1st of June, 1814.

On the next day, namely, the 22d January, 1815, Great Britain concluded a Treaty with Portugal, by which Portugal, after recording in the preamble her engagement "to co-operate with Great Britain, in the cause of humanity and justice, by adopting *the most efficacious means* for bringing about a gradual abolition of the Slave Trade;" (that is to say, a total and general abolition of that trade;) stipulated, that her Slave Trade should immediately be abolished north of the equator; engaged, that her Slave Trade, south of the equator, should from thenceforth be confined to the purpose of supplying the trans-Atlantic possessions of Portugal; and positively bound herself "to determine, by a separate Treaty with Great Britain, the period at which the Portuguese trade in slaves should universally cease, and be entirely prohibited throughout the entire dominions of Portugal."

Great Britain, on her part, and in return for these engagements, agreed to cancel the Treaty of Alliance of 1810, and to remit to Portugal the residue of the loan of 600,000*l.*, and promised that, for the further period during which the Slave Trade might be permitted to be carried on by the laws of Portugal, and under the Treaties subsisting between the two Crowns, the British Government would issue such orders to British cruizers, as would effectually prevent any interruption being given to Portuguese ships, resorting for purposes of Slave Trade, on the south of the line, to the *actual dominions of the Crown of Portugal*, or to the territories in Africa, which were claimed in the said Treaty of Alliance, as belonging to the Crown of Portugal.

To this Treaty, three secret articles were annexed. By the first of these, Portugal engaged to carry into effect the restitution of French Guayana to France; while Great Britain engaged to mediate for a favourable arrangement of the Portuguese boundaries on the side of Guayana. This article was nearly a transcript from the 10th article of the Treaty of Paris.

The second secret article confirms a stipulation in the Treaty of Alliance of 1810, that Portugal will not establish the Inquisition in Brazil; and the third secret article states, that Great Britain shall give compensation for any Portuguese vessels, which might, at that time, have been illegally detained by British cruizers, subsequently to the 1st of June, 1814, or which might thenceforward be so detained, before the time when the trade to the north of the Line should be abolished, in conformity with the Treaty.

These secret articles, therefore, in no degree bear out the statement of M. de Sá da Bandeira, that they contain a stipulation, that the residue of the loan should be remitted by Great Britain, in consideration for the restitution of French Guayana to France.

The secret articles make no mention whatever of the remission of the balance of the 600,000*l.*; but they do mention the restitution of French Guayana by Portugal, for which no other consideration, on the part of Great Britain, is stated, except a promise, that Great Britain would employ her mediation, in conformity with the provisions of the 10th article of the Treaty of Paris, to procure a friendly arrangement of the dispute between Portugal and France, on the subject of their common boundary in Guayana.

But the proceedings of the negotiation did not entirely rest here. For while the Plenipotentiaries of other powers at the Congress had willingly and gratuitously agreed to abolish their Slave Trade within five years, Portugal had vainly endeavoured to sell, for an abrogation of her Treaty of Commerce with England, her consent to abolish her Slave Trade at the end of eight years.

At the conclusion of the Congress, the Portuguese Plenipotentiaries, fearful, lest their conditional admission of a final abolition at the end of eight years, might be misconstrued into any thing but an intended bargain, re-stated their condition of sale; and desired, in writing, that the British Plenipotentiary would leave them a document, which might "cover their responsibility," by showing, that they had not been more liberal in their offers, than their instructions had authorised them to be.

The British Plenipotentiary conceived, that he had already made a sufficient pecuniary sacrifice, as the price of the engagements contracted by Portugal finally to abolish, and, in the mean time, to restrict, her Slave Trade; and he accordingly addressed a note to the Portuguese Plenipotentiaries, acknowledging the receipt of their last communication; but expressing the determination of the British Government to preserve, "wholly unfettered by any conditions," the course, which that Government might deem it necessary to pursue, for the purpose of accelerating the abolition of Slave Trade.

Viscount de Sá, quitting for awhile the particular subject to which his note more immediately relates, launches out into a wider field, and discussing the mutual advantages derived by Great Britain and Portugal from their alliance, expresses an opinion, that the balance of benefit has been in favour of England; alleging that the ruin and desolation produced in Portugal by the invasion of the French, and the expenses incurred by Portugal in defending herself, were by no means compensated by the subsidies granted to her by England; while, on the contrary, Great Britain, in the first place, successfully defended her own liberties upon the soil of Portugal, and afterwards, by Treaties with Portugal, obtained in Brazil, and in Portugal itself, commercial and other advantages highly beneficial to England, and ruinous in their consequences to Portugal.

Now, upon the last-mentioned topics, Her Majesty's Government have to observe, that the opening of the ports of Brazil to British commerce was a measure productive of mutual and equal benefit to both countries; and that the permission to buy timber in Brazil, and to build ships of war in Brazilian ports, was a permission of no value to Great Britain, and which Great Britain most readily relinquished; but which, if Great Britain had availed herself of it, would have been attended with no loss to Portugal, because Great Britain was to pay the full value for the timber and other articles, which she was thus to be at liberty to purchase. With regard to the Commercial Treaty of 1810, it is to be remarked, that if this treaty was really injurious to Portugal, it seems somewhat strange and unaccountable that Portugal should have allowed ten years to elapse after the time when, by the terms of the treaty itself, she had acquired a right to put an end to it, and that she should not, during those ten years, have ever availed herself of that right; while, on the other hand, Great Britain, even as early as the year 1815, expressed her willingness to revise that treaty.

Viscount de Sá, having alluded to the Secret Articles of the Treaty of Alliance of 1810, the British Government feels itself called upon to remark that those Secret Articles were decidedly in favour of Portugal, and that the statement of M. de Sá da Bandeira, that by them Portugal ceded to Great Britain the "interesting" settlements of Bissao and Cacheo, is not borne out by the fact.

For what did those two Secret Articles contain?

The first stipulated that Great Britain should mediate with the Barbary powers in favour of Portugal; the second, that if Great Britain should succeed in obtaining for Portugal restitution of Olivença and Jurumenha, and in establishing for Portugal the ancient boundary of Guayana, in conformity with the Treaty of Utrecht, then, and in such case, Portugal would entirely abolish and strictly prohibit the Slave Trade at Bissao and Cacheo, and would, moreover, for a reasonable compensation in money or otherwise, cede to Great Britain for 50 years the said settlements of Bissao and Cacheo, with a reservation, however, that those settlements should revert to the Crown of Portugal at the end of those 50 years; but without any power on the part of Portugal ever to revive the Slave Trade therein. This Secret Article, however, never came into operation; and the settlements of Bissao and Cacheo have continued in the possession of the Crown of Portugal, and deserve the appellation of "interesting," only as it is interesting to the cause of humanity that they should cease to be, as they now are, the notorious haunts of dealers in slaves.

The foregoing statements show, that Portugal has throughout endeavoured to barter, for pecuniary and other considerations, her co-operation in suppressing her Slave Trade; that she absolutely sold the immediate suppression of it to the north of the Line, together with a positive engagement to determine by Treaty the period for its entire and final abolition every where else, for the sum of 300,000*l.* paid down, and for the remission of a debt of upwards of 400,000*l.*, making in all more than 700,000*l.*; and also for the abrogation of the Treaty of Alliance of 1810.

After this statement of facts, drawn from the very records quoted by M. de Sá da Bandeira, can it be fairly asserted that the sums given by England did not

amount to 600,000*l.*?—that the only sum given was the 400,000*l.*, residue of the debt of 600,000*l.*?—that this sum was compensation for a partial, and not for a final abolition, and included also a consideration for the cession of Guayana; and that Portugal never sold her co-operation for the future entire abolition of the Slave Trade?

Her Majesty's Government are content to leave to the judgment of the Portuguese nation the attempt, made in M. de Sá da Bandeira's note, to depreciate the ancient alliance between the Crowns of Great Britain and Portugal, and to disparage the sacrifices made by Great Britain in aid of Portugal, during the struggles of Portugal against France.

Her Majesty's Government are content to let it rest with history, to record the succours and protection of all kinds afforded by Great Britain to Portugal, from 1807 down to the end of the war; the preservation of the Portuguese colonies; the rescue of the royal family, and their removal to Brazil; and the liberation of Portugal itself from invaders, whom the Portuguese, unaided, would never have been able to expel. That England had a great and direct interest in accomplishing these results, no rational man would pretend to deny; for if such an interest had not existed, the British nation would never have consented to spend for these purposes the large sums, which the British forces, naval and military, employed in aid of Portugal, have cost, in addition to the sum of nine millions sterling, contributed by Great Britain, in the shape of subsidy, to cover the expenses of Portugal itself.

But history will also record, that the British nation, in its dealings with Portugal, did not confine itself to the cold calculations of policy, and that it did not limit its pecuniary sacrifices to the amount requisite for a successful termination of the war, and for accomplishing the political objects, which were to be attained by expelling the then enemies of Great Britain from the territory of Portugal. The British nation, by its conduct at that time, nobly disproved the imputation, which of late has been sedulously cast upon it by a certain party in Portugal, that the desire of England to maintain her connection with Portugal is founded upon sordid and selfish motives; for such were the generous and disinterested feelings of sympathy, excited in England by the calamities brought upon the Portuguese nation by the invasion of the French, that not only did the British Parliament vote a large grant to be applied to the relief of the sufferers in Portugal, but the British nation also raised by private subscription upwards of 100,000*l.* for the same benevolent purpose; and the thanks of Portugal, for the bountiful aid thus afforded to her suffering population by England, were loudly, unanimously, and honourably proclaimed; and the heartfelt gratitude at that time expressed, affords a striking contrast with the calumnious aspersions against England, which it has of late suited the political purposes of a small party in Portugal so industriously to disseminate. And here the British Government must take leave to quote the concluding passage of the Report, made by the Committee which was appointed to distribute the grant, and which consisted of two British subjects and two very distinguished Portuguese. The Committee end their Report by the following passage:—"The feelings with which this gift has been received, the proofs of gratitude displayed by solemn acts of thanksgiving, and by the warmest expressions of individual acknowledgment, show that Great Britain has *not relieved an ungrateful people*, but that her generosity has drawn still closer the indissoluble ties which unite the two nations."

How far this Committee was borne out in the opinion expressed by the words which are underlined, many circumstances which have happened within the last three years might well entitle Her Majesty's Government to doubt. But the British Government knows how to distinguish between the virulence of individuals and the feelings of a whole people; and will not impute to the Portuguese nation at large any participation in the language and conduct of a few men, whom accidental circumstances have for the moment invested with influence or power.

These topics, indeed, are foreign to the subject of the present discussion; but it was the note of the Viscount de Sá which led the way into this extraneous field.

M. de Sá da Bandeira, however, returning to his subject, refers to the Decrees of the 10th of December, 1836, and of the 16th of January, 1837, as evidence of the intention of Portugal to suppress the Slave Trade throughout the dominions of Portugal. He adverts to peremptory orders addressed to the Portuguese authorities in furtherance of that intention. He asserts, that Portugal never refused to conclude a treaty for the complete abolition of the traffic. He says, that Portugal

only required, with full justice, that, besides the guarantee of the Portuguese dominions in Africa, there should be stipulated conditions, similar to those which Great Britain had agreed to with France and other powers, and especially a stipulation, that detained vessels should not be adjudicated by Mixed Commissioners; and he argues from these points, that the delay in concluding the treaty is not to be imputed to Portugal; that she has done all she is bound to do, and even more, and consequently that Great Britain has no right to quote the entire abolition of Portuguese Slave Trade by law, and the complete separation of the former trans-Atlantic dominions of Portugal from the Portuguese Crown, as producing a state of things which will justify Great Britain, under the Treaties of 1810 and 1815, in taking steps to interfere with Portuguese Slave Trade to the South of the Equator.

Such is the line of argument adopted by M. de Sá da Bandeira; and His Excellency sums up his reasoning against the justice of the steps, which he deprecates on the part of Great Britain, by dwelling upon the stipulation of the additional article to the Convention of 1817, not yet carried into effect;—that when the abolition shall have taken place in Portugal, the two Governments shall “adapt to that state of circumstances the stipulations of that Convention.”

The short answer to this argument is, that the Portuguese Government refuses to apply to the present state of things, that is to say, to apply to the prohibited and illegal Slave Trade of Portugal, south of the line, the stipulations of the Convention of 1817. But the Undersigned is further commanded to state, that Her Majesty’s Government have two grounds of complaint against the Government of Portugal.

The one is, that Portugal does not fulfil with fidelity the stipulations which she has already contracted; and the other is, that she does not contract those further stipulations, which, by Treaty, she has bound herself to adopt.

The conclusion, which Great Britain draws from hence, is, that she is entitled and compelled to have recourse to her own means, in order to accomplish results which she has a right to obtain.

By the 10th Article of the Treaty of Alliance of 1810, Portugal, “fully convinced of the injustice and impolicy of the Slave Trade,” engaged “to co-operate with Great Britain,” in the cause of humanity and justice, by adopting the most efficacious means for bringing about a gradual abolition of the Slave Trade, throughout the whole of her dominions; and she bound herself, even then, to prevent it, in any part of Africa, not within her own dominions, where it had been discontinued by other Powers; and she engaged to assimilate her laws on Slave Trade, as much as possible to those of Great Britain.

By the 1st and 4th Articles of the Treaty of the 22d of January, 1815, Portugal promised “to determine, by a separate Treaty, the period at which the Trade shall universally cease, and be prohibited, throughout the entire dominions of Portugal;” and bound herself, during the interval, not “to engage, or to permit her flag to be used, in Slave Trade, upon any pretext or in any manner whatever,” except in respect to her export trade from Africa to the southward of the Line, and in respect to her import trade, for the supply of her transatlantic possessions.

On the other hand, Great Britain engaged, by the 2d Article of the Treaty of 22d January 1815, that, provided Portugal should faithfully fulfil that Treaty, “according to its true intent and meaning,” Great Britain would not interrupt Portuguese vessels resorting for Slave Trade to the Portuguese territories, possessed or claimed in Africa to the south of the Line, “during such further period as the same may be permitted by the law of Portugal, and under the Treaties subsisting between the two Crowns.”

Now, in the first place, Portugal never has “faithfully fulfilled the Treaty of 1815, according to its true meaning and intent;” but has notoriously, from the hour that Treaty was signed, down to the present time, left that Treaty, as far as Her co-operation is concerned, wholly unexecuted, and without effect, with the exception always of that stipulation, by which the balance of the 600,000*l.* was to be remitted; and upon this ground alone, of non-execution by Portugal, Great Britain may claim to be released from her engagement, not to interrupt Portuguese Slave Trade to the south of the Line.

But, in the second place, Portugal has no longer any trans-Atlantic possessions, and the trade is, therefore, no longer permitted to her subjects by Treaty, since it was restricted by the Treaty to the supply of those possessions. Thirdly, the Portuguese Decree of the 10th of December, 1836, rendered the trade no longer lawful, according to the legislation of Portugal. That trade is, therefore, now a vio-

lation both of Law, and of Treaty; and consequently, even if Portugal had strictly fulfilled the engagements which she took by the Treaty of 1815, the time is now arrived, when, by the conditions of that very Treaty, Great Britain is released from her temporary engagement, not to interrupt Portuguese Slave Trade to the south of the Line; and as Portugal accepted that engagement, with its conditional and temporary limitation, she is not entitled to require, that the engagement should survive the existence of the conditions specifically attached to its duration.

The Treaty of 1815 admits the previous existence of a right of interruption on the part of Great Britain, because the Treaty stipulates for a suspension of that right. But it is a suspension, and not a surrender, which is stipulated for in that Treaty; it is, moreover, a suspension conditional upon specified things, and dependent upon contingent events, which are distinctly mentioned; and it is not a suspension for any fixed or definite period of time. But the correlative conditions have not been performed; and the contingent events, upon the occurrence of which the suspension was to end, have happened.

But, in addition to the stipulations of the Treaty of 1815, there were circumstances which took place, when the ratifications were exchanged, which have a strong bearing upon the present question.

The British Government was determined, that there should be no misunderstanding between the two Powers, as to what were the express objects of the Treaty and of the Convention of 1815; nor any doubt as to the determination of the British Government, that those objects should be attained. Accordingly, the British Minister at the Portuguese Court was specially ordered, not to exchange the ratifications of one of those instruments, without, at the same time, exchanging the ratifications of the other; and not to exchange the ratifications of either, unless the Portuguese Minister should, at the time of making the exchange, place in the hands of the British Minister a declaration, prohibiting Portuguese Slave Trade to the north of the Line; and the British Minister was further ordered to present, at the same time, a declaration, on the part of Great Britain, stating that "it is the firm and determined intention of His Royal Highness the Prince Regent, to use the most effectual means in his power for securing to those parts of the coast of Africa, in which the Court of Portugal has, by Treaty, concluded at Vienna, on the 22d of January, agreed to prohibit the Slave Trade to its subjects, the full benefit of that agreement and prohibition, and that His Royal Highness will think it His duty, in consequence of the mutual declaration of the two Powers, in the Treaty of the 19th of February 1810, and of the special engagements of the Treaty of the present year, to cause to be adopted *the same efficacious means, to secure the observance of that prohibition, which are commonly used by all nations to vindicate the breach of prohibitory laws of trade in restricted parts;*" and the British Minister was ordered not to exchange the ratifications, unless the Portuguese Government consented to accept this declaration.

The British Minister executed these instructions; and the declaration was presented to, and accepted by, the Portuguese Plenipotentiaries.

Now, as the Viscount de Sá contends, that Portugal has executed with good faith the engagements she has contracted, it becomes necessary for the British Government to take a short review of the state of Portuguese Slave Trade, since the conclusion of the Treaties just mentioned, and since the exchange of declarations, which accompanied the ratification of those Treaties.

From 1815, down to the present moment, the trade of Portugal in slaves has continued without interruption or diminution. It is now more extensive than at any former period, even when unrestricted by Treaty; and it prevails with great intensity at the very places, where it was expressly forbidden by the Treaties of 1810 and 1815.

The British Government has incessantly but ineffectually laboured, by the strongest remonstrances, to awaken the Portuguese Government to a sense of the obligation it has contracted to repress this unlawful trade.

But the African seas and the Atlantic swarm with vessels, bearing the flag of Portugal, and loaded deep with human victims.

In 1837, 48 vessels, bearing the Portuguese flag, entered the port of the Havana, after having landed slaves in the neighbourhood; and, in 1838, 44 Portuguese vessels followed in the same course; and reckoning upon an average 443 slaves for each vessel, the number of slaves landed in Cuba by these Portuguese vessels must have been at least 40,700.

But the number of Portuguese slave-vessels which carry on the trade with

Brazil is still greater. At Rio de Janeiro alone 93 slave-vessels under the Portuguese flag are reported as having entered the port in the year 1837, and as having landed, in the province to which that capital belongs, the enormous number of 41,600 slaves. In the year 1838, 84 Portuguese vessels landed, in the same province, 36,700 slaves. It will be observed, that this calculation does not include the number of Portuguese slave-vessels, which resort to other places in Cuba besides the Havana, nor to any other provinces in Brazil but that of Rio de Janeiro. To these must again be added the number which founder at sea, and the number of those which are captured and condemned, which, at Sierra Leone, amounted to 36 in the two years 1837 and 1838.

Even Lisbon itself has occasionally been the port of equipment for such undertakings.

No Portuguese authorities, either at home or abroad, have ever taken any effectual steps to punish, or even to interrupt, this trade.

The Portuguese Consuls almost everywhere assist it; and the Colonial authorities universally protect it; and some of both these classes of officers are much calumniated, if they do not themselves profit by the continuance of this crime.

Nor are these things unknown to the Portuguese Government; for the Government of Great Britain has stated them repeatedly, and in detail, with all particulars of times and places, and names of ships, and persons, which could be necessary to enable the Government of Portugal to enforce its laws, to vindicate its faith, and to fulfil its Treaties. But the equipments still continue; the trade goes on unmolested; the conniving Consuls are unrecalled; the delinquent Governors retain their authority; and the offending slave-traders remain unpunished.

Inquiry has indeed been promised, but redress has not been afforded. Prohibitory edicts have been published, but they never have been carried into effect.

M. de Sá da Bandeira, indeed, dwells on the Decrees of the 10th of December, 1836, and of the 16th of January, 1837, which, in words, abolished the Slave Trade throughout all the Portuguese dominions; and he quotes the peremptory orders, addressed to the Portuguese Colonial authorities, making them responsible for the execution and observance of these Decrees.

But when M. de Sá da Bandeira quoted those documents, had he in his recollection the Manifesto of the Marquis d'Aracaty, Governor of Moçambique, suspending those very Decrees throughout the whole of that extensive colony? and did he bear in mind, that these contumacious proceedings have not yet been punished by the Government of Lisbon?

No national interest can now be pleaded by Portugal for the continuance of this trade; for the trans-Atlantic Colonies, to which she used to carry slaves, in order to supply labour for the cultivation of the soil, have separated from the mother country; and the African Colonies, from which slaves are now carried, are depopulated and impoverished, and kept in a state of barbarism, by the practice.

It is true, indeed, that the Governor of one of these Colonies alleged, as an excuse for suspending the above-mentioned Decrees, that slaves are the only commodity which this province now produces for profitable exportation; and that the duty, levied upon this kind of exportation, is the only sure revenue which he can depend upon, for the payment of the salaries of himself and of his subordinate officers;—a singular assertion, truly, for an officer governing a province, where the soil is inexhaustibly fertile, where the climate is suited to the cultivation of all the most productive crops, and where many precious substances, for which there is a great demand in Europe, may be collected in large quantities by moderate labour.

But the Portuguese Government has acknowledged, that the Slave Trade does not conduce to the prosperity of the Portuguese Colonies, but that on the contrary it is the cause which paralyzes their development. The truth is, that this trade enriches a few Governors, some subordinate officers, and a number of private merchants, at the expense of the best interests of the State; and thus it is, that to benefit a few individuals, some of them, indeed, Portuguese, but many of them foreign adventurers, Portugal permits her flag to be disgraced, her laws to be violated, her good faith to be impeached, and her Treaty engagements to be broken.

In fact, it is the foreign marauder, far more than the native Portuguese pirate, for whose advantage this continued breach of Treaty is committed by the Government of Portugal; and one great evil resulting from the present state of

things is this: that Portugal, by refusing to fulfil her own engagements, nullifies, to a great degree, the engagements contracted by other powers.

Thus it is, that, although the Treaty concluded by Great Britain with Spain has almost entirely put down Slave Trade under the Spanish flag, yet the Spanish Slave-Traders have hoisted the flag of Portugal, and, under its protecting shelter, have continued to pursue with impunity their course of crime.

Thus it is, that the Government of Brazil, when reproached by Great Britain with the extent of Slave Trade carried on between Africa and Brazil, declares that this trade is conducted by Portuguese protection, against the wishes of the Brazilian Government; and calls upon Great Britain to unite with Brazil, in putting a stop to this abuse of the Portuguese flag.

Whenever Portugal has been urged by Great Britain to co-operate, in devising more extensive means of putting down the trade, she has either refused, or has endeavoured to drive a bargain, as she did in 1815, and 1817, when she required a valuable consideration, to induce her to join "in the promotion of a general measure, having for its object the good of humanity alone."

In disregard of the 10th Article of the Treaty of 1810, she declines to "co-operate with Her Britannic Majesty, by adopting the most efficacious means for bringing about a final abolition of the Slave Trade." In disregard of another part of that same Treaty, she permits her Slave Trade to continue, in parts of Africa; "where the Powers and States of Europe which formerly traded there have discontinued and abandoned it." In violation of the Treaty of January, 1815, she still "permits her flag to be used for supplying with slaves other places than the trans-Atlantic possessions of Portugal." In violation of the 3rd Article of the Additional Convention of the 28th July, 1817, she absolutely refuses to "assimilate the legislation of Portugal upon Slave Trade with the legislation of Great Britain." In violation of the 2nd Article of that Convention, she seeks to prevent Great Britain from putting down that Slave Trade which, by that Article, both Powers jointly declared to be illicit, namely, the exportation of slaves in Portuguese vessels from "ports not possessed or claimed by Portugal, in Africa," and the importation of slaves in Portuguese vessels into "ports not in the dominions of Her Most Faithful Majesty." In violation of the separate Article of the 11th September, 1817, she refuses to adapt the provisions of the Convention of the 28th of July, 1817, to that altered state of circumstances, which exists in consequence of the law, which has abolished the Slave Trade in all the dominions of the Crown of Portugal.

She has refused to sign a Treaty, which comprises stipulations indispensably necessary for carrying these various provisions into effect, although urged to do so by Great Britain, during a negotiation protracted for upwards of four years; but, on the contrary, she insists upon stipulations, which would render such a Treaty as inefficacious as are her own laws.

Instead of consenting to give greater power for the detention and for the condemnation of slave-vessels, she endeavours to recede from the limited power, which she granted for those purposes 20 years ago; she tries to narrow the extent of the mutual right of search, which, by the Treaty of 1817, is without any limitation of geographical space, and which may now be exercised in every part of the world. She wants to abolish the Mixed Tribunals, established by the existing Treaties, and to submit the adjudication of detained slave-ships to Portuguese tribunals; from whom, in cases of this kind, guilt, the most flagrant and the most clearly proved, would be certain to obtain an acquittal.

She struggles for a power to cancel, at the end of a certain period, such portion of the Treaty as she may dislike; that is to say, in other words, she asks for a power to revive, at the end of a certain period, the Slave Trade of Portugal, in all the original plenitude of its iniquity.

She demands a guarantee of her African possessions, against the dangers to which they will be exposed from a measure, which the Portuguese Government itself acknowledges to be an indispensable foundation for the welfare and prosperity of those colonies; and she asserts, that "propriety and decorum require these conditions," so utterly repugnant to good faith, to national interest, and to national honour.

The stipulations, which Great Britain has urged on the acceptance of Portugal, are represented by M. de Sá da Bandeira, as sacrifices which Portugal is called upon to make to England, without any corresponding concession from England to

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Portugal. But Great Britain has asked nothing from Portugal, which she has not herself been ready reciprocally to grant.

No power is more jealous than Great Britain of interference with its flag on the high sea; but Great Britain conceded to Portugal the power of interfering with that flag, by the same stipulation which gave to Great Britain the power to interfere with the flag of Portugal.

No nation is more averse than the British to submit the rights of any of its members to a foreign jurisdiction; and yet the British nation willingly yielded to a mixed British and Foreign tribunal, the adjudication of British property, which might be accused of being concerned in this trade, stipulating only for a similar concession on the part of Portugal in return.

Her Majesty's Government, in calling upon Portugal to fulfil the engagement she has taken, to assimilate as much as possible the laws of Portugal, on Slave Trade, to those of Great Britain, does not ask, as M. de Sá da Bandeira represents, that the Portuguese Government should attach to Slave Trade the punishment of death. M. de Sá da Bandeira states, that the Undersigned "proposed, in his second project of the Article," that the offence should be made capital. His Excellency has misunderstood that project: but the words of that project are clear and explicit: They are as follows:—"Slave Trade shall be declared to be piracy, and those guilty of it subjected to the heaviest *secondary* punishment:" and this expression occurs in each of the two projects, proposed by the Undersigned in his note of the 20th May, 1838.

The law of England no longer attaches the punishment of death to that description of piracy which consists in Slave Trade; and all that Her Majesty's Government desire is, that the law of Portugal on this matter should be made the same as that of England.

The Undersigned having thus, by order of his Government, gone through the various topics adverted to in the note of Viscount de Sá, has only in conclusion to express the regret of the British Government, that the final determination adopted by Portugal should have compelled Great Britain to enter into this long and painful reply; and to say, how deeply concerned the British Government is, at finding itself placed under the imperious necessity of resorting to those measures, which, in the course of this negotiation, the Portuguese Government has more than once been informed, would be the unavoidable consequence of its refusal to accept the Treaty.

Her Majesty's Government sincerely regrets the position, in which this state of things must place the relations between the two countries; for Her Majesty's Government is fully sensible of the value of that alliance between Portugal and Great Britain, which has subsisted for two centuries, and which has been founded upon the mutual interests of both countries.

But however great must be the regret, which the present turn of this affair would, at all events, have occasioned to Her Majesty's Government, that regret cannot fail to be increased, by a consideration of the time at which, and of the circumstances under which, it has now taken place.

For the British Government, at least, cannot forget, that Portugal has, within the last few years, been rescued, by British assistance, from the despotic rule of a tyrannical usurper; and that without the aid of British auxiliaries, and without the protection of the British Government, she might not now have been in the unmolested enjoyment of constitutional liberty. It cannot indeed but appear an unaccountable circumstance, that, within a few short years after the time, when the Sovereign of Portugal was mainly indebted to Great Britain, for her re-establishment upon her paternal throne, the ministers of that Sovereign should deliberately break the engagements, contracted towards Great Britain by the predecessor of their Royal Mistress; nor can it be deemed less anomalous and strange, that the Portuguese nation, while still freshly enjoying the freedom, which it has so recently acquired, should persist in continuing to consign to slavery the unoffending population of Africa.

The undersigned, &c.

Paper referred to in the preceding Note.

Viscount Palmerston to the Baron de Moncorvo.

THE undersigned, &c., has received His Majesty's commands, to bring under the consideration of the Portuguese Government, through the Baron de Moncorvo, &c., a matter, which not only His Majesty's Government, but the British nation, have long had most earnestly at heart; and with respect to which, His Majesty's Government think they are entitled to claim the co-operation of Portugal, and cannot permit themselves to doubt that such co-operation will be obtained.

The subject to which the Undersigned is desirous of drawing the attention of the Government of Portugal, is the trade in slaves—a trade which has long been denounced as criminal by all the nations of Europe, but which, to the disgrace of Christendom, still continues to be carried on to a lamentable extent.

England and Portugal are among the Powers, which were the earliest to declare their determination to put an end to this traffic; but very different have been the degrees to which they have respectively followed out, by their acts, the principles which they have both professed.

In England this matter has long excited a deep and general interest; and as early as the year 1806, the two Houses of Parliament addressed the King, "beseeching His Majesty to take such measures, as in his wisdom he should judge proper, for establishing, by negotiating with Foreign Powers, a concert or agreement for abolishing the African Slave Trade."

The Crown, in accordance with this address, entered at once into communication with the several Foreign Powers, with whom Great Britain was then in alliance; and Portugal, the most ancient and intimate ally of England, was the first of the European States with which negotiations were opened.

The Undersigned begs to direct the attention of M. Moncorvo to the points and progress of these negotiations.

In April, 1807, Great Britain made the first overture to Portugal on this subject; and urged her ally, on the broad ground of humanity and justice, to determine to abandon the traffic.

His Majesty's Envoy at Lisbon was instructed to remind the Portuguese Ministers, that "by a concurrence of the majority of the principal maritime nations of Europe, this disgraceful traffic had been prohibited." He was desired to "represent to them the general benefit, which would result from the accession of the Government of Portugal to the fullest extent of the measures, which the British Legislature had finally determined to adopt" on the question; and in case the Sovereign of Portugal "should persist in allowing his subjects to prosecute the traffic," he was to declare, that "His Majesty had an undoubted right to require, that their commercial operations should be confined to their usual haunts, and should not be extended to the tracts of coast, which His Majesty had determined to abandon, and to leave to the undisturbed possession of its native inhabitants."

The Portuguese Minister stated in reply, that "no hesitation would be made by Portugal to give an assurance, in any mode that might be deemed expedient, that Portuguese traders should forbear from those tracts of the coast, where the trade had been abandoned by Great Britain," but that it was "utterly impracticable," at that time, for Portugal to go the length of "abolishing the traffic."

In the following year, 1808, this overture was followed up. Great Britain declared the abolition of the trade to be a necessary link in the ties of friendship, which had so long subsisted between the two Crowns, and which had been cemented by the blood and treasure of Great Britain, spent in the defence of Portugal.

In April, 1808, the British Minister intimated to the Portuguese Court, that "in any Treaty which should contain the final arrangement of the relations between the two countries, he should be instructed to propose an Article, having for its object the gradual disuse, and ultimate, and not distant, abolition of the trade;" and he added, that Great Britain "expected, that so long as that trade should be continued by the Portuguese, they should at least abstain from furnishing slaves to other nations." The British Minister stated, in another communication at that period, that Great Britain was especially anxious, that "the Portuguese Government, if in other places the trade should still continue, would at once abandon the traffic in slaves at Bassio, situate in the midst of a territory, in which the Slave Trade was then nearly disused, and where its continuance interrupted the endeavour to afford to that coast protection and repose."

In 1809, the negotiation came to a definite result. A Treaty of Alliance was signed between Great Britain and Portugal; and in one Article of that Treaty, the principle of abolition "was recognised in its full extent." This Treaty, indeed, was not ratified by Great Britain, as it contained two stipulations "directly contrary—the one to the fundamental municipal law, and the other to the maritime policy, of Great Britain." But in the following year, 1810, another Treaty declared, that "the Prince Regent of Portugal, being fully convinced of the impolicy and injustice of the Slave Trade, has resolved to co-operate with His Britannic Majesty in the cause of humanity and justice, by adopting the most efficacious means for bringing about a gradual abolition of the Slave Trade, throughout the whole of his dominions; and, actuated by this principle, engages, that his subjects shall not be permitted to carry on the Slave Trade, on any part of the Coast of Africa, not actually belonging to His Royal Highness's dominions, in which that trade has been discontinued and abandoned by the Powers and States of Europe, which formerly traded there;" reserving, however, to his own subjects the right of trading in slaves "within the African dominions of the Crown of Portugal," and especially at "Molembo and Cabinda, and in those parts" of the Costa da Mina "*belonging to or claimed*" by that Crown.

The important events, which agitated Europe during the following three years, from 1811 to 1814, interrupted the efforts of the British Government for the final abolition of the Slave Trade; but the fortune of war placed a great portion of the western coast of Africa under the immediate control of Great Britain; and, for a time, the Slave Trade in those quarters was practically annihilated.

Upon the re-establishment of peace in Europe, in 1814, the Slave Trade revived; and the Parliament of Great Britain, always on the watch on this subject, and stimulated by the declared sentiments of the people, again "implored His Majesty, that the most strenuous exertions might be made at the Congress, about to be held at Vienna, to obtain from the assembled Powers a general and solemn engagement, under the most binding and effectual sanctions, that this traffic, the foul and formidable enemy of the happiness and civilization of Africa, should, at a definite and fixed period, certainly not more distant than five years, be abolished, utterly and for ever."

Negotiations for the accomplishment of this object were, in consequence, set on foot at the Congress of Vienna.

At this period, the Government of Great Britain endeavoured, by a large and pecuniary sacrifice, to reconcile with the particular interests of Portugal, the humane purpose which Great Britain had in view; and a separate Treaty, framed with that intent, was concluded with Portugal, for the immediate limitation of the trade.

At the same time, the proposition for fixing a definite period for the entire and final abolition was discussed in Congress at Vienna. But, while other European Powers agreed, on that occasion, to abandon the Slave Trade within the time that was proposed, the Portuguese Minister was instructed to attempt to prolong the duration of this inhuman traffic; and on the 20th January, 1815, he objected, on the part of his Sovereign, to the term of five years, as not being sufficiently long; adding however, that His Royal Highness, acting on the Treaty of 1810, "would not refuse to adopt the term of eight years for the final cessation of the trade;" but he qualified even this admission by a declaration, that "the ulterior measures to be taken on this subject, must depend upon the issue of commercial discussions between Great Britain and Portugal."

On the day subsequent to that on which this declaration was made, the Portuguese Minister concluded his separate negotiation with the British Plenipotentiary, by signing the Convention of the 21st January, 1815; and on the following day, the two Ministers also signed a further Treaty on the subject of the Slave Trade.

Under the "Convention," Great Britain, in "consideration of the 'Regulations' to be adopted in the Treaty," consented to pay the sum of three hundred thousand pounds to Portugal: and under the "Treaty," Great Britain "in consideration of the stipulations thereof," further consented to remit all further repayments on a loan of six hundred thousand pounds, which had been made in London, in 1809, for the service of Portugal.

The "Stipulations" and "Regulations" of the Treaty were, that "Portugal should determine, by a separate Treaty, the period at which the Portuguese trade in slaves shall universally cease and be prohibited, throughout the entire Dominions

of Portugal ;" that, "until such general and final abolition," she would make it unlawful" for her subjects to purchase or trade in slaves upon the Coast of Africa, except those parts only to the south of the Line, which are the "actual or claimed," Dominions of Portugal ; and that she would prevent her subjects from engaging in, and her flag from being used for, that trade, except for the purpose of supplying the trans-Atlantic Possessions of Portugal."

England fulfilled faithfully her part of the Treaty, by the payment of the sums stipulated as the price of the concessions to be made by Portugal. But the stipulation entered into by Portugal immediately to limit the trade, and her engagement to fix afterwards, by Treaty, a definite period for its entire cessation, led to no result whatever ; although she joined in the Declaration made on the 8th of the following month, by the Powers assembled in Congress, expressing their concurrent and earnest "desire," to obtain "the universal and definite abolition of the Slave Trade"—and proclaiming it to be "a scourge which has long desolated Africa, degraded Europe, and afflicted humanity."

Two years afterwards, on the 9th of July, 1817, the British Parliament, moved by information received from various quarters, presented an Address to His Majesty, stating "the crime of Slave Trade is carried on with fresh and continually increasing activity ; and the stipulations to put limits to this evil—stipulations purchased by this country at the price of large sacrifices—are constantly and almost openly disregarded:" the address concluded by an earnest entreaty to the Sovereign of this Country, "to leave no effort untried, to bring the present evil to a speedy and immediate termination."

Experience had demonstrated, that the only effectual means of putting down the crime were to be found in arrangements under that general concert, which had been suggested in the Address of Parliament in 1806.

Portugal at length, by an additional Convention with Great Britain, signed on the 28th July, 1817, consented, in a limited degree, to the agreement proposed to her.

By that Convention, Portugal specified the limits, within which the Slave Trade of her subjects should, under the previous Treaty, be considered as lawful.

Those limits, which had previously been described as the "actual" or "claimed" Dominions of Portugal, were, by this Convention of 1817, specified to be those parts in south latitudes, which lie between the 5th and the 18th degree on the western, and between Cape Delgado and Lorenzo Marquez on the eastern coast of Africa.

Portugal, furthermore, by this Convention, granted to British cruisers a right of search ; and gave to a Commission, composed of British and Portuguese subjects, a power to condemn vessels, found actually laden with slaves to the north of the Equator. She reserved to herself the task of preventing the Slave Trade in those parts south of the Equator, in which it was no longer lawful ; and His Most Faithful Majesty specially engaged to promulgate, within two months, in the capital, and as soon as possible in the other parts of his Dominions, "a law, which should prescribe the punishment of any Portuguese subjects, who might in future participate in an illicit traffic in slaves."

The law promulgated in Portugal on the 26th of January, 1818, in pursuance of this stipulation, denounced punishment on those Portuguesese subjects only, who traded in slaves to the north of the Equator, and omitted any mention whatever of those other illegal traders, the punishment of whom Portugal had specially reserved to herself ; and as far as the British Government is aware, no penalty has, up to the present moment, ever been extended to Portuguese subjects, slave-trading south of the line, or elsewhere beyond the limits permitted by the Convention of 1817.

By a separate Article, signed 11th September, 1817, the two High Contracting Parties agreed, "as soon as the total abolition of the Slave Trade for the subjects of Portugal shall have taken place, to adapt to that state of circumstances the stipulations of the additional Convention of the 28th July, 1817, and that, in default of such alterations, that additional Convention shall remain in force, until the expiration of fifteen years from the date of the abolition by the Portuguese Government."

In the Congress, assembled at Aix-la-Chapelle, in 1818, the Portuguese Plenipotentiaries were again urged to fix the time, when the Slave Trade should be abolished by Portugal ; but the Portuguese Plenipotentiaries required, as an indispensable condition of the final abolition," that His Britannic Majesty should make such a change in the system of commercial intercourse between Great Britain and

Portugal, as, according to the declaration of the British Minister, amounted to "sacrifices on the part of a single Power, which one State could not expect of another, as an indispensable condition of a general measure having for its object the good of humanity alone."

The principal Powers of Europe, whose representatives were assembled in that Congress, concurring in the opinion thus expressed on the part of Great Britain, addressed simultaneously, and in concert, a letter to the Sovereign of Portugal, beseeching him to fix a time when "Portugal would ensure the triumph of the Declaration of the 8th of February, 1815, by means of an Act, decreeing the abolition of the Slave Trade in all parts and for ever."

This endeavour was unavailing. The King of Portugal declined to accede to the wishes of the Sovereigns, alleging that, by such a step, he should revolt the opinions of the proprietors in the colonies, and inflame the minds of the slaves themselves."

The British Parliament, steadily bent upon abolition, again addressed the King on the 7th of July, 1819. They observed, that "one Power alone, (meaning Portugal) "has hitherto forborne to specify the period, at which the traffic shall be absolutely abandoned," and they urged His Majesty to "renew his endeavours for the attainment of that object."

In the next year the British Government made another effort, by offering to revise an Article in the Treaty of 1810 favourable to Great Britain, provided Portugal would fulfil the expectations she had held out in 1815, that her trade in slaves should be abolished in 1823.

The sacrifice, thus offered by Great Britain, was declared by Portugal to be insufficient; and all that could be obtained from her was a general and vague assurance, "that His Most Faithful Majesty would always adhere faithfully to the engagements he had contracted, and to the principles he had professed, on this head."

But these professions produced no practical results; and the Slave Trade of Portugal flourished as much as ever, and was aided by the connivance and encouragement of the officers of the Government.

In the year 1819, evidence was obtained, tending to prove that a Portuguese vessel, the "*Nova Felicidade*," detained for slave-trading, had been equipped by the Portuguese Governor of Princes Island.

Representations were repeatedly made by Great Britain against these and other similar infractions of the Treaties; but the delinquents went unpunished, and the illegal trade went on.

In September, 1820, in order to check the evil, a stipulation was proposed to Portugal, by which a slave-vessel might be condemned, without having any slaves on board at the time of detention, if any slaves had been on board of her, during the voyage, in the course of which she was detained.

This stipulation was not agreed to.

In 1821, His Majesty's Envoy to the Court of His Most Faithful Majesty was instructed to make a fresh effort, to obtain a general prohibition of the Slave Trade, throughout the dominions of Portugal; represented as being the "only one of the Powers who were assembled at Vienna, which still upheld and legalized this inhuman traffic."

This effort was ineffectual.

In the year 1822, the Commissioners at Sierra Leone reported facts, established by evidence, proving, as they observed, "that the trade was carried on, by means of combined arrangements and co-operating parties, at the Cape de Verd Islands, Bissao, and Cacheo, including persons holding the highest stations, and principally charged with the maintenance of the laws of their country, and the treaties of their Sovereign, at each of those places."

Amongst the persons specially implicated in these transactions, were the Governors of the Cape de Verd Islands, of Bissao, and of Cacheo.

Soon afterwards Brazil declared her separation from Portugal; and in the latter end of 1822 the British Envoy at Lisbon reminded the Portuguese Government, that Great Britain had a right, under Treaty, to require from Portugal the abandonment of the Slave Trade; whenever she should no longer have any transatlantic dominions for which to continue it; and the British Envoy formally declared the resolution of His Majesty's Government, "to exercise the rights which might accrue to it under the Treaty, from the change in the relations between Portugal and Brazil."

The Portuguese Minister replied, that this declaration was at any rate premature; and he still expressed and defended a wish that, even in the contemplated contingency of a separation of Brazil from the mother-country, the Slave Trade might be continued by Portugal, as a lucrative branch of commerce.

An officer of high character in His Majesty's navy, who at that time visited the islands of St. Thomas and Princes, stated in an official Report, that "in both those islands, every person, without exception, from Ferrara Gomez, the Governor, to the lowest free black, was engaged in Slave-Trade adventures, in some way or other."

In March, 1823, Portugal so far relaxed from her adherence to the Slave Trade as to agree to the stipulation, by which a slave-vessel might be condemned on account of her having had slaves on board, during the voyage in the course of which she was captured.

It was then becoming more and more probable, that Brazil would obtain from the mother-country a recognition of her independence; and Count Palmella, early in the following year, declared to Sir E. Thornton his disposition to consent at once to the total abolition of the Slave Trade, adding that "Portugal could have no interest in it, in case of the independence of Brazil."

A formal representation was immediately made by Great Britain to Portugal, expressing the "gratification of His Majesty" at these sentiments, and stating the readiness of the British Government, to enter immediately into negotiation for the abolition of the trade by Portugal, who now stood "single among civilized nations" in the maintenance of the commerce.

The Portuguese Minister observed in answer, 11th September, 1824, that, "the dispositions of his Government, which he had already made known, in respect to the abstract measure of the abolition, had not varied; but that at the moment, and in the actual disturbed state of Brazil, the abolition of the traffic would be ill-timed;" and he gave a verbal explanation of that last expression, by saying, that the abolition on the part of Portugal would be "a virtual acknowledgment of the independence of Brazil."

The independence of Brazil having at last been acknowledged by Portugal, His Majesty's Ambassador at Lisbon was instructed, in September, 1826, "to obtain from the new Minister for Foreign Affairs a written pledge for the concurrence of his Government, in a stipulation for the final and total abolition of the Portuguese Slave Trade."

The Portuguese Minister, Don F. D'Almeida, in reply to this appeal, declared, October 2nd, 1826, in a note to Sir William A'Court, "that the Portuguese Government acknowledged, that the moment was come to put an end to the inhuman traffic in slaves, and that, consequently, it would have no objection to insert in the treaty," then in contemplation between Great Britain and Portugal, an "Article, by which His Most Faithful Majesty should bind himself, not only to the total abolition of the Slave Trade in the dominions of Portugal, but also to cooperate with His Britannic Majesty for the total extinction of so barbarous a traffic in the countries where it unfortunately exists.

In furtherance of this declaration, the Portuguese Minister, at the close of the Session, in December of that year, laid before the Portuguese Chambers the project of a law "for the abolition of the infamous Slave Trade."

The British Government, did not learn, that the law so proposed ever made any progress in the Portuguese Chambers.

A consideration of the internal difficulties in which Portugal became involved, withheld His Majesty from pressing, for some years after that time, the conclusion of the promised compact. But the declarations of the authorities of Portugal against the trade, checked for a time the progress of the evil.

Accounts, however, reached His Majesty's Government, that the Cape de Verd Islands still continued to afford shelter to the illegal traffic in slaves; and that the authorities in those islands encouraged it by granting passports, by means of which large quantities of slaves were annually imported into those islands from Bissao, Cacheo, and other places.

The pretence, under which these importations took place, was, sometimes that the slaves were domestic servants, and at other times that they were to be employed in a fishery.

These accounts were transmitted to the Government of Portugal; promises were made, that the offenders should be punished, and the practice be prevented; and the Portuguese Slave Trade fell off during the two or three following years.

But statements, received in 1831, showed, that the Portuguese settlement of

Cacheo "continued a notorious slave-mart, and afforded large supplies of slaves, to undiminished numbers of slave-vessels." In the case of the "*Rosa*," six bills of lading of slaves, signed by one resident at that place, were brought at one time to the notice of the Commissioners at Sierra Leone. The "*Nympha*," slave-trader, came out regularly armed, and, giving battle to the cruisers, actually attempted to take them. The "*Hebe*," slave-vessel, started for the trade from the very capital of Portugal.

Her Majesty's Government, through the British Agent at Lisbon, communicated these facts to the existing Government of Portugal, reminded them of the engagements of their country, and called upon them to issue a Declaration, "announcing the final and total abolition of the trade, and their determination to suppress it, according to the terms of the additional Article to the Treaty of 1817."

No answer whatever was given to this representation, although the Government of Portugal was more than once pressed upon the subject, by His Majesty's Agent at Lisbon.

In December of 1832, Great Britain urged Portugal, as well as all the other Powers, who by treaty have stipulated for the condemnation of slave-vessels, to agree to the breaking-up of vessels so condemned.

The Portuguese Government replied, that it would abide by the decision, to be taken on this subject by other nations similarly situated; and that it would ascertain the determination of those Governments, and give, in common with them, a decisive answer.

Other Governments have agreed to the stipulation; but the decisive answer, promised by Portugal, has not yet been received.

In 1834, His Majesty's Commissioners at Sierra Leone, in transmitting their account of the cases of Slave Trade, which had recently been brought before them, observed, that "the traffic in slaves under the Portuguese flag appears now to be carried on, to as great an extent as it was before Brazil ceased to belong to Portugal;" that "thirty Portuguese vessels were a short time past engaged in slaving, in the Bights of Benin and Biafra, and in the rivers emptying themselves therein;" that "the destination of these vessels would be to Cuba;" and that "to the flag of Portugal has thus been transferred the carrying of slaves, which had been so successful under that of other powers."

The conclusion, thus drawn by the Commissioners, was supported by facts stated from other quarters.

His Majesty's Government then felt it to be its imperious duty, to press the Government of Portugal to fulfil the promise, made in 1826, by agreeing to positive stipulations with this country, for the entire suppression of the Slave Trade of Portugal.

A draft of a treaty for the total extinction of Portuguese Slave Trade was sent out in September, 1834, to His Majesty's Envoy at Lisbon, who was instructed to state to the Portuguese Minister, that His Majesty's Government "could not doubt that the Government of Portugal would be eager to redeem its various pledges, by the conclusion of such a Treaty."

For nine months, the Treaty remained unnoticed in the hands of the Government of Portugal; and His Majesty's Envoy was never able, during that period, to induce the Portuguese Minister to enter upon the consideration of the proposed measure.

The Commons House of Parliament in May, 1835, addressed the King, praying His Majesty to press upon his allies those stipulations, which were essential to the suppression of the trade; and they specially called His Majesty's attention to the "conduct pursued by the Government of Portugal, which was bound, not only by the most solemn treaties, but by the receipt of large sums of money, and by the remission of debts due to this country, totally to abolish this nefarious traffic;" and they "besought His Majesty to revise those treaties, in order to make one solemn league or treaty," wherein should be contained stipulations for the condemnation of vessels equipped for Slave Trade, for an extension of the right of search, for the effectual destruction of every condemned slave-vessel, and for a declaration that Slave Trade shall be piracy.

His Majesty's Envoy at Lisbon was instructed to communicate this address to the Portuguese Government, and earnestly to urge the immediate signature of the treaty.

In answer to this communication, the Duke of Palmella, on the 10th of July, 1835, consented at length "to enter on the consideration of the new treaty;"

“giving by this means,” as the Duke observed, “its true interpretation to that which was stipulated by the Convention of 1817.

The Duke further declared, on the 23rd of September, 1835, the utmost readiness on the part of the Government of the Queen to accede to all proposals for the more effectual suppression of the trade; and the Marquis of Saldanha assured His Majesty's Envoy a few days afterwards, that “he was perfectly ready to consent to the entire abolition of the trade.”

These declarations were followed by the Circular of the 22nd of October, 1835, to all Portuguese functionaries, stating that the Convention of 1817 had declared illegal “all traffic carried on by Portuguese subjects *on the coast of Africa*, with exceptions, which have no longer any weight, now that the Brazils have ceased to form a portion of the Portuguese monarchy;” and reminding those functionaries that the Slave Trade, now carried on under the Portuguese flag, is but for the supply of other powers, and is forbidden by laws, promulgated in Portugal so long ago as the year 1761.

Finally, the Marquis de Loulé, in his note to Lord Howard de Walden, of the 12th of December, 1835, gave the assurance, that “the Government of Her Most Faithful Majesty will persevere in their efforts to extinguish the Slave Trade, wherever they find it.”

The Undersigned will now briefly state the degree to which this trade is carried on by Portugal, in spite of all the stipulations, and in the face of all the assurances, which he has just recited.

Not one single restriction, which Portugal has stipulated by Treaty to impose upon the Slave Trade, has as yet taken effect; not one of her own laws against the trade has yet been put in force; not one of the professions of her Government has been followed up by acts, giving proof of the sincerity of her declaration.

The trade exists in all its enormity in those very places where, in the year 1807, Portugal was urged to suppress it, and where, in her earliest compact with Great Britain, she agreed to put an end to it; and it has actually broken out in new and additional channels.

All along the coast of Africa, north as well as south of the line; all along the coast of Brazil; all round the Island of Cuba, wherever a slave is to be bought or sold, vessels with the Portuguese flag are ready to commit the crime. Nor has the capital itself of Portugal been, in the last year, free from these undertakings.

It is not for the colonies of Portugal, it is not for any part of the Portuguese dominions, that the trade is thus carried on. No national interest can now be pleaded as a motive for the perpetration of the offence.

The ships of Portugal now prowl about the ocean, pandering to the crimes of other nations; and when her own ships are not sufficiently numerous for the purpose, her flag is lent as a shield to protect the misdeeds of foreign pirates.

The Ministers of Brazil, in a formal representation recently made to the Portuguese Government, have declared, that the difficulty now experienced by the Brazilians in suppressing the Slave Trade in their own country arises mainly from the guilty practices of the Portuguese authorities, in allowing Brazilian vessels to hoist the Portuguese flag, in order to cover slave-trading adventures.

At St. Paul de Loanda, the Portuguese vessel “*Maria da Gloria*” was furnished with a certificate and manifest from the customs, stating that her cargo consisted of gum-copal, hides, and mats, “and that this was a true and correct account” of the cargo of the vessel. The master gave bond to the authorities, that “he would not take away any person whatever from the place, without the permission of the Governor.” The Governor granted to the vessel a “licence to depart without hindrance from the forts;” and a passport, enjoining all allies of “Portugal not to molest her in her voyage.”

The vessel thus protected cleared out; and, according to the master's own words on deposition, immediately “shipped 432 negroes from the shore at Loanda, after the said vessel had cleared the shoals at the mouth of the port.”

Thirty-two vessels laden with slaves rode at one time at anchor in the bay, trusting, in insolent security, to the unmerited respect shown by the British cruisers to the flag of Portugal.

CLASS B.—FURTHER SERIES.

The practice of transporting slaves from the African coast to Princes Island and to the Cape de Verd Islands, on various pretexts, has never been relinquished. The vessels used for this purpose are so little adapted for the cargoes they receive, the slaves are so crowded in them, and are subjected during the passage to such complicated sufferings, that, even if the trade itself were legitimate, the way in which it is carried on would deserve the severest condemnation.

The authorities at Princes Island give such ready connivance to this trade, that all the Portuguese slave-vessels which, during the last year, have been carried into Sierra Leone, were found to have on board papers from those authorities, allowing the vessels to trade to the Costa da Mina, the place where they had taken in their illegal cargoes.

At Whydah, the most powerful Portuguese merchants, and among others the noted "De Souza," are acknowledged slave-agents, carrying on this trade openly and with impunity.

At Cacheo, slaves are embarked in sight of the local authorities.

At Bissao, where, even in the earliest stage of the negotiation, Portugal agreed to suppress the Slave Trade, the very Governor himself last year loaded the "*Felicidad*" with African slaves, for the Cuba market.

The cruelty with which the Trade is carried on has not been lessened in these latter days. It has been stated, during the very last year, that "in these slave-ships hundreds of negroes are, during long voyages, crammed into spaces far too small to contain them without the greatest degree of bodily suffering; that the slave-traders, when chased, are in the habit of throwing overboard into the sea those negroes, whose health has broken down under the torture of their confinement; and that, in order to lighten their ship and facilitate their escape, they actually drown such of their cargo, as are not likely to be profitable for sale in the market to which they are going."

These assertions are borne out by evidence, now before the Portuguese Government. Yet the persons who commit these enormities remain unpunished, and continue in the exercise of authority; and the Portuguese Government itself declares, that the trade so carried on has been prohibited by a law, promulgated in Portugal so far back as the year 1761.

Great Britain cannot any longer be satisfied with the professions, the declarations, or the unexecuted laws of Portugal on this subject. The result proves, that nothing will put the trade down but a power given to search, to condemn, and to destroy all vessels which may be found engaged in or equipped for Slave Trade, under the Portuguese flag, or for Portuguese account, and in any part of the world.

The Undersigned is willing to believe, that he may understand the recent declarations of the Marquis de Loulé, as expressing the determination of the Government of Portugal to fulfil its engagements, by concluding this long looked-for compact.

Yet still the negotiation lingers; and every proposition, which has as yet been brought forward by Portugal, in the course of these negotiations, even up to the present day, has had for its object to weaken the force of stipulations, proposed by Great Britain for the extinction of the trade.

The Undersigned, in closing this long and painful recital, feels that the facts which he has enumerated speak so forcibly, as to require no additional comments.

He simply, but earnestly, entreats the attention of the Government of Portugal to the circumstances he has detailed; and he implores, in His Majesty's name, Her Most Faithful Majesty not to delay to redeem the honour of Portugal, by concluding this long-promised Treaty.

The Undersigned avails himself of this occasion, to renew to the Baron de Moncorvo the assurances of his distinguished consideration.

(Signed) PALMERSTON.

Foreign Office, April 30, 1836.

No. 54.

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

(Extract.)

Lisbon, 15th April, 1839.

Viscount de Sá da Bandeira, having proposed to Count Reventlow, the Chargé d'Affaires of Denmark, to open negotiations with him for a Treaty between this country and Denmark, for the abolition of the Slave Trade, as reported in my Despatch of the 7th instant, the Count has addressed a note to the Viscount de Sá da Bandeira, desiring to know the specific basis on which His Excellency proposes to treat.

I enclose a copy of a note from Count Reventlow, in which he communicates to me the note he has addressed to the Viscount de Sá da Bandeira on this subject.

Enclosure in No. 54.

(Translation.) *M. Reventlow to Lord Howard de Walden.*

MY LORD,

Junqueira, April 15th, 1839.

I TAKE the liberty to transmit to you herewith the copy of a note, which I have thought it right to address to the Viscount de Sá da Bandeira, to ask for some explanation as to the overture which he made to me the other day, and the details of which I had the honour to communicate to you.

I am, &c.

(Signed) REVENTLOW.

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

Sub-Enclosure in No. 54.

M. Reventlow to Viscount de Sá da Bandeira.

(Translation.)

CONFORMABLY to the invitation which His Excellency the Viscount de Sá da Bandeira, President of the Council of Her Most Faithful Majesty, and her Minister for Foreign Affairs, has made to the Undersigned, Chargé d'Affaires of His Danish Majesty, in the last conference which they had together, the Undersigned hastened in the first place to inform his Government of the desire of the Portuguese Government to conclude a Convention with the Court of Copenhagen, which should regulate the co-operation of the two nations in the final suppression of the Slave Trade.

The Undersigned therefore prays His Excellency to inform him if, in making this proposal, he has adopted as the base of the negotiations the principles hereafter laid down.

- 1st. The abolition of the trade for ever ;
- 2nd. The reciprocal right of search, without limits as to its duration ; and
- 3rd. As extended in its exercise as it is between England and Spain.

The Undersigned, &c.

Junqueira, 13th April, 1839.

(Signed) REVENTLOW.

His Excellency the Viscount de Sá da Bandeira,
 &c. &c. &c.

No. 55.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, April 27th, 1839.

I TRANSMIT herewith to your Lordship a note, which I have to desire that you will present to the Portuguese Minister for Foreign Affairs, in reply to the note which was addressed to Mr. Jerningham on the 6th October, 1838, by

Viscount de Sá da Bandeira, and which contained observations upon the note addressed to His Excellency by Mr. Jerningham on the 1st of August preceding, enclosing an amended Project of Treaty between Great Britain and Portugal, for the entire suppression of the trade of Portugal in slaves.

You will find the enclosed note written out ready for delivery. You will have a copy made of it, to be kept in the archives of Her Majesty's Mission in Lisbon; and, after signing the enclosed original, with the date filled up, you will transmit it without delay to the Portuguese Minister.

Your Lordship, in acknowledging the receipt of this Despatch, will have the goodness to state the date, which you shall have affixed to the note which is enclosed in it.

I am, &c.
(Signed) PALMERSTON.

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

Enclosure in No. 55.

Draft of Note to be presented by Lord Howard de Walden to the Viscount de Sá da Bandeira.

THE Undersigned, &c. has been commanded by his Government to make the following observations, upon the note addressed to Mr. Jerningham by the Viscount de Sá da Bandeira, &c. on the 6th of October, 1838, in reply to the note of the 1st August preceding, by which Mr. Jerningham transmitted to Viscount de Sá an amended Draft of Treaty between Great Britain and Portugal upon Slave Trade.

The Viscount de Sá prefaced his observations on that Draft, by referring to certain stipulations, which M. de Sá had inserted in a Draft of the Treaty sent in by His Excellency in May, 1837, and with respect to which he remarked, that as those stipulations had been admitted in the Conventions concluded between Great Britain and France, "there existed every reason to hope, that they would not fail to obtain the assent of the British Government in a Treaty with Portugal."

But France and Portugal stand, in respect to Slave Trade, in such different positions, that no parallel can be drawn between those countries on that subject. For France has entirely ceased to carry on the Slave Trade, while Portugal is the great protector of it; and while cases of Slave Trade may be safely left to the jurisdiction of French tribunals, it would be a mere mockery to refer such cases to the tribunals of Portugal.

The Undersigned proceeds to the observation next made by M. de Sá, that the Undersigned and himself had already come to an agreement, not only with regard to the several stipulations contained in the Draft of Treaty brought home by the Undersigned, but also as to the contents of its three Annexes; excepting only a stipulation required by M. de Sá, which was, to bind Great Britain to guarantee the safety of the African possessions of Portugal.

The Undersigned undoubtedly took home, for the consideration of his Government, that incomplete Draft of Treaty. But he did not agree to it; nor could he have agreed to it, because he was not authorized to do so, and because he could not have done so consistently with the tenor of his instructions.

M. de Sá, in his note, expressed himself as still anxious to obtain a guarantee, and founded his main argument for it upon the fact, that although the Slave Trade has been abolished by law throughout all the dominions of the Crown of Portugal, yet nevertheless slaves still continue to form one of the principal branches of exportation from the Portuguese colonies.

The British Government have only to remark upon this statement, that it has rarely happened, that any country has had cast upon it, by its bitterest enemies, an imputation of a deeper dye than that which is thus fixed upon Portugal by this admission on the part of its own Government. But the British Government can certainly not be expected to admit such a consideration as this to be a reason, for agreeing to give the guarantee which has been asked for.

M. de Sá declared in his note, that the signature of the Treaty was only prevented by the impossibility of finding time to copy out the Treaty and Annexes, before the time fixed for the departure of the Undersigned; which, as His Excellency observed, had already been delayed two weeks, in the hope of bringing the negotiation to a satisfactory issue.

But the Undersigned has to refer M. de Sá to His Excellency's private note of the 12th May, requesting the Undersigned to concede that delay.

The reason which Viscount de Sá assigned in that note for the requested delay, was a desire to obtain time, not in order to copy out a Treaty already agreed upon, but in order to endeavour to come to an agreement on the points, respecting which differences then existed; and five such points are stated in that note:—

1st. The demand on the part of Great Britain, that Slave Trade should be declared piracy.

2nd. The question, What should be the places at which Mixed Commissions should sit?

3rd. What should be the geographical limits of the right of search?

4th. What should be the duration of the Treaty? And,

5th. Whether any guarantee should be given by Great Britain for the Portuguese colonies?

M. de Sá stated further, in that note of the 12th May, 1838, that in the course of a week he hoped to have overcome those difficulties. But, at the end of a fortnight, the Undersigned was informed, that the project of Treaty must again be submitted to the Council of Ministers; that the declaration which had been promised to the Undersigned on the question of piracy was not prepared; and that a more precise assurance was required, than that which the Undersigned had proposed, on the subject of assistance to be given to Portugal, against any of her colonies which should resist the execution of the Treaty.

Then it was that the Undersigned felt, that he should not be justified in any longer delaying his departure.

M. de Sá, in a note written on the 30th of May, subsequently to the departure of the Undersigned from Lisbon, stated that he had assured his Sovereign, that if the Undersigned had but remained two or three days longer at Lisbon, the difficulties which obstructed the progress of the negotiation would have been got over, and the Treaty would have been concluded. But, even in that note, His Excellency insisted on a guarantee for the Portuguese colonies; and refused to declare Slave Trade piracy.

It has now, however, become clear, from subsequent communications, that if the Undersigned had delayed his departure even to the present moment, he would not have succeeded in obtaining the signature of the Treaty. And he is here instructed by Her Majesty's Government, once for all to protest against the attempts, so often made in the note of Viscount de Sá, to represent, that proposals which were made by Viscount de Sá, and which the British Government never could have for a moment entertained, ought to be looked upon as stipulations, agreed to between the two Governments or their Plenipotentiaries.

M. de Sá, in his note, complained of the differences, which exist between that draft of Treaty which was discussed between the Undersigned and the Duke of Palmella in 1815, and the several British drafts subsequently sent out to the Undersigned, and discussed by him with M. de Sá.

The first of these differences consists in the omission of the two words "de facto" in the preamble. These words appear to be unimportant; and they were accordingly omitted in the draft sent out to the Undersigned in March, 1838, and communicated to M. de Sá in April, 1838; but, at the desire of the Portuguese Minister, they were reinserted in the draft sent out in May following, and communicated to M. de Sá in the same month.

The second difference consists in the omission of the following words:—"Consent already stipulated by the;" which words formed a portion of the Fourth Article of the draft of Treaty which, as altered by the Duke de Palmella, and as acceded to by Her Majesty's Government, was proposed to M. de Sá by the Undersigned.

This omission, if it exists, must have been the consequence of an error of the copyist. For the words, said to be omitted, are found in the copy, which is in the possession of the Undersigned, of that draft of Treaty, which was sent to M. de Sá in April, 1838; they are found in the copy furnished to the Undersigned, and presented to M. de Sá in May, 1838; and they are found in the amended draft sent out to Mr. Jerningham in July, and transmitted to M. de Sá in August, 1838.

The third difference complained of is, that in the Sixth Article of the Bri-

tish drafts, discussed with M. de Sá, the word "compensation" is substituted for "indemnification." On this alteration the Undersigned has only to remark, that this preference of one English word for another does not, as Viscount de Sá supposes, make any difference in the meaning of the stipulation.

The fourth difference, mentioned by M. de Sá, is the insertion of a provision in the Eighth Article of the amended draft, discussed by the Undersigned with M. de Sá, authorising the British Commissioners at Rio de Janeiro to try Portuguese vessels detained for Slave Trade, provided that no Portuguese Commissioners should be resident at Rio, and provided that the Brazilian Commissioners should refuse to try such vessels. But upon this it is to be observed that, without some stipulation of this kind, Portugal might practically annul the Treaty by not appointing Commissioners; and the effect of this proposed provision is, therefore, not to impose a humiliation upon Portugal, but to prevent the Portuguese Government from defeating, by indirect methods, the stipulations of the Treaty.

The fifth difference, mentioned by M. de Sá, is the restriction, which the Ninth Article of the last-mentioned draft puts upon the transport of slaves from one Portuguese possession to another. But it is obvious, that this restriction was absolutely necessary, in order to prevent fraudulent evasions of the stipulations of the Treaty.

The next difference mentioned is, that in the Twelfth Article of the amended draft discussed by the Undersigned with Viscount de Sá, a clause is omitted, by which the Commissioners of the Mixed Courts might pay, out of funds proceeding from seizures, a sum for demurrage, for vessels which might be detained on account of equipment for Slave Trade, but not be afterwards condemned.

This clause was omitted, because the funds in question would not be properly applicable to such a purpose. The Treaty provides, that in the case of each vessel seized and condemned, the funds proceeding therefrom shall be subject to such expenses only as belong to the case; and if the clause in question were inserted in the Treaty, the result would be, that the proceeds of one vessel would be improperly applied, to pay expenses on account of another vessel.

The seventh and last difference is, that the British drafts do not contain an article, which had been prepared by the Duke of Palmella, stipulating for the revision of the Treaty at the end of ten years; without which article M. de Sá observes, the Treaty would be perpetual.

To this the Undersigned has to reply, that it was always meant that the proposed Treaty, like all other Treaties for the suppression of the Slave Trade, should be unlimited in duration; because, as the intention of the Contracting Parties must be assumed to be, that the object which the Treaty is to accomplish shall be permanently attained, it follows, as a matter of course, that the means by which that object is to be secured ought to be permanent also; and the Undersigned is instructed to remind the Portuguese Government, that in 1835, the Marquis de Loulé, then Minister for Foreign Affairs, expressly gave up any limitation as to the duration of the Treaty.

The British Government conceives, that the preceding observations furnish a sufficient answer to the complaints of Viscount de Sá, as to the differences which His Excellency has pointed out, between the draft which was discussed with the Duke de Palmella, and the drafts which were subsequently discussed with Viscount de Sá.

The observations of the Viscount de Sá upon those drafts of the Treaty, which the Undersigned has discussed with the several Ministers of Portugal, at different times, up to the period of his departure last year for England, were in His Excellency's note followed up by observations upon that amended draft of Treaty, which was presented in August last by Mr. Jerningham.

His Excellency stated, that the total abolition of the Slave Trade of Portugal must be considered as dating from the Decree of the 10th December, 1836, and that as the Separate Article of the 11th September, 1817, states, that, whenever the Portuguese Slave Trade shall have been finally abolished, the two parties shall adapt to the then altered state of things the Convention of July, 1817, and that if they should not come to an agreement on that matter, that Convention shall continue in force for 15 years, after the period of the total abolition; therefore, any modifications which Portugal might, from and after the 10th December, 1836, admit to be made in the

stipulations of the Convention of 1817, must be considered as so many concessions made to the British Government.

But this reasoning is founded upon a perverted interpretation of the Separate Article, which can only mean, that, if, in the case assumed, the two Governments should not be able to agree upon a new modelling of the stipulations of the Convention of 1817, with reference to that altered state of circumstances, which was expected to arise out of a complete and total abolition of the Slave Trade of Portugal, then, and in such case, the arrangements, provided for the suppression of that trade by the Convention of 1817, should remain in force for 15 years after the abolition of the Portuguese Slave Trade; but it would imply a manifest contradiction between language and intention to suppose, that the meaning of the Separate Article was, that the stipulations of the Convention of 1817 should continue to be confined to the Portuguese Slave Trade north of the Line, when that trade should have become illegal south of the Line also. On the contrary, the plain intention of the Contracting Parties to that Separate Article must be held to have been, that if, after the total and *bonâ fide* abolition of Portuguese Slave Trade, they should not be able to agree upon any new system of arrangement, to enforce the continued suppression of that trade, the system of mutual search, and of trial by Mixed Commissions, established by that Convention, should, at all events, remain in force for the period of 15 years. But, upon this point, the Undersigned is instructed to observe, that, although the Slave Trade of Portugal became illegal by the law of Portugal, on the 10th December, 1836, that trade has not yet in practice been either totally or even partially abolished.

M. de Sá made it a subject of remark that, in the preamble to the amended draft of Treaty presented by Mr. Jerningham, the epithets "barbarous" and "piratical" were applied to the Slave Trade. But as he did not state, that he considered these epithets as unjustly applied, the British Government does not see the force or the drift of that remark.

M. de Sá also expressed a wish, that in the Treaty a description should be given of those other persons, not being negroes, whose transportation from Africa, for the purpose of consigning them to slavery, should be deemed by the Treaty to be piratical. But in answer to this the Undersigned is instructed to request, that Viscount de Sá would explain what and who those persons are, whose transportation from Africa for the purpose of consigning them to slavery, the Portuguese Government wishes, by the Treaty, to legalise and sanction. For the British Government, is not aware, that there are any persons in Africa, whom it would not be a barbarous and piratical act so to carry away, in order to consign them to slavery.

His Excellency also complained that, in the preamble of the amended draft of the Treaty, a distinction is recorded between the period at which Slave Trade was abolished in Portugal, and the period at which it was abolished by Great Britain, making thereby a contrast between the promptness of England and the tardiness of Portugal in this respect. But the correctness of the dates cannot be disputed; and the recital being merely a record of historical facts, Her Majesty's Government cannot see any just ground upon which its insertion can be objected to.

Viscount de Sá also stated, that Portugal has made earlier and more extraordinary sacrifices to promote the abolition, than any other Power.

Her Majesty's Government, upon this point, can only say, that, not being aware what those sacrifices are, they regret, that Viscount de Sá should have omitted to enumerate them.

Viscount de Sá, referring to that part of Article II. in the amended project of Treaty which forbids any search of vessels of war, complains that, in the Article which gives the power to search other vessels, the term "merchant-vessel" is not expressly used. But this omission was made, in order to avoid redundancy of expression; for, as ships of war are specifically excepted from liability to be searched, it is obvious, that they cannot be included by the generality of the term "vessels;" and therefore it is not necessary to prefix to the word "vessels" the limiting designation of "merchant," for the purpose of preventing the general term "vessels" from including ships of war. But there is a further objection to employing the term "merchant-vessels," instead of the word "vessels;" and that is, that a quibble might be founded thereupon, and slave-ships, taken under certain circumstances, for instance, at a moment

when they happened not to have any cargo actually on board, might contend that they were not "merchant" vessels.

His Excellency further went on to contend, that the two Governments ought to communicate to each other, every six months, the names and force of the ships employed in preventing Slave Trade, and the names of their first and second commanders; but such an interchange of statements would be wholly useless. It could only be meant, for the purpose of informing each Government, from time to time, what officers were on board, or in actual command, of the ships employed in the suppression of Slave Trade. But the first and second commanders of these small vessels are continually changing, and the two Governments could not become acquainted with those changes, until many months after they had taken place. Thus the information to be interchanged by the two Governments, at fixed periods, would be of no value whatever, because it would always refer to a period of time many months antecedent, and would never be a correct statement of facts existing at the time when the communications were reciprocally made; therefore, the draft of the Treaty, being prepared so as to comprise only such stipulations as would be useful in practice, did not contain the provision in question.

His Excellency complained that, by Article 3 of the amended draft, the commander of a convoy, when making a search, is to be accompanied by the commander of the cruizer, instead of his making the search alone, as Viscount de Sá would wish to be stipulated. But the arrangement thus objected to is taken from the Treaty concluded between Great Britain and Spain, in 1835, and is well calculated to prevent any laxity or connivance on the part of the commanders of convoys.

M. de Sá remarked that, in the 4th paragraph of the 3rd Article of the amended Draft, the prohibition to visit vessels in any port or roadstead is not extended to vessels in a "bay;" and that it applies only to ships at anchor. But the whole paragraph, including the limitation to ships lying at an anchor, was suggested by M. de Sá himself, in that draft of his own, which he so much recommended in his note. The only alteration made in this stipulation by the amended Draft, was the omission of the word "Bay," which it seemed proper to leave out; because, while on the one hand the words "port and roadstead," imply a frequented anchorage, under the superintendence and control of constituted authorities, who can exercise some kind of jurisdiction over such anchorage, and with whose jurisdiction the cruizers ought not to interfere; on the other hand, the word "bay" implies, or, at least, may include, unfrequented places on the coast, far away from the control of any legal authorities, and to which slave traders might be likely to resort, for the purposes of their trade.

His Excellency complained, that Article 5 of the amended Draft does not contain a clause that no stipulation in the Treaty shall be considered as impeding the free communication between the various possessions of the Crown of Portugal in Africa; and he also complained, that those Portuguese possessions are not enumerated in that Article.

But the clause on the subject of free communication was omitted, because it was redundant and useless; and the enumeration of the possessions of the Crown of Portugal in Africa was omitted, because it does not belong to Great Britain to determine by Treaty with Portugal, what those possessions are; and, at all events, the determination and enumeration of those possessions is a question of territorial right, and has nothing to do with a Treaty against Slave Trade.

The Treaty, if concluded, would have applied to all the possessions of the Crown of Portugal, but it forms no part of the objects to be accomplished by the Treaty to determine which parts of Africa do or do not belong to Portugal.

His Excellency next complained of the omission of a stipulation, which was contained in the convention of the 28th of July, 1817, to the effect, that a vessel having negroes, borne as part of the crew, should not, on account of the presence of such negroes on board, be liable to detention. But that clause was intentionally omitted, because the insertion of it would afford a pretext, upon which endeavours might be made to defeat the objects of the Treaty.

His Excellency complained that, in the amended Draft, restrictions are introduced on the passage of negroes from one part of the Portuguese dominions to another. But these restrictions are obviously necessary, in order to prevent a legalized Slave Trade from being regularly organized, under the direct sanction of a Treaty, concluded for the purpose of putting Slave Trade down.

His Excellency remarked that, by the 5th Article of the amended Draft, if any regulations specified in that Article shall be violated or unobserved, in respect to a vessel, her captain, crew, and owners shall be liable to be proceeded against as accomplices in an infraction of the Treaty, and shall be punished accordingly. But Viscount de Sá does not state any objection to this stipulation, which seems indeed to be perfectly just and correct in principle.

His Excellency complained that, in the amended Draft, provision is made for the establishment of more than two Commissions. But one Commission had already been established in Africa, and is in operation under the old Treaty, and His Excellency himself had suggested the establishment of two others in Africa; one at Angola, and another at the Cape of Good Hope; and it is obvious that, in addition to these, it would be necessary to have one Commission in the islands in the American Seas.

M. de Sá complained that, by the new Draft, Commanders transgressing against the Treaty are to be punished in proportion to the transgression they may have wilfully and knowingly committed. But it does not appear, that there is anything in this stipulation inconsistent with the principles of justice.

M. de Sá maintained, that the enfranchisement of the liberated negroes was much more explicitly and clearly guaranteed by Article 12 of the Draft proposed by him, than by Article 13 of the draft proposed by the British Government. The British Government, however, entertain a different opinion upon that point; and are decidedly of opinion that the last-mentioned proposal is the best-adapted to accomplish the object in view.

In the latter part of M. de Sá's note, his Excellency repeated his complaint, that the amended Draft does not contain a stipulation, providing for the revision of the Treaty at a fixed period. But such a stipulation is inadmissible, as it would merely reserve to Portugal a right to renew the Slave Trade at the end of the fixed period.

M. de Sá expressed a desire, that the Treaty on Slave Trade should contain a stipulation renewing the ancient Treaties of alliance, friendship, and guarantee. But such renewal is unnecessary, because the proposed Treaty has no bearing upon the ancient Treaties alluded to; and such a stipulation, if unnecessary, would only tend to inspire doubts, where none ought to exist. The Undersigned is instructed to remark, upon this point, that either those Treaties are in force, or they are not: the Government of Portugal asserts that they are, and Great Britain does not deny that assertion. If, then, they are in force, what is the use of renewing them in this Treaty? To do so, would weaken instead of confirming them, because it would imply that, without such renewal, those Treaties would not continue to be in force.

The British Government is therefore of opinion, that such a stipulation as that proposed by M. de Sá, would tend materially to impair the force of the ancient Treaties between the two countries.

M. de Sá represented the stipulations proposed in the Draft of Treaty, as concessions to be made by Portugal to England. But if those stipulations are concessions at all, they are concessions by Portugal to humanity, justice, and good faith, and not to England.

M. de Sá would not consent, that the Treaty should come into operation immediately upon the exchange of the ratifications, and required that certain intervals of time should elapse between its ratification, and the commencement of its operation in the African possessions of Portugal. But this postponement of its operation, would seem only an expedient to gain time; and to continue to the last possible moment the Portuguese Slave Trade. For the ground, on which M. de Sá supports his proposal for the postponement, is, that Portuguese subjects in remote regions, would, without the postponement, find themselves liable to the penal enactments of the Treaty, before those enactments were made known to them: whereas, His Excellency asserts, in another part of his note, that Portuguese subjects in all parts of the world, are already, by the Portuguese law of December, 1836, liable to penalties for Slave Trade, severer than those, which the Treaty would impose upon them for that crime.

M. de Sá made it also a subject of complaint, that six months are not allowed for the exchange of the ratifications; but, as he does not deny, that the exchange can be accomplished in four weeks, the effect of delaying the ratifications for six months, would, as in the case just before mentioned, only be to obtain additional time for the continuance of the Slave Trade.

M. de Sá, after having made, in respect to the body of the Treaty, the objections which have just been answered, proceeded to remark on the alterations, made in the amended drafts of the annexes A, B, and C.

He complained of the omission of that stipulation, proposed by Portugal for the purpose of prohibiting commanders of vessels from putting on shore, on the coast of countries, of which they are not subjects, any persons from on board their ships, without leave from the local authorities.

But such a prohibition is not a fit matter for a Treaty. It is properly the subject-matter of police regulations, to be made, if necessary, by the contracting parties, each for itself, and its own territory.

His Excellency stated, that, in consequence of the want of such a prohibition, Portuguese authorities in Princes Island, have been obliged to maintain men, belonging to the crews of Portuguese slave vessels. But he does not explain, why those authorities did not enforce, against such malefactors, the penalties of the Portuguese law.

The stipulation, that liberated slaves are to be placed under the care of the Government, to which belongs the cruiser which made the capture, was objected to by M. de Sá; because, as the cruisers employed are mostly English, the effect of the stipulation would be, that the greater part of the negroes would be placed under the care of the British Government.

But the stipulation in question was expressly put in for that very purpose; and in order thereby to prevent captured and liberated negroes from becoming really slaves, though nominally emancipated; which, in the Portuguese colonies, is too likely to happen.

The Treaty between Great Britain and Spain, moreover, contains an arrangement to the same effect.

His Excellency complained of the vagueness of the provision, made in annex B, for the redress of any injustice which might be done by the Commissioners. The stipulation, as it stood in the last Draft, goes, however, more directly to the point, and extends also further than that proposed by M. de Sá himself; Because, the stipulation proposed by M. de Sá, only gave power to remove commissioners who might misconduct themselves; whereas the stipulation in the amended Draft, provides a prevention against the recurrence of the particular subject of complaint.

M. de Sá stated, that, in the amended Draft, the portion of annex C, which has for its object to promote the industry of the negroes, is made conformable to British legislation, instead of being, as it was in the Draft proposed by M. de Sá, conformable to the legislation of Portugal.

This alteration was made, because the regulations, as they existed in the Draft of M. de Sá, would not have sufficiently secured the liberty of emancipated negroes.

M. de Sá concluded his statement on this part of the subject, by objecting strongly to the simplification of the Treaty. He asserted, that the stipulations, which are excluded from the amended Draft, were not prejudicial to the object of the Treaty, and would rather have insured its ulterior duration and due execution; and he maintained the right of Portugal to complicate the Treaty, and to introduce into it as many clauses and conditions of alliance, of commerce, and of subsidy, as it might suit her interests to propose; because Portugal, by the Treaty, would bind herself towards Great Britain to prohibit for ever, throughout all the Portuguese dominions, a traffic, which M. de Sá asserts it was lawful to her, according to other Treaties, to carry on in places and parts to the south of the equator; and, because, she would also, by the proposed Treaty, extend regulations of maritime police to seas, in which her ships were previously free from such regulations.

The Undersigned is instructed to observe, in answer to this, that a stipulation, which would abrogate a Treaty at the end of a fixed period, does not seem to be the measure best adapted for insuring the ulterior duration of that Treaty; and that to introduce into a Treaty matters, which are in their nature complicated, and in their character extraneous, does not appear to be a good way of giving to such Treaty facility of execution. But the fact is, that these regulations of maritime police, have already, in principle, been agreed to by Portugal, and are already in operation over a large portion of the globe; and Portugal is bound in good-faith to extend the execution of those regulations to other parts, since the trade has become everywhere prohibited by her own law.

Her Majesty's Government, therefore, cannot see, that the fulfilment by Portugal of her former engagement, could give her any right to demand, that England should on that account enter into new engagements of alliance, of commerce, or of subsidy, towards Portugal.

M. de Sá observed, that the punishments, to be inflicted upon Portuguese slave-traders, by the decree of the 10th of December, 1836, are more severe, than the punishments to be affixed to the crime of slave-trading, under the denomination of piracy, according to the explanation which has been given of that denomination by the Undersigned. But such being the case, Her Majesty's Government do not understand, why His Excellency should object to the application of the term piracy to Slave Trade; seeing that the effect of so applying that term would be, to affix an additional moral stigma to the crime, without adding to the severity of the punishment to be inflicted on the offenders.

His Excellency proceeded to observe, that, in addition to the penalty of transportation, persons guilty of Slave Trade, are already, by the Portuguese law, threatened with numerous fines, with loss of employment, with incapacity of serving in any other office, and with punishment in the galleys. But he omitted to mention any instances in which these punishments have actually been inflicted.

His Excellency, however, declared, that if the principal States interested in the question of Slave Trade will join in a declaration, that Slave Trade shall be considered piracy, Portugal will have no hesitation in concurring in such a declaration; but she cannot take the lead. No reason, however, was assigned by Viscount de Sá, why Portugal cannot take the lead in a case in which, to do so, would be highly honourable to her, and would be attended neither with any national danger, nor with any national sacrifice.

M. de Sá, in the latter part of his note, again stated his objections to the unlimited duration of the Treaty; observing, that if the compact should prove to be advantageous to both nations, it could not fail to be renewed.

Upon this the Undersigned is instructed to observe, that no doubt can be entertained of the advantages to humanity, which would result from the Treaty, and on that ground, Great Britain urges the adaptation of the Treaty of 1817, to the present altered state of circumstances; and M. de Sá has himself acknowledged that the Treaty would be advantageous to Portugal, by conducing to the prosperity of her colonies, and to the real welfare of the Portuguese people. But experience has shown, that it often happens in the affairs of nations, that the private interests of a few persons, who may chance to have acquired influence in a country, over-ride the real interests of the nation at large; and that thus, it by no means follows, that all Governments invariably take the course, which may be the most beneficial for the community whose welfare is committed to their charge; and, with reference to this particular question, it may be observed, that the insurmountable repugnance of the Government of Portugal to conclude the Treaty now under discussion, is not a very favourable indication of the facility with which any such Treaty would hereafter be renewed, if concluded now with a limited period of duration.

M. de Sá dwelt on the onerous nature of the right of armed vessels to visit merchantmen, as furnishing an argument against the unlimited duration of the Treaty; but there is nothing really onerous in such a visit, if the vessel so visited be not a slaver; and no ship would reasonably be suspected of being a slaver, unless found in certain lines of track.

But if there were anything onerous in this liability to be visited, Great Britain would be the party which would be most intitled to object to it; for at present the vessels, not being slavers, which, in pursuing their course, are most frequently met with near the above-mentioned tracks, and which, therefore, would be most exposed to unnecessary search, are British merchantmen.

M. de Sá observed, that Slave Trade may cease all over the globe, and that then there would be no reason to continue the right of search. To this the British Government entirely agrees; and, whenever *slavery*, as well as Slave Trade, shall be universally abolished all over the globe, the contracting parties to Treaties of this kind, will, no doubt, agree to cancel compacts, which will then have become entirely useless.

M. de Sá, however, gave a strong reason for not specifying any fixed term of years for a revision of the Treaty, when he observed that the abolition of the trade, by Portuguese law, is only an enactment of the Portuguese legislature, and that it may be rescinded by the same power which made it; but that if such an enactment were to be embodied in a Treaty, its abrogation would no longer depend upon the will of one of the parties; and that the Portuguese Government ought not to render the continuance of its own enactments dependent on the good pleasure of a foreign Power. For what is the above statement, but a direct avowal, that a limitation of time is demanded, for the specific purpose of reserving to Portugal, the right, at the end of that stated time, again to legalize the traffic in Slaves.

The subject of complaint, last brought forward by M. de Sá, was, that the Undersigned and Mr. Jerningham had been commanded to state, that the project of the treaty, as last amended, was the ultimatum of the British Government.

But, after four years' negotiation, during which, at the desire of Portugal, the greater portion of the stipulations of the Treaty, as originally proposed by Great Britain, had been modified, some of them wholly given up, and many new ones had been admitted and then afterwards modified, Her Majesty's Government did not think it unreasonable to declare, that the time had at length arrived, when Portugal must make up her mind, either to conclude, or to break off, the negotiation; and the British Government sincerely regret that the Government of Portugal has thought fit to adopt the latter alternative.

The Undersigned has now replied, he believes, to all the observations, which M. de Sá has been charged by his Government to make, with respect to this long-protracted negotiation.

No. 56.

Lord Howard de Walden to Viscount Palmerston.—(Received May 6.)

MY LORD,

Lisbon, April 23rd, 1839.

I ENCLOSE a copy of a speech made by the Baron da Ribeira de Sabrosa, a few weeks ago (during the discussion in the Chamber of Senators, on the address,) on the Slave Trade.

This effusion of the Baron's has lately been printed, I understand, at the expense of Senhor Manoel de Castro Pereira.

From the spirit manifested by His Excellency in regard to the question of the Slave Trade, your Lordship will recognize the hopelessness of trusting to any amelioration in the Councils of Her Most Faithful Majesty, as to co-operation for the suppression of that infamous traffic.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

&c.

&c.

&c.

Enclosure in No. 56.

(Extract.)

Translation.

Vindication of Portugal from the Aspersions of Lord Brougham; by Baron Ribeira de Sabrosa, in the Sitting of the Cortes, 26th February, 1839.

THE Decree of the 10th December, the voice of humanity, and the precepts of Christianity, impose on us the obligation of realising, as soon as possible, the decreed abolition of slavery to the south of the Line; but they give no right, either to Lord Brougham to vilify us, or to the British Government to attack our flag. Or is it possible that England,—who, for political and commercial reasons, at this very day, suffers the victorious flag of Nelson and Jervis to salute the pagodas of the Bramins, perhaps to the disparagement of the Christian religion,—should be wil-

ling to expose us to the danger of losing, or at least of ruining, our colonies, by the adoption of violent and hasty measures? I cannot believe it. If our allies treat us in this manner, we have little to fear from our enemies. ("It is true"—cheers.) But a fear is entertained for our flag to the south of the Line! Once more, I cannot believe it; because, no treaty has as yet been concluded, to invest the English cruizers with such a right. I have too high an idea of Lord Melbourne's character, to suppose his Lordship capable of advising the Queen of England to offer a gratuitous insult to the flag of the Queen of Portugal; not only the most ancient, but the most faithful of all her allies. If Lord Melbourne were capable of giving such an advice, he would thereby put a slur on his whole public life, and commit a great injustice. And assuredly it is not the abuse of strength that perpetuates the greatness of nations. (Cheers.)

I detest slavery, and wish to see an end put to it without the dishonour of our flag, or a considerable loss of our colonies; but I own, I have never been able properly to understand what the English mean by their philanthropy. A French author has already observed, that it is more in the head than in the heart; that is, that it might be an impulse of vanity, and not of beneficence; a desire of making a figure in a paragraph of some newspaper, and not of consoling humanity. Whatever it be, we know from history, that while England was declaiming, in and out of Parliament, against the Slave Trade, the Algerines made prisoners of the whites in the Mediterranean, and sold us into slavery,—though that outrage to humanity excited no such effusions of compassion as the mention of negroes has provoked. (Cheers.) If that disgrace has been put an end to, we have Charles X. to thank for it, not George IV.; and what is still more remarkable, why did the British Government, at the Congress of Vienna, not accept the proposals of the Portuguese Plenipotentiaries, who offered to abolish the Slave Trade within eight years, if the British Government would consent to the abrogation of the fatal Treaty of 1810? Lucre at that period overruled humanity, for the proposals were rejected.

Our country is unfortunate, but not *insignificant*. I, at least, am so fond of it, that, in my opinion, the sun at Lisbon is of greater value than half England.

Lord Brougham calls Portugal insignificant; perhaps because it is now less in extent than England. That cannot be denied. But it is this little territory which, in the Peninsular War, first by its treasures, and afterwards by its blood, raised the British Empire to the splendour which it now enjoys. Lords Wellington, Strangford, Ellenborough, and Aberdeen, and Mr. Herries in the House of Commons, demonstrated, in September, 1831, the commercial importance of Portugal. If this be unfounded, how does it happen that England employs seven hundred ships in the Portuguese trade? How does it happen that this insignificant kingdom imports more English manufactures than any nation of Europe, excepting Germany?

Should the flames of war break out once more, as they did in the 18th, and in the beginning of the 19th century, England may chance not to have a single ally on the continent.

Let the riches of Cornhill and Lombard-street be contrasted with the misery of the Irish people, which is a thousand times more poor and distressed than the Portuguese. The most splendid opulence is there put out of countenance, by the most filthy indigence. And then, there is that colossal national debt, which, at the first convulsion of Europe, is capable of carrying England to the grave. When it was threatened with death by a panic, what effect would not a reality produce!

The English populace is more barbarous than any other of western Europe. On Sundays, the men are drowned in gin, and go next morning to the fair to sell their wives? A people that, in the 19th century, cherishes such customs, has no right to thrown stones at any other. (Cheers.) If the minister were capable to enter on any negotiation, without previously receiving due reparation for the insult offered to the flag hoisted at the top-mast of the *Flor d'Angola*, south of the Line, or to accept conditions, which not only would dishonour our flag, but cause our ruin, and the destruction of our colonies, I should be the first to say to His Excellency, "Minister of the Crown, stand on your defence, I am about to impeach you." If they want any ports in our colonies, let them attack, capture us, carry us off, let every thing perish—*hormis l'honneur!* (Sensation.)

No. 57.

Lord Howard de Walden to Viscount Palmerston.—(Received May 6.)

MY LORD,

Lisbon, April 28th, 1839.

I ENCLOSE a list of the papers relative to the late negotiations between Portugal and Great Britain, for a Treaty for the abolition of the Slave Trade, which have been laid, by the Viscount de Sá da Bandeira, before the Cortes. The selection in question presents so garbled an account of these long-pending transactions, that I called the Baron de Ribeira da Sabrosa's attention to the subject, expressing my hope that His Excellency would see the propriety of affording to the public some further information, respecting the early stages of the negotiation, and that he would consent to throw, at least, such additional light on the question, as was contained in the original Project presented by me on October 4, 1834, in your Lordship's note to Baron de Moncorvo, of the 30th of April, 1836, and in the "observations" with which the Viscount de Sá da Bandeira accompanied the presentation of his counter-project. The Baron expressed some reluctance to do this (as he professed, out of delicacy to the Viscount de Sá), and stated, that the Duke of Palmella, as chairman of the Commission, to which the papers, laid by the Government, had been referred, could easily call for these documents. I represented to him that calling, as I did then officially, the attention of His Excellency to the unfair selection of the papers in question, it would be for His Excellency to consider, whether he would leave it to the Duke of Palmella to require more complete information, or whether he would, as minister of the Crown, make good the deficiency; and I added, that I was sure the Viscount de Sá could not object to the production of those papers, if he knew I had called upon His Excellency to lay them before the Cortes. The Baron replied, that he only wished to speak to the Viscount de Sá on the subject, out of delicacy to him, professing his own readiness to lay them, and adding the assurances of his anxious desire to do what he could to bring about, in all questions, a better state of relations with Great Britain, than had of late existed.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

&c.

&c.

&c.

Enclosure in No. 57.

List of Papers laid before the Cortes, by Viscount de Sá da Bandeira, at the request of Senhor M. de Castro Pereira.

- No. 1. Note to Lord Howard de Walden, of the 4th of May, 1837.
- No. 2. Printed copy of the Treaty between France and Sweden, of the 21st May, 1836, for the suppression of the Slave Traffic.
- No. 3. Counter-project of Treaty accompanying the said note.
- No. 4. Note to Lord Howard de Walden, dated 8th of May, 1838.
- No. 5. Circular letter, published at Moçambique, by the Marquis Acaraty, on the 11th November, 1837.
- No. 6. Note from Lord Howard de Walden in answer to one of the 8th of the same month.
- No. 7. Note from Lord Howard de Walden, dated 11th of May, 1838, transmitting a memorandum on the naval succour offered by the British Government, in place of guaranteeing the Portuguese dominions, as requested in the counter-project of the Treaty.
- No. 8. Treaty stipulated with Lord Howard de Walden.
- No. 9. Annex A.
- No. 10. Annex B.
- No. 11. Annex C.
- No. 12. Official letter from Lord Palmerston, transmitting a copy of the resolution of the House of Commons of the 10th of the said month, respecting the Slave Traffic.
- No. 13. Note from Lord Howard de Walden, dated 20th of May, 1838, enclosing two projects for an Article of Treaty, in order to declare the Slave Trade piracy.

No. 14. The Project of the additional article offered by Lord Howard de Walden.

No. 15. Additional Article lately proposed to Lord Howard de Walden.

No. 16. Note to Lord Howard de Walden, of the 22nd of May, 1838, in answer to one of the 20th of the same month, and to the official letter of Lord Palmerston, of the 12th of the same month.

No. 17. Note to Mr. Jerningham, of the 29th of May, 1838, soliciting him to ask his Government for the full power to sign the Treaty stipulated with Lord Howard de Walden.

No. 18. Note from Mr. Jerningham, of the 30th of May, 1838, acknowledging the receipt of the aforesaid note, and stating his having forwarded it to his Government.

No. 19. Note from Mr. Jerningham, of the 1st of August, 1838, stating that he was authorised to sign the Treaty for the suppression of the traffic in slaves.

No. 20. Note from Mr. Jerningham, dated August 1st, 1838, transmitting a new Project of Treaty.

No. 21. The said new Project of Treaty.

No. 22. Annex A.

No. 23. Annex B.

No. 24. Annex C.

No. 25. Note to Mr. Jerningham, dated October 6th, 1838, in answer to his note of the 1st of August, accompanying the new Project of Treaty.

Foreign Affairs Office, 8th of April, 1839.

No. 58.

Lord Howard de Walden to Viscount Palmerston.—(Received May 6th.)

MY LORD,

Lisbon, April 29th, 1839.

IN execution of your Lordship's instructions, conveyed in your Despatch, Slave Trade of the 20th instant, I have presented, under yesterday's date, addressed to the Baron de Ribeira da Sabrosa, the reply to the Viscount de Sá da Bandeira's note of the 22nd of May, 1838, on the Portuguese Slave Trade question.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

&c.

&c.

&c.

No. 59.

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

MY LORD,

Lisbon, May 6th, 1839.

IN execution of your Lordship's instructions conveyed in your Despatch of April 27, 1839, I have presented under yesterday's date, addressed to the Baron da Ribeira de Sabrosa, the reply to Viscount de Sá da Bandeira's note of the 6th of October, 1838, on the Portuguese Slave Trade question.

I have, &c.

(Signed)

HOWARD DE WALDEN.

To the Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 60.

Lord Howard De Walden to Viscount Palmerston.—(Received May 21.)

MY LORD,

Lisbon, May 13th, 1839.

I HAVE the honour to transmit to your Lordship a copy of a note, which I have received from the Baron da Ribeira de Sabrosa, acknowledging the receipt

of the notes which, by your Lordship's instructions, conveyed in your Despatches of the 20th and 27th April, 1839, I presented to His Excellency on the 28th ultimo, and on the 5th instant.

The declaration which accompanies this acknowledgment being evidently made to serve some special object of the moment, I have thought it prudent not to delay placing on record a refutation of the declaration, intended to be conveyed thereby, of the blamelessness of the Portuguese Government in regard to the rupture of the late negotiations on the Slave Trade Treaty.

I enclose a copy of the note, which I have, with this view, addressed to the Baron da Ribeira de Sabrosa on the subject.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

&c.

&c.

&c.

(Translation.)

First Enclosure in No. 60.

Baron da Ribeira de Sabrosa to Lord Howard De Walden.

THE Undersigned President of the Council of Ministers, charged with the department of Foreign Affairs, has had the honour to receive three notes from Lord Howard de Walden, Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty, the first dated on the 28th of last April, in answer to the one addressed to his Lordship by the Viscount de Sá da Bandeira on the 22nd of May of last year; the second under the date of the 5th instant, in answer to that, which the said Viscount addressed to his Lordship on the 6th of October of last year; and the third, also dated on the 5th instant, in which his Lordship points out an error, that occurred in writing out the said first note, and declares the amendment which is to be substituted.

The importance of the objects contained in the first and second of the above-mentioned notes of his Lordship, the first of 112 pages, and the second of 69, and the manner in which they are explained in the said notes, compels the Undersigned to take time also in order to answer them conveniently.

The Undersigned must, however, declare at once to his Lordship, that Her Majesty's Government can never admit the imputation, which is wished to be gratuitously conveyed in the said note, that it was the said Government who broke off the negotiations entered into for the purpose of concluding a Treaty between the two crowns, for the total and perpetual abolition of the Slave Trade; and the Undersigned hopes to have the honour of proving, with all possible evidence, to his Lordship, the groundlessness of such an imputation.

The undersigned, &c.

(Signed)

BARON DA RIBEIRA DE SABROSA.

Foreign Affairs Office, May 11th, 1839.

Lord Howard de Walden,

&c. &c. &c.

Second Enclosure in No. 60.

Lord Howard de Walden to Baron da Ribeira de Sabrosa.

THE Baron da Ribeira de Sabrosa, Secretary of State for Foreign Affairs to Her Most Faithful Majesty, in his note of yesterday's date, in acknowledgment of two notes, addressed to His Excellency by the undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, replying to notes of the Viscount de Sá da Bandeira, the first addressed to the Undersigned on the 22nd of May of last year, after he had left Lisbon, and the second to Mr. Jerningham, on the 6th of October last (not to the Undersigned as stated to his Excellency), having thought right to declare that, while delaying entering into the general question treated in the notes presented by the Undersigned, "The Government of Her Majesty can never admit the imputation, gratuitously made in those said notes, that

it was the said Government which broke off the negotiations, entered into for the purpose of concluding a Treaty between the two Crowns, for the total and perpetual abolition of the Slave Trade." The Undersigned, considering this declaration on the part of His Excellency can only arise from the probable circumstance of His Excellency not having time to become acquainted with all the details of the long negotiations, which have been pending for four years and a half, between the Crowns of Great Britain and of Portugal, having for object the effectual suppression of the Slave Trade, has the honour to direct His Excellency's attention, while entering into the examination of this subject, to the following facts:—

1. To the breaking off, when in the most advanced state, of the negotiations of September, 1836, until May, 1837.

2. The declaration which, on the resumption of negotiations in May, 1837, by the Viscount de Sá da Bandeira, accompanied the presentation of a counter-project by His Excellency, containing propositions totally inadmissible and at variance with all the main principles forming the basis, not only of the previous interrupted negotiations, but of actually existing Treaties, in which His Excellency states that, "if, notwithstanding all that ought to be expected from the enlightened spirit of justice which presides over the decisions of the British Government, it should insist in refusing to admit in the new Treaty such just and reasonable alterations, without which the Portuguese Government cannot, nor ought to conclude it, in such case the additional Convention of July the 28th, 1817, must then remain in existence for 15 years more, reckoned from the 10th of December, 1836, date of the Decree for the total abolition of Slave Trade in the Portuguese dominions, according to the stipulation of the separate article of the said Convention, signed in London on the 11th of September, 1817."

"Thus, the Mixed Commissions, and some other stipulations of that additional Convention, prejudicial to, and in no way becoming the Portuguese nation, will continue to exist; though they must be known as forming part of the onerous and oppressive legacies imposed on it by the absolute Government, and what they may contain of odium can never fall to the account of the present Government, who, by the very fact of falling back upon the said separate act, will prove to the nation that, in spite of the justice on their side, their efforts to obtain better conditions were unavailing."

"Thus in the mean time the Portuguese Government will be able to give their cruizers the instructions they may judge necessary, with regard to Portuguese vessels, in conformity with the Decree of December 10th, 1836, while British cruizers will not be allowed in any way whatever to exceed, with regard to the said Portuguese vessels, what is stipulated in the said additional Convention of July 28th, 1817, and in the instructions annexed thereto, which, in conformity with what has been above stated, must remain in force 15 years longer."

The above declaration at once suspended, and was looked upon as breaking off, the negotiations.

3. To the Viscount de Sá da Bandeira's note of the 8th of May, 1838, in which His Excellency, after a renewal of negotiations in the preceding month, brings forward a proposition respecting a guarantee, already officially declared by the Undersigned to His Excellency to be wholly inadmissible, and makes the actual conclusion of the negotiation respecting that proposition, as a *sine qua non* condition of the ratification of a Treaty, which His Excellency has so repeatedly declared he was ready to sign, but which, it is also evident, he could not expect to ratify!

4. To the circumstance of the Viscount de Sá da Bandeira having rejected absolutely, in his conference on the 16th of February last, with the Undersigned, the ultimatum of the British Government.

The Baron da Ribeira de Sabrosa will thus discover, that Her Majesty's Government must consider the negotiations for the Slave Treaty, to have been in fact broken off, even three times, by the Portuguese Government (though resumed again by renewed overtures from Her Majesty's Government), previous to the last definitive rejection by the Viscount de Sá da Bandeira, of the project presented by Mr. Jerningham on the 11th of last August, as the ultimatum of Her Majesty's Government, in which every effort had been made to work up with the provisions indispensable for the efficiency of the Treaty, all such amendments proposed by the Viscount de Sá da Bandeira, as could well be considered as not positively objectionable, by complicating or neutralizing the object in view, the total suppression of the Slave Trade.

CLASS B.—FURTHER SERIES.

With reference to the course and progress of the negotiations in question, which have been carried on by the Undersigned with so many plenipotentiaries, and under so many successive Governments, the Undersigned will be happy to afford to his Excellency every information which can thus throw light upon the subject, and respecting which His Excellency has the opportunity of obtaining confirmation from the plenipotentiaries themselves, all of whom are now on the spot.

The Undersigned makes this offer to His Excellency, being aware that, from the changes which have taken place in the public departments, it is not in His Excellency's power to obtain complete and accurate information, such as he can rely upon, from any one person now in the Foreign Department.

The Undersigned, &c.
HOWARD DE WALDEN.

Lisbon, May 12, 1839. (Signed)
The Baron da Ribeirã de Sabrosa,
& c. &c. &c.

No. 61.

Lord Howard de Walden to Viscount Palmerston.—(Received May 21.)

MY LORD,

Lisbon, May 13, 1839.

I ENCLOSE a copy of a note which I have addressed to the Baron da Ribeira de Sabrosa, in transmitting to His Excellency a copy of the Report of the Mixed Commission on the case, and on the condemnation, of the slaver, "*Diligente*."

I have, &c.

(Signed) HOWARD DE WALDEN.

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

Enclosure in No. 61.

Lord Howard de Walden to Baron da Ribeira de Sabrosa.

THE Undersigned, &c. &c., has the honour herewith to transmit to the Baron da Ribeira de Sabrosa, &c. &c., a copy of a Report from the Mixed Commission of Sierra Leone, on the case of the slaver brig-schooner "*Diligente*," which, although captured under Portuguese colours, has been condemned as a Spanish vessel.

The Undersigned is instructed to call the special attention of the Portuguese Government to that part of the Report, containing the clearest evidence of the shameless encouragement given by the Portuguese Consul at Cadiz to the Slave Trade, and the Undersigned ventures to entertain the hope that, among the first acts of the Baron da Ribeira de Sabrosa's administration, His Excellency will seize this opportunity to evince, by some practical measure, His Excellency's determination to enforce obedience to the laws of the country, combined, as they are with the faithful fulfilment of engagements contracted under Treaty between the Crowns of Portugal and Great Britain for the same common object, the great cause of humanity.

The Undersigned avails himself, &c.

(Signed) HOWARD DE WALDEN.

Lisbon, May 8th, 1839.
The Baron da Ribeira de Sabrosa,
&c. &c. &c.

No. 62.

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

(Extract.)

Lisbon, May 20, 1839.

I HAVE the honour to transmit herewith the Diario of the 13th instant, in which is published officially the address of the Municipal Chamber of Loanda to the new Governor-Admiral Noronha (the successor of Governor Vidal), and His Excellency's reply.

Your Lordship will observe that the language, held by the Municipal Chamber in regard to the export of British merchandize for slave-trading purposes, is identical with that so often adopted by the "Nacional" newspaper.

By the Proclamation of this Governor, who was sent out by the Viscount de Sà on the recall of Governor Vidal, so notorious for his slave-trading, your Lordship will observe that, notwithstanding the Viscount de Sà's decree of December 10, 1836, and his repeated professions of a determination to put down the Slave Trade, and his readiness to sign a Treaty for that purpose, this same Governor at once authorizes the continuance of the Slave Trade for three months, and, what is still more remarkable, as calling for special consideration, the "*Diario do Governo*," in approving of this measure, renders it manifest, that he does this, not only with the sanction of the Government, but that he is even authorized, according to his discretion, to prolong this period: thus, at once conveying to those about to enter upon Slave Trade speculations at Lisbon, that they will have sufficient latitude allowed them to undertake any pending Slave Trade enterprise.

Enclosure in No. 62.

(Translation.)

From the Diario do Governo, Lisbon, 15th May, 1839.

Address of the Municipal Chamber of Loanda to the Governor of the Province on his installation.

MOST EXCELLENT SIR,

THE Municipal Chamber of this city has commissioned me to communicate to your Excellency its congratulation and the expression of its happiness, which are shared by all the inhabitants of this African settlement, on our beholding the auspicious day that puts us in possession of a meritorious and illustrious chief, a name already far-famed in the first rank of Portuguese citizens, and who, having always efficaciously contributed towards rendering our country free and celebrated, will certainly not fail to confer felicity and prosperity on this remote portion of the great Portuguese family. Assuredly, Sir, your Excellency is the person best suited for us, and the nomination of your Excellency is one of the most manifest proofs how much the liberal Government of our adored Queen has at heart the welfare of the whole Portuguese family, whatever part of the globe it may inhabit. The existence of this possession is so singular, and its preservation is so difficult, that, considering the opinion which has of late years predominated in the cabinets of Europe, every one of us has apprehended the not very remote annihilation of this rich part of the Portuguese monarchy so distinguished for its fertile soil, that nothing but the listlessness, ignorance, and misrule of former Governments, have prevented it from being a formidable rival to the opulent and inexhaustible Brazil. Most encouraging, therefore, was the hope which took possession of our hearts when, through this immense ocean, the intelligence reached us of your Excellency having been appointed, in order, by means of your government, to effect this difficult and dangerous, though indispensable, change. It is your Excellency who, grown grey in the difficult art of governing, can, like a second Numa, gradually and prudently make us pass from a false to a real existence, from a dangerous and unlawful position to a solid and honourable state, from the Romans of Romulus to the Romans of Numa Pompilius. This Chamber is aware that it need not have said thus much, seeing that your Excellency has already, thanks to your consummate judgment and experience, planned in your mind all the good you mean to bestow on this population, which even now looks upon you as its guardian angel. But the Chamber has a duty to fulfil in the face of the inhabitants of this community, namely, to put your Excellency in possession of the opinion which is general among our people, and to do so in such a manner as that it shall be intelligible to all, for life and death of this community are at stake, and our consciences do not retain any scruple, being, as will appear presently, frank and clear. There never was any opinion so unanimous anywhere as that in this community: the opinion prevalent among us at this day is the same that has swayed us for these eight years, which was dominant when his Excellency Governor Vidal came to this country, and which induced the illustrious council of the government to give him its advice, in a clear and delicate manner; an advice which was sent to the presence of Her Most Faithful Majesty. It is the same opinion which firmly convinced the ex-Governor Vidal that the citizens of this community would willingly make any sacrifice, and even bear ill-treatment, *short of beholding the annihilation, by a violent and premature crisis, of their fortunes, both small and great,* and of witnessing

the reduction of the territory of Angola, in a few short months, into a contracted spot on the coast of Africa, equal to Cape Negro.

This council of the Government, which knew how to transfer into its advice just mentioned, the wishes of its fellow-citizens in this portion of Africa, has also demonstrated with the purest disinterestedness during its provisional administration, that it cannot but be aware of the public opinion continuing still the same. *The reprobated traffic* which unfortunately maintains *and gives existence to these possessions*, notwithstanding the impediments it meets with here and everywhere, *must, we are fully persuaded, cease, but it ought to cease in a manner consonant with sound policy—in the only manner possible, that is, so as not to destroy this population; and this will be effected if the traffic be made gradually to supply a substitute in its place*, in affording the means whereby to support the indispensable sacrifices attending agricultural enterprises, which in this country become so much the more difficult, as the climate is destructive principally to Europeans, who alone are able to teach these inhabitants the way in which civilised nations lead a happy life, namely, by compelling nature to supply, by her products, all the necessities of existence. What could we desire more likely and more certain to direct us during so difficult a transition, than your Excellency's enlightened mind? Yes, Sir, we once more bless our illustrious Queen, and congratulate ourselves mutually, for so felicitous an appointment. *It will, however, be incumbent on our Government, in real earnest, to put an end to the indirect tolerance still observable, and in which we copy the example of philanthropic England; for though its Cabinet is the first champion against the Slave Trade, the British Government suffers its manufactories to produce the chief articles employed in slave transactions. Would it be practicable to purchase in Africa a single slave, if English manufacturers did not act the part of agents? Do not these commodities pass through the English Custom-houses with the label "Merchandise for the Slave Trade?" There is one more truth, Sir, which ought to be stated to your Excellency, and that is, that the strong measures whereby it is intended at once to annihilate the Portuguese possessions in Africa, would in no wise better the lot of African slaves; they would be carried to other points of the coast, and would there always meet with buyers, and all that our Government had gained would be the destruction of its settlements.* Enlightenment is to be the means of putting an end to the illicit and detested Slave Trade, and the Portuguese dominions are to furnish this enlightenment to this part of the world; it is by setting an example to these nations that it is presumed to bring about their conviction, and how great will then your Excellency's glory be, when it is you that shall have made the beginning of this grand work!

Loanda, January 25, 1839.

JOAO ANTONIO LOPES D'ANDRADE.
Fiscal of the Municipal Chamber.

Edict of the Governor-General.

I, Antonio Mansel de Noronha, of the Council of Her Most Faithful Majesty, etc., etc., make known, that due execution not having hitherto been given to the Decree of the 10th December, 1836, which abolished the Slave Trade in all the parts of the Portuguese monarchy, the said Decree is herewith once more promulgated; and it shall, without delaying its rigorous execution, be carried into effect, *after ninety days*, with all rigour, and in every respect, the interval just mentioned being conceded, in order that the persons who, in consequence of the steps adopted by the last Governor of this province, *have bonâ fide sent their capitals into the interior of Africa, there to be employed in that traffic, may be enabled to withdraw the said capitals without the risk which they otherwise would run of being apprehended.* And Her Majesty, desiring to promote as much as possible the lawful commerce of this province with the whole interior of this part of the world, all commanders of forts, chiefs of districts, officers, and functionaries, are directed to promote, aid, and favour the said commerce of the interior, by endeavouring to set on foot relations of amity with such potentates with whom there has not yet hitherto subsisted any intercourse, under the persuasion that whatever they shall have contributed towards the advancement of this commerce, shall avail them in their future preferment, in the same manner as they are responsible, etc., etc.

Given in the City of St. Paul of the Assumption of Loanda, 1st February, 1839.

ANTONIO MANOEL DE NORONHA.

LEADING ARTICLE.

Lisbon, 14th May, 1839.

Official accounts from Angola state that one of the first acts of the Governor was to enforce the rigorous execution of the decree of the 10th December, 1836, respecting the entire abolition of the Slave Trade.

It is mere declamation to say that the Portuguese nation and Government still protect the Slave Trade; and it is surprising that even those should join in the slander who ought to be better informed.

The abolition of the Slave Trade involves serious difficulties, which must be overcome with prudence; but if, to bring it about, a hasty proceeding be resorted to, the consequences must be fatal.

The edict of the Governor of Angola has for its object to carry the abolition into effect without compromising interests which it is necessary to respect. He allows the term of three months for making the needful preparations. Should that period be found insufficient, we are certain that he will extend the term according as circumstances may require. And thus we hope that the abolition of this nefarious traffic will be accomplished, as its extinction is desired both by the sympathy and dignity of the nation, without disregarding the momentous considerations which the state of our colonies requires us to attend to.

No. 63.

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

(Extract.)

Lisbon, May 20, 1839.

I HAVE spoken twice at considerable length with the Baron da Ribeira de Sabrosa on the subject of the Slave Trade. His Excellency appears to be unacquainted with the real state of the question, as regards the engagements of Portugal towards Great Britain, while he had evidently prejudged it, and made up his mind against the proceedings of Her Majesty's Government.

I entered into a long explanation of the course of the last four years' negotiations for the suppression of the Slave Trade, laying stress upon the patience and forbearance, which had been manifested at the different periods when they were broken off. I said I was aware he could not be well informed on many important points, and therefore had offered to give him every information in my power.

I then put into his hands a printed copy of your Lordship's note to the Baron de Moncorvo, of the 30th April, 1836, which I told him I had brought in order to facilitate His Excellency's labours, in which he would find reference in marginal notes, which would be of the greatest use to him.

The Baron at once looked over it, and, having recognised its value to him, expressed his thanks to me, and assured me of his anxious wish to treat on all pending matters, with the sincerest desire to bring about a good understanding with the British Government.

It is evident, however, that, with regard to the signature of the Treaty, the Baron is not disposed to give way.

PORTUGAL. (Consular.)

No. 64.

Mr. Barker to Mr. Bidwell.—(Received April 8, 1839.)

SIR,

*British Consulate, Villa da Praia, Cape Verde Islands,
December 31st, 1838.*

I HAVE the honour to enclose a list of the slave-vessels, as correct as possible, that have arrived at this port during this year, from January to December, together with a few observations annexed to each vessel, and hope it will meet your approbation. It is not done as well as I could wish, for the fever has again paid me a visit these last few days.

I have, &c.

(Signed)

THEOPHILUS BARKER,
H.B.M. Acting Consul.

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

Enclosure in No. 64.

List of Slave Vessels which have Sailed from the Port of St. Jago, Cape de Verd Islands, for the Coast of Africa, during the Year 1838.

No.	Date.	Nation.	Class.	Name of Vessel.	Name of Master.	REMARKS.
1	Jan. 13	Portuguese	Schooner	Sareia	Don Jozé	Went to Gallinas.
2	Feb. 15	American	Ditto	Monrovia	A German	Owned by D. Felipe Blanco.
3	Feb. 16	Spanish	Brig	Montano	Unknown	Consigned to F. C. de Mello.
4	Mar. 1	American	Schooner	Cleopatra	A Spanish Captain on board.	Consigned to F. C. de Mello.
5	Mar. 10	Spanish	Brig	Last from Bonavista: came with the Consignee on board, named Enacio Carvalho.		Gave 2000 dols. for the Portuguese colours: sailed on 25th March.
6	Apr. 23	American	Schooner	Peri	..	Ran away at night, when they found that some difficulty was apprehended, she was consigned to F. C. de Mello, the Danish Consul at this place.
7	June 4	Spanish	Ditto	Victoria	F. F. Ferraira.	I've heard she has been taken.
8	July 2	American	Ditto	Mary	..	Last from Matanzas. The Portuguese Government would not grant her Papers.
9	July 15	American	Schooner	James Webb	..	From Havana, with a Spanish crew. A Bill of Sale and list of crew made out by the American Consul at Havana, Nicholas F. Trist, with which they came to this place to get colours, but the Governor, Marinha, would not grant without she had a Register, upon the American Consul of this place, F. Gardner, vouching for the legality of the Papers, he, the Governor, did not attempt to make a seizure, but refused the Portuguese colours; sailed for the Coast on the 20th July: supposed she had a Spanish set of Papers on board.
10	July 21	Brazilian	Schooner	Amalia	Marsaile.	Consigned to F. C. de Mello: sailed on the 30th.

MEMORANDUM.

I have heard from the last American vessel that arrived at this place, that the American Consul, Nicholas F. Trist, will be removed from the Consulate at Havana. "He ought to be," having granted to my knowledge, more than ten false bills of sale of vessels, and passes, to these Islands.

The Danish Consul at this place, Francisco Cardozo de Mello, has been this month deprived of the Consulate, in consequence of some person representing his conduct at Lisbon, in aiding and promoting slave vessels.

*British Consulate Villa da Praia,
Cape de Verd Islands.*
THEOPHILUS BARKER,
Her Britannic Majesty's Pro-Consul.

December 31st, 1838.

No. 65.

Mr. Smith to Viscount Palmerston.—(Received May 26.)

MY LORD,

British Consulate, Lisbon, April 22, 1839.

I HAVE the honour to enclose, for your Lordship's information, the Lisbon Official Gazette of the 16th instant, with a translation of a circular therein published, from the Minister of Finance to the Directors of the several Custom-houses, apprizing them of the expected arrival of some Foreign vessels for the purpose of assuming the Portuguese Flag, in order to engage in the Slave Trade, and ordering them, for the prevention of that fraudulent practice, to enforce the provisions of the 2d Article of the Decree of January 16, 1837, which determined that no vessels should be deemed to be Portuguese, except such as, to the date of that Decree, had been navigating under the Portuguese flag, and such as should in future be built in the ports of Portugal, and those of her dominions in Asia and Africa.

I have &c.

(Signed)

WILLIAM SMITH.

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

 Enclosure in No. 65.

(Translation.)

Circular Order.

IT having reached the knowledge of Her Majesty the Queen, that some Foreign Vessels are shortly to arrive at the ports of this kingdom and its adjacent islands, for the purpose of assuming the Portuguese flag, in order to engage in the Slave Trade; and as it was determined by the Second Article of the Decree of January 16th, 1837, that *Portuguese* vessels were those only which to the date of that Decree had been navigating under the Portuguese flag, and such as might in future be built in the ports of Portugal, and those of her dominions in Asia and Africa: Her Majesty orders, through the Ministry of Finance, that the Director of the Lisbon Custom-house shall, in all the Custom-houses under his jurisdiction, enforce the strictest observance of the said Second Article of the Decree of the 16th of January, 1837, in order that no vessels, except those included in the letter of said Article, should be recognised as Portuguese, nor any foreign-built vessels be in future nationalized as such.

(Signed)

MANOEL ANTONIO DE CARVALHO.

Palace of Necessidades, 8th April, 1839.

To the Director of the Lisbon Custom-house, and, Mutatis Mutandis, to those of Oporto, Funchal, Argra, Horta, and Ponta Delgada.

BRAZIL.

No. 66.

Mr. Ouseley to Viscount Palmerston.—(Received February 6th, 1839.)

MY LORD,

Rio de Janeiro, December 15, 1838.

I HAVE the honour to transmit to your Lordship returns of slave-vessels which have entered this harbour during the months of October and November, after having landed their cargoes of Africans in the vicinity of this capital.

I have, &c.

(Signed)

W. G. OUSELEY.

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

&c.

&c.

&c.

First Enclosure in No. 66.

Returns of vessels engaged in the Slave Trade, which have entered this Port under the Portuguese Flag, during the month of October, 1838, after having landed their cargoes of slaves on this coast.

1. Brig, "*Maria Segunda*," from Angola, landed 417 slaves at Sepetiba.
2. Brig schooner, "*Maria Virginia*," from St. Thomé, landed 394 slaves at St. Sebastian.
3. Brig "*Novo Destino*," from Quillimane, landed 713 slaves at Campos.
4. Brig "*Almeida*," from Angola, disembarked 504 slaves at the entrance of this harbour, and which were landed at the residence of Colonel Vasco, at the Fort St. Joao.
5. Brig schooner, "*Firmeza*," from Rio Zaire, landed 475 slaves at Alto Moirao, and from thence they were taken by land to the depository at the Bay of Jurujuba, inside this port.
6. Brig, "*Onze de Novembro*," from Angola, landed 454 slaves at the estate of Dois Rios in the Ilha Grande.
7. Brig, "*Promptidão*," last from Monte Video. This vessel sailed from this port in the beginning of the year for the Island of St. Thomas; from thence, she returned with a cargo of 600 slaves, which were landed at Ilha Grande; she thereafter proceeded to the Cape de Verde Islands, took in a cargo of salt, which she disposed of at Montevideo, and has now returned to fit out for another African voyage.
8. Brig, "*Ganges*," from Quillimane, landed 721 slaves at Ponte Negra.
9. Smack, "*Pensamento Felix*," from Benguella, landed 321 slaves at Alto Moirao; from thence, they were taken by land to the depository at the Bay of Jurujuba, inside this port.
10. Brig "*Valerozo*," from Angola, this vessel brought part of a cargo of African produce, and 77 slaves; these she landed at the Copa Cabana, and they were afterwards taken to the house of Joao Machado Cardoza in Rozario Street of this city.

Total number of slaves imported by ten vessels as above, 4676.

There are four large depositories for slaves in the vicinity of this city.

The most considerable is that at the Bay of Jurujuba, which is supported by Jorge Jose de Souza, Joze Bernardino de Sa, Joze Pimenta Junr., and Joao Machado Cardozo, who have occasionally had there as many as 6000 slaves on sale.

The second in magnitude is that at the Ponta de Caju, where there are warehouses close to the beach, for the reception of slaves, and at all times there are

many of these miserable beings on sale. The other two depositories of Botafogo, and St. Clemente, are not so extensive as those first mentioned; but occasionally they are well supplied with slaves.

In many houses in the public streets of this city, and in the suburbs, there are from 60 to 100 slaves continually on sale.

At the town of Itagoahy, near to Ilha Grande, slaves are as openly sold as they were at the slave market street of this city, before the prohibition of the trade, by the treaty with Brazil.

The slave cargoes are regularly insured by the Assurance Companies, and individual underwriters of this city. And there exists a company for lending money on respondentia for slave cargoes.

Some of the slave traders are making arrangements for employing steam-boats in the trade. Should Her Majesty's Government not adopt effective measures to put down the trade, the task will be more difficult when it is carried on by steam-vessels.

Rio de Janeiro, 1st November, 1838.

Second Enclosure in No. 66.

Returns of Vessels engaged in the Slave Trade, which have entered this Port under the Portuguese Flag during the Month of November, 1838, after having landed their Cargoes of Slaves on this Coast.

1. Brig schooner "*Rosulina*," from Angola, landed 417 slaves off the entrance of this port; they were afterwards taken by land to the depository of Pereira, at Botafogo.

2. Patacho "*Lealdade*," from Angola, landed 357 slaves at the house of Colonel Vasco, near Fort S. Joao; they were afterwards taken by land to the depository of Colonel Tota, at S. Clemente.

3. Brig schooner "*Flor de Loanda*," from Angola, disembarked into canoes, close to the entrance of the port, 377 slaves, which were landed at the Bay of Jurujuba.

4. Brig schooner "*Esperança*," from Cabinda, landed 600 slaves at the house of Colonel Vasco, near Fort S. Joao; they were afterwards taken by land to the depository of Colonel Tota, at S. Clemente.

5. Sumaca "*Treze de Junho*," from Benguela, disembarked into canoes, close to the entrance of the port, 285 slaves, which were landed at Botafogo.

6. Brig "*Generoso Feliz*," from Quillimane, landed 725 slaves at Ilha Grande, for account of Senhor Martin, who resides at the Gloria.

7. Smack "*Zenobia*," from Angola, disembarked into canoes, close to the entrance of the port, 298 slaves, which were landed at the depository of Pereira, at Botafogo.

8. Schooner "*Minerva*," from Angola, landed 304 slaves at Ponte Negra.

9. Schooner "*Andorinha*," from Angola, disembarked into canoes, close to the entrance of the port, 293 slaves, which were landed at the depository of Pereira, at Botafogo.

Total number of slaves imported by 9 vessels as above, 3656.

Rio de Janeiro, 1st December, 1838.

No. 67.

Mr. Ouseley to Viscount Palmerston.—(Received February 6, 1839.)

MY LORD,

Rio de Janeiro, December 15, 1838.

SOMETIME ago the Marquis of Barbacena called on me, and took occasion to mention that, having met with unexpected opposition on the part of the Administration, to the adoption of his projected law on the Slave Trade, he had made inquiries as to the motives which actuated the Government in opposing it; and he had, he said, been informed, that it was in consequence of the disapprobation of his proposed measure, lately shown by Her Majesty's Legation, that the Imperial Government had discountenanced its adoption by the General Legislative Assembly.

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His Excellency added, that he could scarcely give credit to the asserted origin of the opposition to his proposal; as he was certain that the Government of Great Britain, being so anxious to put an end to Slave Trade, could never have disapproved of a measure so well calculated to attain that object.

His Excellency asked me, whether I was not of opinion, knowing this country as well (he was pleased to say) as I did, that his proposal was in fact well adapted effectually to suppress the traffic in Africans. When I objected to parts of it, as for instance, the clause confirming the slavery of Africans, when once landed in Brazil, he allowed that that point appeared to favour the slave dealer; but observed that the real state of the country must be taken into consideration, and in fine, that his measures, or any other really calculated to suppress the Slave Trade, never could be carried without allowing that, or a similar clause to be inserted; that we must look to what was practicable in reality; and that, without the sort of amnesty which he proposed, his bill never could pass, as the members of the Legislative body would be in part generally condemning themselves, by allowing the criminality of possessing, or introducing "boçal" or new negroes; that a proof of the really good tendency of his motion, was to be found in its unpopularity with the slave-dealers, those persons having at first favoured his projected law; but latterly, and on mature reflection, having discovered its real utility in putting an end to their mal-practices, they universally opposed its adoption.

There are doubtless parts of the Marquis of Barbacena's proposed law, which are well adapted for the suppression of the Slave Trade, and which have accord-ingly met with your Lordship's approbation; but as a whole, I fear its effect would be, if not to increase the Slave Trade already carried on to so great an extent on this coast, at least, to give a still greater chance of impunity to those who purchase negroes fraudulently introduced, even than they unfortunately for the interests of humanity, have at present.

I have, &c.

(Signed)

W. G. OUSELEY.

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

No. 68..

Mr. Ouseley to Viscount Palmerston.—(Received July 6, 1839.)

(Extract.)

Rio de Janeiro, December 15th, 1838.

I HAVE the honour to inform you, that the brigantine "*Diligente*," under Portuguese colours, has been sent in for adjudication by the Mixed Commission, having been taken by Her Majesty's sloop "*Electra*," Captain Preston, with 302 slaves on board.

Her Majesty's Commissioners have officially notified to me, that the papers belonging to the "*Diligente*" have been brought into Court by Lieutenant Heseltine, the officer in charge of the slaver.

Mr. Hesketh signified to me his perfect readiness to undertake the task of prosecutor in the present case, but on communicating to Her Majesty's commissioners the proposed plan, Sir George Jackson (I believe), suggested that in a legal point of view, it would be inexpedient that Mr. Hesketh should thus act, as by the Treaty, in case of the absence or failure of the first Commissioner, Her Majesty's Consul takes his place, and thus a possibility occurs of his becoming the judge in any case brought before the Mixed Court; consequently he could not with propriety, appear as prosecutor.

Although this objection is founded upon the possibility of a circumstance that appears unlikely to occur, yet it may legally be fatal; and we shall probably be obliged to have recourse to some other person to act ostensibly as proctor or prosecutor. At present it seems to me, that Mr. Heseltine, the officer in whose charge the "*Diligente*" is placed, would be the most eligible person to be the nominal prosecutor. I shall, however, consult with the Commodore and others on this point, and have the honour of submitting to your Lordship the plan adopted, probably by the "*Harrier*" corvette, which is daily expected here on her way to England.

There appears little doubt, from what I have already learnt of the intended defence of the owners of the "*Diligente*," of the condemnation of that vessel; but

the question of the non-admission of embargoes, which I have frequently urged on the Brazilian Government, but hitherto in vain, becomes one of importance, as it very much delays, although it cannot ultimately prevent, I think, the favourable decision of this case; I mean the condemnation of this slaver.

No. 69.

Mr. Ouseley to Viscount Palmerston.—(Received March 20.)

MY LORD,

Rio de Janeiro, January 9th, 1839.

I HAVE the honour to acknowledge the receipt, on the 3rd instant, by Her Majesty's packet "Seagull," of your Lordship's Despatches Slave Trade Series, dated the 15th, and 29th of October last, with their enclosures.

I have &c.

(Signed)

W. G. OUSELEY.

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

&c.

&c.

&c.

No. 70.

Mr. Ouseley to Viscount Palmerston.—(Received March 20.)

(Extract.)

Rio de Janeiro, January 12th, 1839.

I RECEIVED yesterday from Her Majesty's Commissioners, official notification of the condemnation of the brig "*Diligente*," lately detained by Her Majesty's ship "*Electra*," with 302 Africans on board, and sent into this port for adjudication before the Mixed Commission Court.

The slave schooner "*Feliz*" has also been detained, and brought, as the Commissioners inform me, before the Mixed Court, having had, when captured by Her Majesty's brig "*Wizard*," Lieutenant Birch commanding, 236 Africans on board.

No. 71.

Mr. Ouseley to Viscount Palmerston.—(Received March 20.)

MY LORD,

Rio de Janeiro, January 12th, 1839.

I HAVE the honour to transmit to your Lordship a return of the Portuguese slave-vessels which have entered this harbour during the month of December, 1838, after having landed their cargoes of Africans in the neighbourhood.

I have, &c.

(Signed)

W. G. OUSELEY.

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

&c.

&c.

&c.

Enclosure in No. 71.

Returns of Vessels engaged in the Slave Trade which have entered this Port under the Portuguese Flag during the Month of December, 1838.

1. Brig schooner "*Flor do Rio*," from Angola, landed 413 slaves at the Alto Moiraõ.
2. Brig "*Dois Irmaos*," from Angola, landed 573 slaves at the estate of Dois Rios, in the Ilha Grande.
3. Patacho "*Triunfo*," from Angola, landed 304 slaves at Campos.
4. Brig "*Pompeio*," from Rio Zaire, landed 519 slaves at St. Sebastiaõ.
5. Brig "*Fortuna*," from Quilimane, landed 602 slaves at Campos.
6. Brig "*Triunfo de Inveja*," from Quilimane, landed 720 slaves at the entrance of this port.

7. Barque "*Quarto de Marco*," from Quilimane, landed 800 slaves at the Alto Morraõ.

8. Patacho "*Legeiro*," from Benguela, landed 209 slaves at the entrance of this port.

9. Brig schooner "*Diligente*," from Benguela, captured by Her Majesty's ship "*Electra*," with 295 slaves on board.

10. Brig schooner "*Feliz*," from Benguela, captured by Her Majesty's ship "*Wizard*," with 233 slaves on board.

Total number of slaves imported by 10 vessels, as above, 4668.

During the year 1838, 84 vessels, under the Portuguese flag, have entered this port, and by them 36,974 slaves have been imported. Although the number of vessels, and of slaves imported, be less than in the preceding year, the trade cannot be considered as having diminished; for the reduced number of slaves imported in 1838, is to be accounted for by several of the traders having ordered their vessels to discharge at other ports of Brazil, and fit out from thence.

No. 72.

Mr. Ouseley to Viscount Palmerston.—(Received March 20.)

(Extract.)

Rio de Janeiro, January 15th, 1839.

HER MAJESTY'S brig "*Wizard*," Lieutenant Birch, lately brought in a slaver for adjudication by the Mixed Commission, with 239 negroes on board. The name of this vessel is the "*Feliz*." Some weeks ago I obtained, incidentally, an extract from the log-book of Her Majesty's ship "*Herald*," Captain Nias, (of which I have the honour to enclose a summary,) mentioning that a vessel under Brazilian colours was overhauled by her soon after leaving this coast. The vessel was completely fitted up for the Slave Trade, and the name asserted to be the "*Feliz Aurora*." Captain Nias did not detain this slaver, conceiving, I presume, that it could not be condemned unless Africans were found on board, but forwarded the extract from his boarding-book to Rio. It appears to me possible that this vessel, boarded by Captain Nias, might be that which was lately captured by the "*Wizard*;" I therefore sent to Her Majesty's Commissioners a note, enclosing a copy of the extract from the "*Herald*'s" boarding-book respecting the "*Feliz Aurora*," hoping that it might be useful either on the present or a subsequent occasion.

In answer to my note, I received from the Commissioners a reply, in which they lament that the "*Feliz Aurora*" was not sent in by Captain Nias, as they have little doubt of her liability to condemnation, on proof of the alleged equipment being given; although the slaver captured by Mr. Birch cannot, they are of opinion, be the same.

Her Majesty's frigate "*Stag*," the flag-ship on this station, Commodore Sullivan, was, at the moment I received this answer, about to sail for Montevideo and the Falkland Islands. I lost no time, therefore, in transmitting to the Commodore a letter, enclosing a copy of that from the Commissioners, and suggesting the expediency of furnishing the officers in command of Her Majesty's vessels in this squadron with instructions founded on this opinion officially expressed by the Commissioners.

The opinion of the Commissioners as to the liability of vessels under Brazilian colours, fitted up for the Slave Trade, to condemnation, whether Africans are found on-board or not, although it does not appear to have been acted upon successfully, (except in the case of the "*Paquete do Sul*," under circumstances not exactly similar,) is satisfactory.

The practical effects of seizing or condemning vessels fitted out for carrying on the Slave Trade, when on their outward voyage from the ports of Brazil, would be most beneficial, and would be likely to contribute to the interests of humanity, and even of the final extinction of that inhuman traffic, much more than the capture of slavers on their return with Africans on board. The sufferings endured by the Negroes on their passage from Africa, would be prevented, and the demand on the coast for human beings for the Slave Markets, would be diminished. The expenses and difficulties attending the custody and support of the Africans while under ad-

judication here, would likewise be avoided, and the price of the slave-vessels and of the cargoes which they may take from hence to exchange for Negroes on the coast of Africa, would be much more likely to defray the expenses incurred in their capture, when thus condemned, than when intercepted on their return with their living cargoes.

Were the fate of the Africans who are *de jure* liberated by the Commissioners, less liable to uncertainty as to their obtaining ultimate freedom, it perhaps would be more advantageous to them to be taken by our cruizers after having been placed on board the slavers; but I regret to say that there is but too much reason to apprehend, that the attainment of unconditional freedom, which is the end contemplated by the provisions of the Slave Trade Treaty, is very seldom secured to the Africans who are placed, after the condemnation of the Prizes, entirely under the control, I can hardly say protection, of the Brazilian Authorities.

Copies are subjoined of the correspondence on this subject, with Her Majesty's Commissioners and Commodore Sullivan.

Her Majesty's ship "Stag" sailed this morning for Montevideo.

First Enclosure in No. 72.

Mr. Ouseley to Her Majesty's Commissioners.

GENTLEMEN,

Rio de Janeiro, January 9, 1839.

I HEREWITH enclose for your information, an extract from the boarding book of Her Majesty's sloop "Herald," which I have incidentally obtained, mentioning some particulars relative to a brigantine under Brazilian colours, which was examined and found to be evidently equipped for the Slave Trade.

The name of this brigantine is stated to be "*Feliz Aurora*." I perceive by your note to me of the 5th instant, that a slaver lately brought in by Her Majesty's brig-of-war "Wizard," is called the "*Feliz*;" it is possible that it may be the same vessel, and the enclosed document may assist in affording a clue to the true character of the lately captured slaver. If not, the information may be useful, should the vessel in question be on some future occasion, captured by Her Majesty's Cruizers.

I have, &c.

(Signed)

W. G. OUSELEY.

Her Majesty's Commissioners.

&c.

&c.

&c.

Sub-Enclosure.

Information taken from the Boarding-book of Her Majesty's Ship "Herald."

ON the 9th October, 1838, the "Herald" fell in with the brigantine "*Feliz Aurora*," under Brazilian colours, of 166 tons, J. Caetano, Master and Owner. This vessel belonged to Rio de Janeiro, whence she sailed on the 30th September, was completely equipped and fitted for slaves, having two large water-casks upon deck, extending nearly one-third on each side of the deck, fitted with separate boxes for slaves, had large brick-built coppers, and had her log completely written every day, showing that she left Rio in the state we met her in.

(Signed)

JOSEPH NIAS, *Captain.*

Second Enclosure in No. 72.

Her Majesty's Commissioners to Mr. Ouseley.

SIR,

Rio de Janeiro, 12th January, 1839.

WE have to acknowledge your letter of the 9th instant, enclosing, for our information, an extract from the boarding book of Her Majesty's ship "Herald," containing some particulars relative to a brigantine under Brazilian colours, found to be evidently equipped for the Slave Trade; and we can only lament that, under such circumstances (supposing Captain Nias to have had the requisite instructions), the "*Feliz Aurora*" should not have been detained, as we have little doubt of her liability to condemnation on proof of the alleged equipment being given.

The date of the passport with which the "*Feliz*" sailed from the coast, and that of the visit of the "*Feliz Aurora*," precludes the idea of identity, but in the event of the capture of the latter, the information may be useful.

We have, &c.

(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.

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

Third Enclosure in No. 72.

Mr. Ouseley to Commodore Sullivan.

SIR,

Rio de Janeiro, January 14th, 1839.

SOME days ago I forwarded to Her Majesty's Commissioners an extract from the boarding-book of the "*Herald*," which I had incidentally obtained relative to a slave brigantine under Brazilian colours, called the "*Feliz Aurora*," which Captain Nias overhauled off the coast of Brazil, on the 9th October last, and found completely fitted for the Slave Trade. The name being partly similar to that of the vessel captured by Mr. Birch, I thought the extract might be of some use, if not on the present, on some future occasion.

I enclose you a copy of the Commissioners' reply, in which you will observe, that the proof of equipment for Slave Trade would, in their opinion, have most probably rendered her liable to condemnation. I think it, therefore, my duty, on the eve of your temporarily leaving this harbour, to inform you of this opinion, for the guidance of the officers in command of vessels upon this coast.

Aware as I am of your zeal for the furtherance of the objects of Her Majesty's Government, and your desire to contribute to suppress this infamous traffic in Africans, at present so notoriously carried on to a great extent on this coast, it would be superfluous for me to suggest, that instructions, in conformity with the above opinion of the Commissioners, be furnished to the squadron under your command. I may, perhaps, also take the liberty of reminding you, that for vessels condemned as being equipped for the Slave Trade a bounty is, I believe, by a late Act of Parliament, paid per *tonnage*, although this is merely a secondary consideration, and one which would in nowise influence the conduct of Her Majesty's officers in the performance of their duty, yet, as it affects their interest, it ought not to be forgotten. But, as an incentive, were any required, to additional vigilance on the part of Her Majesty's cruizers, it should be borne in mind that the amount of human suffering spared, and the probability of ultimately suppressing the Slave Trade, would be infinitely greater if the slavers were captured and condemned when sailing from the ports of Brazil, than when intercepted on their return. This is so obvious, that it is unnecessary to enlarge either upon the miseries inflicted upon the Africans during their passage, or on the losses that would result to those who supply negroes in the ports of Africa for the slavers, by the capture of the vessels on their leaving the American coast, rather than after they had reached Brazilian waters.

I have, &c.

(Signed)

WILLIAM GORE OUSELEY.

Commodore Sullivan, C.B.,

&c. &c. &c.

No. 73.

Mr. Ouseley to Viscount Palmerston.—(Received March 20.)

(Extract.)

Rio de Janeiro, January 19th, 1839.

IN the case of the slaver, the "*Diligente*," lately condemned by the Mixed Commission here, the advocate of the owner presented embargoes to the sentence, and the Brazilian Commissioners, not having been instructed to refuse them, while Her Majesty's Commissioners, acting upon the instructions received from the Foreign Office, and of course having declined to take cognizance of them, I have thought it my duty, in order to prevent expensive and disastrous delay, to urge the Brazilian Government strongly on the subject. I thought it would add force to my representations, to embody in the note which I addressed to the Impe-

rial Government on this occasion the substance of the instructions that had been received at different times from your Lordship, as, for instance, those contained in your Lordship's Despatch to me of October 15th of last year, relative to the remonstrances made by Mr. Gordon (on the connivance and laxity of the Imperial Authorities with slavers and their abettors), and in various despatches addressed to Mr. Hamilton and others on the subject of the Slave Trade generally. In my note, a copy of which, and of its enclosures, I have the honour to transmit, it appeared also advisable to recapitulate the many subjects of complaint that have accumulated of late, and on which I have hitherto only touched slightly.

I have added a list of the number of negroes illicitly imported during the last six months, accompanied with observations, and the denunciation of several individuals here, for participation in the Slave Trade, and made a general recapitulation of the whole subject, urging them strongly, on various points, to fulfil their engagements with the Queen's Government, and, as an earnest of future good faith and co-operation on this subject, to give the required instruction to their Commissioners.

First Enclosure in No. 73.

Mr. Ouseley to Senhor M. Monteiro.

Rio de Janeiro, January 15th, 1839.

It is with much regret that the Undersigned, &c., has again to address his Excellency Senhor Maciel Monteiro, &c., on a proposal that he had hoped, from the assurances given him on more than one occasion, would have been acceded to before this time by the Imperial Government. The Undersigned, referring to the correspondence and conversations that have taken place at different times with his Excellency, on the non-admission of the embargoes, in cases of slavers brought before the Mixed Commission, under the convention for the Slave-Trade Suppression, as well as on other topics connected with that subject, has ever met with the strongest promises of co-operation on the part of the Brazilian Government, for the attainment of an object in which Her Majesty's Government take the most zealous interest—the extinction of a criminal traffic, odious to all civilized nations. The Imperial Government has constantly professed entire sympathy with the feelings of the British nation and Government on this subject, and a desire has been expressed by it to go hand in hand with Great Britain in endeavouring, by every means in its power, to put an end to the importation of Africans into this empire.

The impressions which the Undersigned had much satisfaction in conveying to his Court were naturally in conformity with the expressed sentiments of the Brazilian Government; nor could he anticipate that, in the first case that has been brought before the Mixed Commission since that of the "*Brilhante*," the admission of embargoes should again be insisted upon by the Brazilian Commissioner, as appears by a late note from Her Majesty's Commissioners, in which they announce to the Undersigned the condemnation of the slave-vessel "*Diligente*," and the presentation of embargoes by the Advocate of the owner, which the Brazilian Commissioner is instructed by his Government to accept.

The Undersigned laments to perceive, that the conduct of the Imperial Government on this occasion does not accord with the professed wish to promote the suppression of the Slave Trade by every means in their power.

It is with pain also that the Undersigned is obliged to state, that the results of the general conduct of the Imperial Government are such as to throw much doubt on the sincerity of their zeal in this cause. By reference to the enclosed papers, his Excellency will perceive that, in the neighbourhood of this capital alone, about 20,000 negroes have been landed in the space of the last six months; and the Undersigned is prepared to furnish, on a future occasion, the names of every vessel, together with the number imported by each, the places in which they are landed, and the names of the persons who received them, in order that the Imperial Government may proceed to put in force the laws against this traffic.

It will be impossible to acquit the Imperial Government at least of lukewarmness, or wilful blindness to the open manner in which the Slave Trade is often carried on, by its own officers,—but principally by the Portuguese inhabitants of this empire,—when we see troops of newly-imported negroes march through

different parts of the town and suburbs. The other day a large party were even taken to the Praia dos Mineiros in open day; and, as some interference was anticipated, escorted by several white men and by negroes armed with large clubs and long knives at their sides, and thus passing under the immediate observation of national guards and permanentes in uniform, who looked on with perfect indifference. When we see also depositories for "New Negroes" in several places close to this capital, as for instance, in the bay of Jurujuba, at the Ponte-Caju,—the latter with warehouses close to the beach for the reception of these unhappy beings; at Botafogo and San Clemente there are also deposits of Africans. The first named of these deposits, or slave-markets, is kept by Jozé de Souza, Jozé Bernardino de Sa, Jozé Pimento, (junior,) and João Machado Cardoza. These persons, who habitually act in direct violation and defiance of the laws of Brazil, have had at one time as many as 6000 Africans in their power, whom they have sold into slavery.

In the town of Itagoahy, near Ilha Grande, negroes illegally reduced to slavery are daily sold, as openly as they were in this city, in the slave market, before the prohibition of the Slave Trade.

The names could be given of many of the persons implicated in these nefarious transactions, but it is an ungrateful task, and, when not becomingly followed by energetic measures on the part of the Brazilian Government, worse than useless; it would be, however wrong, not to point out the glaring misconduct of certain officers in the employment of the Imperial Government. It is publicly known that Colonel Vasco, the Commandant of the Fort São João, is one of the most active assistants in the importation of Africans.

No longer ago than the month of November, the patacho "*Lealdade*," from Angola, landed 357 Africans at the house of this person, who were afterwards taken by land to the depository of Colonel Tota at San Clemente. The brig-schooner, "*Esperança*," also, from Cabinda, landed 600 at Colonel Vasco's, near Fort São João. In September of last year, the schooner "*Josephine*," from Benguela, landed 345 Africans, and did not finish the landing until after sunrise, so that it was observed from the fort, and Colonel Vasco assisted the landing in person; these were also delivered to Colonel Tota, at San Clemente. These criminal acts would only throw scandal upon those who are guilty of them, if the apparent connivance, by many interpreted as approbation, of the Government, did not make it responsible for the outrages thus committed on humanity.

The Undersigned could multiply instances, and give the names and particulars relating to many acts of this nature, and is prepared so to do. But he is particularly instructed by his Government, in reference to the note addressed by Mr. Gordon to Senhor Monteiro, on the 26th March of last year, to remark in the strongest terms, on the evident connivance of the Brazilian authorities with persons connected with the Slave Trade, and the inattention of the Imperial Government to the repeated representations of Her Majesty's legation on this subject.

More particularly the Undersigned has to observe, that the assertion of the inaccuracy of the information upon which Mr. Gordon's representation is founded, in the note addressed to the Undersigned by his Excellency the Minister for Foreign Affairs, on the 19th July last, is far from being proved; on the contrary, Her Majesty's Government is of opinion, that Mr. Gordon was fully justified in founding a representation upon the circumstances reported to him, and considers itself entitled to receive from the Government of Brazil, a cordial and effective co-operation in execution of existing stipulations, as well as in conformity with the repeated professions of the Imperial Government.

Yet, how are these professions realized?

In the month of September last, information was given to the Supreme Government of this country, that a brig-schooner, the "*Doze de Outubro*," had arrived on the coast from Mozambique; and it was determined (as indeed the Undersigned was informed at the time by his Excellency Senhor Monteiro) to send the brig-of-war "*Constantia*," to capture this slaver, and doubtless the real intention of the supreme authority was to take the vessel. But information was privately sent to one Joaquim Moreira Pinto, an adopted Brazilian subject, and a notorious slave trader, and one of those engaged in the Insurance Company, established unblushingly here for the insurance of slave vessels; and in consequence, canoes were sent outside the harbour to land the Africans.

Of course, when the "*Constantia*" sailed, she found the "*Doze de Outubro*" without negroes on board.

The Commander of the "*Constantia*" had been told by more than one person before he sailed, what would be the issue of his cruise; and although the equipment and extra water-casks, and the stench peculiar to slavers, sufficiently proved the nature of the vessel, the Commander did not bring her into port as a prize. This vessel belongs to one João Pereira and his brother, natives of Madeira. The Undersigned could name the person who (however incredible it may appear) forwarded the information that defeated the just and praiseworthy intentions of the executive on this occasion, but does not think it expedient so to do at present.

It is with unfeigned regret, that the Undersigned perceives, that the means and power of the Imperial Government, are not exerted with energy or frankness, to put down the increasing and glaring evil of the importation of Africans. The mere forms of law are made use of, rather to protect than to bring to light the real employment of slavers, as well on leaving this harbour, as on their entrance. A Juiz de Paz goes through the form of examination; asks of the parties interested a few questions, and then absolves them of all crime; when it is notorious as the sun at noon-day, that these vessels are employed solely by, and for the slave-traders; and that a certain sum is paid per head, as a per centage on all the unfortunate victims of these unprincipled speculators, and their abettors in authority, whether unworthily belonging to this Empire, or abusing the flag of Portugal,—and this daily, under the very face of the Government, and in direct violation of the laws of this country, as well as of its Treaties with foreign nations.

The Undersigned subjoins an extract from the log-book of Her Majesty's ship, "*Herald*," which examined a vessel under Brazilian colours, only a few days from this port, completely fitted up for the Slave Trade, yet was suffered unmolested to leave the harbour, by the connivance of the authorities.

But it may be answered, and has been urged, that although there may be a moral certainty of the guilt of many principals and their accomplices, in these criminal proceedings, yet a legal conviction is very difficult, and when the corruption arising from the practice of slave-dealing is so universal as it is here, next to impossible. To a certain degree, this argument may be admitted as partially accounting for the uninterrupted impunity, with which these violations of law and morality are perpetrated. The Undersigned is aware, that in all the late cases of slavers captured, such threats have been held out against the persons and lives of those who might be employed to bring the truth to light, before the Mixed Commission, that they have been deterred from acting, and nothing but the open clearness of the guilt of the parties, could have procured their condemnation, under the extreme disadvantages of the position of the prosecutors.

But when a tangible and positive mode of interfering with the illegal practices of these criminals, is within the undisputed power of the administration, it behoves it to put in force that power, or to incur the possible imputation of indifference on the subject, if not approbation of these infractions of law and Treaty. The Undersigned alludes to the right possessed by the Government, of sending a foreigner out of the country, particularly when vehement suspicion exists, or when, in the absence of merely legal proof, moral certainty of guilt is evident.

In the relatorio of His Excellency, Senhor Vasconcellos, the Minister of Justice to the Legislative Assembly, he states, under the head of Police, that in December of 1837, a French watchmaker, named Megrat, was robbed. Two foreigners were suspected of the crime, and apprehended; for want of proofs, they would have been liberated; but, as they were foreigners, the Government shipped them on board a vessel for Cowes.

A similar instance of the Government sending out of the country a foreigner accused of crime, when there was a deficiency of proof to convict them, occurred last year; a person named Vizon was accused of passing false paper money, and was sent to Europe.

In 1834, Anastasio Joze Ribeiro, the owner of the "*Maria de Gloria*," captured with Africans on board, was ordered by the Government to leave the country; and although he afterwards found means by bribery to evade the sentence, it was not the less undisputed.

It follows, therefore, that the Imperial Government has only to determine sincerely, to act in conformity with the assurances, that the Undersigned has so frequently received, and which have been so often repeated on former occasions to his Court, as well as in accordance with their positive engagements, to give a severe blow to the illegal and disastrous efforts of the slave-traders, principally Portu-

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gues, who inundate this country with the barbarism and indolence of Africa, which every enlightened statesman, who has the good of Brazil at heart, wishes to see replaced by the intelligence and activity of European colonists, in aid of the improving habits and industry of the Brazilian working classes, the development of whose energies is effectually retarded by this fatal traffic.

The Undersigned will, on a fitting occasion, furnish the Imperial Government with a list of those persons, chiefly Portuguese, who disgrace their own country, and inflict much evil on this, by carrying on this unlawful trade; and has full confidence in the result of the energetic measures which he doubts not will, in consequence, be adopted by the Government of His Imperial Majesty.

With respect to the embargoes, the admission of which is a received practice peculiar to Brazilian tribunals, the Queen's Government has, as the Imperial Government is long since aware, instructed Her Majesty's Commissioners to dispense with the admission of them in future, whether on the part of the captors, or the slave-vessels. And although this may appear a formality that (particularly in the present cases of the "*Diligente*" and "*Feliz*," where no possible doubt can exist of the conviction of the vessels captured,) is rather unimportant, yet, as it may in some cases cause considerable delay, and consequently increased expenditure, (the excess of which, beyond the proceeds of the vessel, will, however, fall upon the Imperial Government,) it is highly expedient no longer to tolerate a usage interpolated in the proceedings of the Commission.

Besides, if the concession be unimportant, its refusal is the more calculated to shew an *animus*,—a feeling of unwillingness to act in conformity with the just views of the Queen's Government, that the Undersigned is far from desirous of attributing to the enlightened Government of Brazil. It must be remembered, that the Mixed Commission is not a Brazilian tribunal, and as well might the peculiar forms of British Jurisprudence be introduced in its practice, as those of Brazil; neither, however, are admissible. The laws by which the Commissioners are to be solely guided, consist in the stipulations of the convention under which they are named, and the instructions that they may from time to time receive from their respective Governments; therefore it depends at present entirely on the instructions given by the Imperial Government, to do away at once with a form which has been tacitly tolerated, till found unnecessarily to clog the proceedings of the Mixed Court.

That they are dispensed with in all other Commissions, is, it is feared, an additional proof of the difficulty of obtaining for the prosecution of cases connected with the Slave Trade, the same countenance on the part of the Imperial Government as is afforded in all others.

At this moment a Mixed Brazilian and Portuguese Court is sitting, and every day pronouncing sentences to which no embargoes are admitted. In the Mixed Court also, named for the liquidation of the prize claims between Great Britain and Brazil, the agent for the British claimants, on more than one occasion, presented embargoes, which were uniformly rejected,—as the sentences were declared *final*. In short it is useless to multiply examples; the Undersigned has only to fulfil the instructions of his Court, in requiring at the hands of the Imperial Government the fulfilment of their engagements, and that, conformably to their repeated assurances of adherence, in all matters relating to the Slave Trade, they will cause an instruction to be addressed to their Commissioners, to reject all embargoes that may henceforward be presented to the sentences of the commission.

The refusal of so just and simple a proposal, made in the interests of Brazil, cannot be anticipated by the Undersigned, but should, unfortunately, any sinister influence interest itself so far for the dealers in human beings, as to interpose difficulties in the way of that frank and sincere adoption of the proposed measure, which the Undersigned is prepared to expect, he can only lament the probable consequences of this unfriendly demonstration, and must, beforehand, exonerate himself from having in any way contributed to the state of things that may ensue. It has been his constant endeavour to preserve the utmost good feeling and amicable understanding in relation to this painful subject, as well as in regard to all other questions between the two Governments, and he would deplore the unfortunate tenacity which should uphold any part of a system calculated, even in appearance, to encourage and protect these enemies of the law and humanity, whom it is the duty, and should be the inclination, of every wise and civilized Government to crush by every means in their power.

The Undersigned trusts that the Imperial Government will not be backward in

giving a proof of their intention to support the exertions of ~~that~~ of Great Britain, to put an end to the Slave Trade, by not only acceding to the proposed non-reception of embargoes by the Mixed Court, but by using every effort that their military and naval resources may leave at their disposal, to seek out and bring to justice the violators of the law on this head. The Imperial Government will find a ready assistance on the part of Her Majesty's officers in any branch of the Queen's service. Should additional force be required, in aid of that of His Imperial Majesty, to root out and destroy the haunts of the slave dealers, and other pirates, to whom he has already alluded, it will be readily furnished, and the Undersigned will hail with the greatest satisfaction any demonstration of a real and practical co-operation, on the part of the Imperial Government.

But whether or not the Councils of this Empire are so constituted, that the good intentions of the Government are unfortunately not permitted to be carried into effect, it becomes the imperative duty of the Undersigned to remind the Imperial Government, by order of his Court, that Great Britain has resolved, in conjunction with her Allies, to put an end to the Slave Trade, nor will she be deterred by any obstacles, of whatever nature, and, however painful to the friendly feelings which actuate her towards Brazil, from promptly using the means she possesses, in order to carry into effect this her resolution, dictated at once by justice, humanity, and policy.

The Undersigned, knowing the just and honourable feelings and principles on this subject of Senhor Maciel Monteiro, implores His Excellency to use his best efforts to induce the Imperial Government to act sincerely in accordance with that of Her Majesty, in contributing to the extinction of the Slave Trade, and at the present moment, as an earnest of future harmony and good intelligence, to accede to the proposed suppression of a cumbrous and inapplicable technicality, in the forms of procedure of the Mixed Commission Court.

The Undersigned avails, &c.
(Signed) W. G. OUSELEY.

His Excellency Senhor M. Monteiro,
&c. &c. &c.

Second Enclosure in No. 73.

Number of Africans illegally imported into the Harbour of Rio de Janeiro and its Vicinity, during the last six months of the year 1838.

July	1,928
August	889*
September	3,828 }
October	4,676 }
November	3,656
December	4,668
	19,645

This is the number of negroes ascertained, without a doubt, to have been imported in vessels all under the Portuguese flag during six months: in the month of June 3,863 were imported. But if we take into consideration the vessels which have clandestinely landed Africans on the coast of this Province, the number would be much greater. In the whole year 84 slave vessels have entered this port almost openly, going through the formality, become almost ridiculous, of being examined by a Juiz de Paz, and imported 36,974 negroes with impunity; but the real number imported into this Province is probably 40,000 or upwards.

These 84 vessels were all under the Portuguese flag.

Third Enclosure in No. 73.

Information taken from the Boarding Book of Her Majesty's Ship "Herald."

On the 9th October, 1838, the "Herald" fell in with the brigantine "Felix Aurora," under Brazilian colours, of 166 tons, J. Caetano, Master and Owner.

* The Market overstocked, and a consequent limited importation.

This vessel belonged to Rio de Janeiro, whence she sailed on the 30th September, was completely equipped and fitted for slaves, having two large water casks upon deck, extending nearly one-third on each side of the deck, fitted with separate boxes for slaves, had large brick-built coppers, and had the Log completely written every day, showing that she left Rio in the state we met her in.

(Signed) JOHN NIAS, *Captain.*

No. 74.

Mr. Ouseley to Viscount Palmerston.—(Received March 20.)

(Extract.)

Rio de Janeiro, January 21, 1839.

AN article appeared two or three days ago in a morning paper of this capital, publishing a Petition to the Emperor of Brazil from the Proctor or Advocate of the Slave-trader in the case of the "*Diligente*," lately condemned by the Mixed Commission, to the effect that His Imperial Majesty is implored to cause instructions to be issued to the Commission to accept the embargoes presented by the petitioner, and making some observations calculated to influence the public mind on a subject which, like all those relating to the measures suppressive of the Slave Trade, causes irritation and general excitement in this country, but particularly at the seat of government.

I have the honour to subjoin a copy and translation of this article, together with those of a reply to it, which appeared in the same journal that had published the petition:

Enclosure in No. 74.

(Translation.)

(*Extract from a Newspaper.*)

MR. EDITOR,

As the question of the Portuguese brig schooner "*Diligente*," captured by Her Britannic Majesty's ship "*Electra*," has attracted the public attention, and called forth universal interest, I have to request that you will publish the following petition made by the solicitor for the vessel, and addressed to the Minister for Foreign Affairs, in order that the Commission may be instructed to receive the embargoes offered against that sentence, inasmuch as the Mixed Brazilian and British Commission replied to that petition that "*there was a difference of opinion between the two Judges, and therefore that the Claimant might appeal to whomsoever he thinks fit.*"

The copies which I am now procuring of the documents on this subject I shall gradually publish, in order that the public may be made acquainted with its pitiful puerilities.

I remain, &c.

(Signed) IMPARTIAL.

"SIRE,

"THE solicitor, Joao Manoel Pereira Silva, comes before your Imperial Majesty to implore that the Mixed Brazilian and British Commission may be instructed to receive the embargoes offered by the petitioner to their sentence, in the case pending between the parties as Captor, William Preston, Commander of Her Britannic Majesty's ship "*Electra*," and as defendant, the Captain of the Portuguese schooner "*Diligente*," inasmuch as it considers itself authorized to condemn a vessel as a good prize, while that sentence recognizes her to be Portuguese property.

"The legislature by which we are governed, by the ordinance contained in the 3rd Book, Chapters 87 and 88, having established the principle that "*embargoes*" may be offered to any sentence whatever, which it may be wished to alter, and "*embargoes*" being "*resorts*" in law, essentially differing from "*appeals*," not only in their nature, but also in their means and effects, inasmuch as the former are directed to the same Judges who gave the sentence which it is desirable to reform, and cannot be accepted unless they contain new and relevant matter, constituting in some sort a petition, that the Judge will further analyse, revise, and

rejudge the question; whereas "*appeals*" are resorts had to other and superior tribunals, which take cognizance of the judgments of inferior Courts, and the Treaty of 1815, and the additional Convention of 1817, concluded between Portugal and England, and adopted by Brazil, on prohibiting "*appeals*" from the sentences of the Mixed Brazilian and British Commission; inasmuch as it does not acknowledge any superior tribunal in its peculiar attributes, the principle is clear and indisputable that to these sentences embargoes may be offered, so long as an act of the Legislative Assembly does not establish the contrary.

"Moreover every precedent is in favour of this theory; inasmuch as the Mixed Commission has already received embargoes not only on one occasion, but on several, and as instances the petitioner will cite the vessels '*Flor de Loanda*,' '*Cæsar*,' and '*Brilhante*.'

"Authorized, therefore, by this general principle of law, applicable to the present case, the petitioner presented his embargoes to the sentence of the Commission which condemned the Portuguese schooner '*Diligente*,' and he received the following reply to his application—that 'there was a disagreement between the two Judges, but that the petitioner might apply to whomsoever he judged proper.'

"In consequence of which reply, the petitioner protested against the execution of the sentence, embargoes being still pending which were yet undecided, though presented within the term allowed by law: and that, consequently, the sentence could not be *definitive*.

"And he has thought it right to request Your Imperial Majesty, to deign to order that the commission shall accept the embargoes according to their weight and merits, that they may proceed to a definitive judgment; thereby upholding the dignity and decorum of the Brazilian judge, who also contends for their reception.

"It is not sufficient that appeal be denied, that there is no resource left open, that the citizens who may be judged by the Mixed Commission, are deprived of every guarantee? Must also their only remaining privilege be removed, that of offering embargoes?

"Your petitioner prays and hopes that your Imperial Majesty, on consideration of what he has alleged, will deign to accede to his request.

"And your Petitioner will ever pray

(Signed)

"JOAO MANOEL PEREIRA DA SILVA."

Second Enclosure in No. 79.

(Translation.)

(*Extract from a Newspaper.*)

MR. EDITOR,

IN your paper of the 15th instant, there is a letter published, signed ironically I suppose, "*Um Imparcial*," and forwarding a copy of a petition to His Imperial Majesty, imploring that orders be given to the Brazilian and British Mixed Commission, to receive embargoes in the case of the brig schooner "*Diligente*," condemned for introducing Africans into this country.

The ignorance shown by the writer of the petition, of the very nature of a Mixed Commission can scarcely be real, he is the legal adviser of the delinquents in this case, and can surely only feign a want of knowledge of the subject, to give him a fair excuse for making public a pretended petition to the Sovereign power.

In the first place, he must be aware that a Mixed Commission cannot be ordered by any one Government to adopt any measures in common; each Government can only address instructions to its own Commissioner, separately and respectively.

Secondly,—It is not the code of laws of Brazil, that is to guide the judgments of the Mixed Commission; as well might the British Commissioners insist that the peculiar forms of English common or statute law should be the rule for the proceedings of the Mixed Court, as the Brazilians contend for the exclusive observance of the legal usages of this empire.

The Mixed Commission is of a diplomatic nature; as a court, its only statutes are contained in the Articles of a Convention *ad hoc*, between the two high contracting parties, and its proceedings may be modified by such instructions as it may receive from time to time, from the Governments by which it is appointed.

Thirdly.—As to precedents, every example of Mixed Commissions is against the view taken by the petitioner. The very Brazilian and Portuguese Commission now sitting here, does not admit of embargoes to its daily sentences. When the Commission sat some years ago for the liquidation of the prize claims, then in discussion between Brazil and Great Britain, the agent for the claimants wished to oppose embargoes to the decisions of that Court, but they were invariably rejected, and the answer given that the sentences were final, as they are in fact declared by Treaty to be in the present commission. With respect to the "*Brilhante*," it was only on the express condition that it was not to be considered a precedent, that the embargoes were admitted, and the previous toleration of them was never a formal acquiescence.

Finally, the petitioner considers, or affects to consider the Mixed Commission a Brazilian Tribunal, and declaims on the dignity and decorum of the bench. He forgets that the circumstance of the Brazilian Commissioner being otherwise a legal functionary, is purely accidental. Commissioners under Treaties are diplomatic, not judicial agents, and most of those composing them are not legal characters; nor is it necessary, as they have to abide by the express Articles of a Convention.

It would be giving the Brazilian Commissioner an immense advantage, if he was to bring to bear his extensive knowledge of Brazilian law, backed by his talents and well-earned reputation, in support of any difference he might have with his British colleague, who is not a lawyer, at any rate not a Brazilian lawyer, and only looks to the Treaty and his instructions.

(Signed)

"AUDI ALTERAM PARTEM."

No. 75.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, March 25, 1839.

I HEREWITH transmit to you a copy of a Despatch, and of its Enclosures, which I have received from Her Majesty's Commissioners at Sierra Leone, giving an account of the case of the slave-vessel the "*Veloz*," detained and condemned for having been engaged in Slave Trade, contrary to the Conventions between Great Britain and Portugal.

Although the vessel, the "*Veloz*," bore the flag of Portugal, and was furnished with Portuguese papers, the adventure in which she was engaged was Brazilian. She cleared out from Pernambuco, and was at that time fitted out for Slave Trade, and had on board a large quantity of slave-irons, and could not, under these circumstances, have commenced her illegal undertaking, without the connivance of the authorities of the place from which she sailed.

Her owner was Avizedo Lisboa, a resident at Pernambuco. He was also the owner of her cargo; and her slaves were to have been landed at Pernambuco on his account, and at his risk.

The papers which were found on board the "*Veloz*" contain indisputable evidence, that Slave Trade is carried on in Brazil to an enormous extent, upon a regularly-organized system.

From these papers it appears, that, in the year 1836, an association, or joint-stock company, was formed at Pernambuco for the purposes of Slave Trade. This association consisted of twenty individuals, each of whom subscribed four millions of reis, thus creating a capital of eighty millions of reis. J. T. de Avizedo Lisboa, the owner of the "*Veloz*," is the treasurer of the company: Manoel Alves Guerra, and Joaquim Leonardeo d'Oliveira Guimariens, two other slaveholders of the company, are assistants to the treasurer at Pernambuco. The company have a slave-factory, on a very extensive scale, at Benin; and three agents have been appointed to purchase slaves, and to assist the operations of the company in that neighbourhood. Joao Baptista Cezar, the consignee of the "*Veloz*," is one of those agents: he resides at Benin. Antonio Fez Vianna, another of these agents, resides at Princes Island, in order to provide supplies for the slaves. J. T. de A. Lisboa, the treasurer, conducts the mercantile business of Messrs. A. de Silva, merchants at Pernambuco. The wife and family of J. B. Cezar, the agent at Benin, live at Pernambuco; and J. B. Cezar has been carrying on business as a mercantile agent at that place.

The brig "*Camoens*," restored under the circumstances detailed in the accompanying copy of a Despatch from Sierra Leone, was the first vessel; and the brig "*Veloz*" was the second vessel, sent out by this company. The instructions given to the vessels to enable them to avoid capture are remarkable for the precautions, which the masters of those vessels are desired to use, for the evasions they are directed to practice, for the false statements they are enjoined to make, in order to prosecute with impunity their nefarious traffic.

You will communicate these papers to the Brazilian Government, and express the hope of Her Majesty's Government, that the information which these documents contain, will enable that Government to obtain evidence, sufficient for the purpose of punishing the violation of the laws passed by Brazil against Slave Trade; and Her Majesty's Government trusts, that the Brazilian Ministers will not lose the opportunity thus offered them, of giving to the world an unequivocal proof of their desire to put down that traffic; and that they will cause a strict investigation to be made into the statements respecting the Slave Trade Association, and will enforce rigidly upon the culprits the penalties, which the laws of Brazil prescribe for such offenders.

I am, &c.

(Signed)

PALMERSTON.

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

Enclosure in No. 75.

Sierra Leone Commissioners, May 30, 1838.

(See Class A, First Series, No. 32, page 43.)

No. 76.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, April 1, 1839.

YOUR Despatch marked "Slave Trade, Confidential," of the 19th of January, 1839, has been received.

I entirely approve the note which you addressed to M. Monteiro, on the 15th of January, 1839, and in which you added to your representations against the continuance of embargoes, remonstrances to the Brazilian Government upon other subjects, connected with the conduct of the Imperial Authorities as to the Slave Trade; and I approve of your having therein urgently called upon the Government of Brazil, for a frank and cordial co-operation with the Government of Great Britain in the suppression of that trade.

I am, &c.

(Signed)

PALMERSTON.

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

No. 77.

M. Lisboa to Viscount Palmerston.

LE Soussigné, Chargé d'Affaires de Sa Majesté L'Empereur du Brésil, a l'honneur de porter à la connaissance de Son Excellence M. le Vicomte Palmerston, Principal Secrétaire d'Etat de Sa Majesté la Reine d'Angleterre au Département des Affaires Etrangères, une importante mesure que Son Gouvernement vient d'adopter, par rapport aux jugemens prononcés par la Commission Mixte Brésilienne et Anglaise, seant à Rio de Janeiro.

C'est en présence des avis officiels, qu'il a reçus par la malle de ce jour, que le Soussigné à l'honneur d'annoncer à Lord Palmerston, qu'aux sentences émanées de la susdite Commission Mixte ne sera plus applicable le recours des "Embargos;" les cas mêmes qui s'y trouvent actuellement soumis seront déjà assujettis à cette règle, qui, outre l'avantage essentiel d'un procès sommaire, établira une conformité nécessaire avec les travaux de la Commission Mixte établie à Sierra Leone.

Le Soussigné vient d'apprendre par la même voie un acte de rigueur, dont a été l'objet un des employés du Gouvernement Impérial, contre qui la Légation de Sa Majesté Britannique a fait parvenir des plaintes sérieuses: il se félicite de pouvoir ajouter, qu'on allait prendre les mesures les plus énergiques contre qui-

conque, directement ou indirectement, protégera l'infâme *traite* des noirs, au mépris du noble but, que les deux Couronnes ont voulu atteindre en ratifiant la Convention du 28 Juillet, 1837.

Le Soussigné s'estime heureux de pouvoir ainsi citer à Son Excellence des faits authentiques, à l'appui des Assurances qu'il a dernièrement eu l'honneur de lui donner sur les efforts sincères de son Gouvernement, pour que les clauses de la Convention de 1826, sortent leur entier et plein effet.

Des infractions nombreuses ont été malheureusement commises ; mais le Soussigné l'a déjà soutenu, et il a l'honneur de le répéter à Lord Palmerston, le Gouvernement Imperial le déplore aussi amèrement que qui ce soit, et est bien décidé à ne négliger aucun soin, pour mettre un terme au fatal aveuglement de eux qui s'en rendront odieusement les auteurs.

Le Soussigné, &c.

(Signé)

MARQUES LISBOA.

32, Dorset Square, 8 Avril, 1839.
à Son Excellence Vicomte Palmerston,
&c. &c. &c.

Translation.

THE Undersigned, &c. has the honour to make known to His Excellency Viscount Palmerston, &c., an important measure which his Government has just adopted, with reference to the judgments pronounced by the Mixed Brazilian and English Commission, sitting at Rio de Janeiro.

It is with the official notification, which he has received by this day's mail, before him, that the Undersigned has the honour to announce to Lord Palmerston, that recourse will not be permitted to be had to "Embargoes" in sentences emanating from the above-named Mixed Commission. Even the cases now actually before the Court will be subject to this rule, which, besides the essential advantage of being a summary process, will establish the requisite conformity with the proceedings of the Mixed Commission established at Sierra Leone.

The Undersigned learns, by the same means, an act of rigour, the object of which was a person employed by the Imperial Government, against whom the Legation of Her Britannic Majesty had made serious complaints. He is happy to be able to add, that the most energetic measures were about to be taken against whosoever, directly or indirectly, should protect the infamous traffic in slaves, in despite of the noble end which the two Crowns wished to attain in ratifying the Convention of July 28, 1837.

The Undersigned thinks himself fortunate to be thus able to cite to His Excellency authentic facts, in support of the assurances which he has recently had the honour to give, of the sincere efforts of his Government, to give full and entire effect to the clauses of the Convention of 1826.

Numerous infractions have unhappily been committed ; but the Undersigned has already maintained, and has now the honour to repeat to Lord Palmerston, that the Imperial Government deplores it as bitterly as any one ; and is quite decided not to neglect any means for putting an end to the fatal blindness of those with whom they may originate.

The Undersigned, &c.

(Signed)

MARQUES LISBOA.

32, Dorset Square, 8 April, 1839.
The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 78.

Mr. Ouseley to Viscount Palmerston.—(Received April 17.)

(Extract.)

Rio de Janeiro, February 1st, 1839.

ON communicating to the officers commanding Her Majesty's ships of war on this station the opinion given by Her Majesty's Commissioners, as to the liability to detention, and probable condemnation of vessels fitted for the Slave Trade, although

not having negroes on board, (as mentioned in my Despatch, Slave Trade, of the 15th January,) I found they were of opinion, that the instructions or papers alluded to might be some that had lately been drawn up, and with which they were not provided.

In order to remove doubts on the part of naval officers, that might interfere with the active exercise of their duties, I addressed a letter to Her Majesty's Commissioners, requesting a positive and explanatory answer on this head; and on the receipt of their reply, I communicated it to Captain Herbert, and have reason to hope that all hesitation, as to the propriety of detaining vessels, under the circumstances mentioned, is now removed.

I have the honour to enclose copies of the correspondence that has taken place on this subject.

First Enclosure in No. 78.

Mr. Ouseley to Her Majesty's Commissioners.

GENTLEMEN,

Rio de Janeiro, January 21st, 1839.

REFERRING to your note of the 12th instant, respecting the slaver "*Feliz Aurora*," overhauled by Her Majesty's ship "*Herald*," on which I addressed you on the 9th instant, some of the officers of Her Majesty's squadron have requested to know what papers are alluded to in your note, as necessary to authorize the detention, by ships of war under their command, of vessels, without negroes on board, equipped for the Slave Trade.

To avoid the possibility of any misconception on this point, I have to request that you will be good enough to furnish me with the exact designation of the papers in question, in order to be enabled to convey from the best authority the information required.

I have, &c.
(Signed) W. G. OUSELEY.

P.S. Owing to the departure of the packet, I have only time to acknowledge the receipt of your note of this day's date, and its enclosure, this moment received, and to thank you for the information it contains.

(Signed) W. G. O.

To Her Majesty's Commissioners,
&c. &c. &c.

Second Enclosure in No. 78.

Her Majesty's Commissioners to Mr. Ouseley.

SIR,

Rio de Janeiro, 23rd January, 1839.

YOUR letter of the 21st instant did not reach us till this morning.

In it you request to be furnished by us with the exact designation of the papers alluded to in our note of the 12th instant.

On referring to that note, we find no mention whatever of papers. The proviso to which, we presume, you refer, contemplated only the "Instructions" required by the Treaty. But we cannot, perhaps, better answer your inquiry, than by communicating to you a copy of the Despatch which we addressed to Viscount Palmerston on the subject.

We have, &c.
(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

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

Third Enclosure in No. 78.

Mr. Ouseley to Captain Herbert, R.N.

SIR,

Rio de Janeiro, 24th January, 1839.

WITH reference to our conversation of the other day, I enclose for your information, and that of other officers in command of Her Majesty's ships of war on this station, copies of a reply, and of its enclosures, from Her Majesty's Commissioners, to inquiries made as to the nature of the instructions required for detaining slavers under Brazilian colours, not actually having Africans on board.

You will perceive by these papers that the British Commissioners are of opinion that such vessels are liable to capture and condemnation, and that no other documents or instructions are required to authorise their detention than those hitherto furnished to vessels of war destined to cruise against slavers under the Brazilian flag, in conformity with the Articles of the Treaty for the Slave Trade Suppression.

It will, I should think, be highly satisfactory to the Queen's Government, and much conduce to an object that it has greatly at heart, viz., the complete extinction of the traffic in Africans, that this opinion be acted upon by the officers of Her Majesty's squadron; and should any further communication on this subject be, in your opinion, advisable, I shall gladly employ every means that can possibly be within reach of Her Majesty's Legation to contribute to carrying into real effect the Convention for the Suppression of the Slave Trade.

I have, &c.

(Signed)

W. G. OUSELEY.

P.S. I take the liberty of recommending that this correspondence, as supplementary to my note to the Commander of Her Majesty's naval forces on this station, be communicated to Commodore Sullivan by the first eligible opportunity that may offer for sending to Montevideo.

(Signed)

W. G. O.

Captain Herbert,
&c. &c. &c.

No. 79.

Mr. Ouseley to Viscount Palmerston.—(Received April 17.)

(Extract.)

Rio de Janeiro, February 16th, 1839.

IMMEDIATELY upon the receipt of the answer to my note of the 15th ult., enclosed in my Despatch, Slave Trade, of 19th ult., there appeared in the papers of this capital a comparative statement of the naval forces of England, France, Russia, and the United States, in which our navy was represented as positively inferior in force and efficacy to those of France and Russia, and proportionately to that of the United States. These statements were made principally on the authority of certain papers published in England.

A counter statement, which has appeared lately in some English papers, giving exact lists, and putting in a fair light the relative strength and efficacy of the principal navies of the world, has also been published in the two leading journals of this place.

By Lisbon papers, lately received here, it appears that they have republished there the petitions, and calumnious and outrageously false statements, which were made here on the subject of the treatment of the prisoners on board the "*Flor de Loanda*," by the officers of Her Majesty's squadron.

I have the honour to transmit also a counter-statement published here in the name of the officer in charge of the "*Flor de Loanda*."

The Portuguese Consul-General and Chargé d'Affaires has lately made public, in the papers of Rio de Janeiro, the intention of his Government to colonise Angola and other African possessions, and offers facilities and assistance to the emigrants who have arrived, and continue to come in considerable numbers from Lisbon, Oporto, and the Azores, in proceeding from hence to Angola. It appears to be the serious intention of Portugal to make use of the resources of their African

possessions, and to endeavour to enter into competition with Brazil in the production of coffee, sugar, &c. Long articles have lately been published in the Rio journals, describing the Portuguese colonies in Africa, their capabilities, and the expediency of giving a full development to their resources. It is satisfactory to observe that some of the statements, which are made with considerable ability, mention that the great obstacle which has hitherto been opposed to the improvement and prosperity of Angola and the other Portuguese possessions, is the Slave Trade; and point out how far more really profitable would be the cultivation of the extremely fertile soil, and the encouragement of general commerce.

The statements are not made by the Portuguese Consul-General, but are, it appears, inserted by order of the Portuguese Government; and if their declared intention of colonising and improving the African colonies is fully carried into execution, the Slave Trade may be much impeded, perhaps ultimately suppressed, wherever these salutary measures are adopted.

(Translation.)

Enclosure in No. 79

Letter published in the Rio de Janeiro newspaper "Jornal do Commercio," of the 11th August, 1838.

Rio de Janeiro, on board the schooner "Flor de Loanda,"
July 30th, 1838.

MR. EDITOR,

As there have been published in the *Jornal do Commercio* some letters relating to the treatment of the Master and other individuals found on board the slaver "*Flor de Loanda*," after she had been detained by Her Britannic Majesty's ship "*The Rover*," on the 11th of April last, I appeal to you, Sir, under the conviction that, admitting the maxim of *audi alteram partem*, you will do me, as the officer entrusted with the care of the vessel, the favour of causing to be published in your journal the following observations, in reply to the letters referred to.

The great tissue of falsities and absurdities, which I have at this moment before me, deserves no answer; but, in order to disabuse the respectable portion of your readers, and to state the real facts of the case, I have selected the only points which involve complaints, and relate to the following charges:

1. That the prisoners were not permitted to have communication with any person.
2. That they received only half rations.
3. That they were put in irons by order of the Commander of the "*Rover*."
4. That they were put in irons, likewise, by order of the Commander of the "*Wizard*," and thrown into the hold.
5. That the passenger of the name of Maia, on being attacked by the scurvy, had not been allowed to go on shore.

To which I reply in the following manner:—The first complaint merits only an absolute denial, inasmuch as access was never refused to any friend of the prisoners. They received the clean linen, fruits, and all the provisions brought them, with the exception of spirits, which are prohibited, being an indulgence which ought to be strictly forbid, from being liable to abuses.

They received two-thirds of the rations of victuals, in conformity with the regulation of the British naval service, it being the same that is regularly allowed to every British sailor or soldier, when they are embarked as passengers, and not required to do any work.

Barbosa, the master of the "*Flor de Loanda*" remained on board that vessel till the "*Rover*" came to an anchor in the port of Rio de Janeiro, when he was passed on board the latter; and, in spite of orders to the contrary, persisted in hailing boats to come alongside, for which misconduct, and other refractory acts, he was put in irons, only during one night, a proceeding which is common, not only on board all the national ships of war, but also in merchant vessels.

That four passengers and four of the crew of the "*Flor de Loanda*," being attacked by the scurvy, were allowed to disembark, an indulgence not permitted according to the established regulations with respect to persons encountered on board slave-vessels.

That two of the prisoners on board the "*Cesar*," finding themselves poorly, were also permitted to sleep during the night on deck, of which they availed themselves for assisting two of the slaves to make their escape. I ascertained that the two prisoners in question connived at it, from the confession of the other prisoners on board, who were privy to the circumstance; in consequence of which I made an official report of the occurrence to Lieutenant Bower, then the superior British naval officer in this port.

On board the "*Brilliant*," also, a sentinel discovered a man endeavouring to throw overboard a sack, and who offered 100,000 reis for the permission of effecting it; but the sentinel held a pistol to his breast, when he dropped the sack, which was found to contain a negro boy. This man was consequently put in irons, and if he had been shot in the act, it would have been in conformity with the usage of all nations under similar circumstances.

On account of these occurrences, as well as because two other prisoners escaped from on board the "*Wizard*," it became necessary to put all the prisoners in irons, from sunset to daylight next morning; but at the intercession of the Chargé d'Affaires, and Consul General of Portugal, through the intervention of Mr. Stevenson, this punishment was not inflicted on the two Captains.

Their treatment, in their situation, was always good, till their misconduct provoked the adoption of these measures. One of the passengers dined in the gun-room with the officers of the "*Rover*," till the nature of his malady rendered his removal indispensable, after which, his dinner was carried him by a servant of the officers.

The Mate and a boy were treated as persons belonging to the mess of the marines, till they too, having been attacked, were removed on deck, whither their dinner was carried them.

The crew had the launch amid-ships allowed them, with an awning, and they walked about without any constraint.

The assertion of their having been thrown into the hold is another falsity, which is impudently alleged, as the fore-castle was given up to them.

I hope, however, that the period is not very distant, when the present system of forbearance on the part of Great Britain, of being satisfied merely with the conclusion of Treaties, which are continually violated by the pirates, who traffic in human flesh, will be followed by a shorter kind of process, more in accordance with real justice.

If the passenger Maia was not allowed sooner to go on shore, it was entirely his own fault, as the officer, in whose charge the "*Flor de Loanda*" was, has in his possession a petition signed by Joao Furnaia Duras, José Juiz de Oliveira, Manoel José Borger de Carvalho, and a boy, in consequence of which, he allowed them to disembark. Maia might have obtained the same indulgence; but though he was cognizant of those companions of his, having made such an application, he yet did not choose to be included in it, without alleging any motive for this omission.

The treatment of these persons on board the "*Calliope*," needs no explanation, as no specific complaint is alleged during the few days that they were detained on board that vessel, till their final transference on board the "*Stag*."

Having been removed for good on board the "*Stag*," on the 4th July, it is marvellous that the petition, which contains many pages of vague and general complaints of oppression, directed essentially against the officers of that ship, should bear date of the 7th, so as to leave a very short space of time between the 4th, and the commencement of this precious document, for the accumulated sufferings there set forth.

The Commodore having, on the 11th July, obtained information of this requisition, ordered immediately all persons to be called on deck, where he interrogated them what complaints they had to make; to which they answered, that they had none, denying entirely any knowledge of the like petition. While this examination was going on, some of their friends brought them clothes and fruit, which, no less than the other articles, with the exception of spiritous liquors, were never withheld from them.

This examination took place in the presence of several officers of the "*Stag*," who, I am authorised to say, would not hesitate to attest this fact,—at which, also, a Brazilian was present.

That the scurvy having made its appearance among them, the surgeon removed ten, who were forthwith sent on shore, and thence to the hospital; ten more were sent on the 16th, and the remainder disembarked on the 21st July.

Up to this moment, every vigilance has been necessary for resisting the attempts of kidnappers, who make their appearance during the night in boats, with the view of carrying off more negroes. They cannot be ignorant that they might have paid the forfeit of such an outrage; but, as if willing to afford a still greater proof of how light they make of naval authority and discipline, a boat, with ten men, got as far as the bowsprit of the "*Flor de Loanda*," at one o'clock in the night, and being pursued by a boat of the "*Wizard*," contrived to escape by dint of rowing, and favoured by the night-fog.

A more successful attempt took place on board the slaver "*Brilhante*," which, eluding the vigilance of the sentinels, got a slave on shore; in the following night, another kidnapper was discovered near the gangway of the "*Brilhante*;" and this one, too, managed to make her escape, though the sentinel fired on the boat.

As to the abuse scandalously levelled against our respected superior officer, it arises solely from a wish to insult his situation as British Commander-in-Chief; but it is alike ill-timed and absurdly false, as well as at variance with the well-known humanity and generosity of his private character; but proceeding from the parties, mentioned in the diatribes of the *Jornal do Commercio* of the 20th July, it can only excite sentiments of the most decided contempt.

The absurdity and effrontery of men openly employed in the traffic of their species, and in the practice of the most abominable barbarities, perhaps even in the murder of their victims, invoking the sacred cause of liberty and humanity, and placing themselves on a par with civilized nations, are so evident as not to require any remark.

As to claiming the protection of the Portuguese flag, they ought to be well aware, that, having been met with carrying on the Slave Trade, they are *ipso facto* abandoned, and, as such, not recognized by the authorities of Her Most Faithful Majesty; and that, therefore, so far from being entitled to the protection of the *Chargé d' Affaires* and Consul-General of Portugal, all that they should ask for is the compliance with their duties, in obedience to Article 23 of the Decree of the 8th April, 1837, which is to the following purport:

"Article 23. The Consuls and Vice-Consuls of Portugal, at any foreign port resorted to by Portuguese ships, are charged with the execution of the present Decree; and if they should meet with any contravention of it, it shall be lawful for them to call upon the competent authority of the country for the seizure and imprisonment of the delinquents, causing thereafter the ships, prisoners, and cargo to be given up to the naval department, for the latter to direct cognizance to be taken of the whole by the proper authorities."

Thus repudiated by the nation whose flag they disgrace, they imagine, notwithstanding, that they may invoke the protection of the Government of Brazil, which in truth would amount to an insult offered to the Imperial Government, whose laws they are infringing every day, and which has already declared them pirates, and consequently placed them beyond the shelter of the law of nations.

If these miscreants, who were always treated with more favour than they deserved, had any ground for their pretended complaints, (which, after all, is evidently the work of those who derive a systematic and indirect profit, through connivance and complicity, from the attempts made under the Portuguese flag), supposing even that their treatment had been worse than described by them, what right have they to *invoke the humanity, philanthropy, justice or liberality of sentiments of their captors*? They who are in the daily habit of committing revolting acts of cruelty and piracy, who crowd their fellow men by hundreds, and throw them into narrow holds of ships scarcely capacious enough for accommodating a tenth part of their number,—who cause these unfortunates to suffer what no one ever was known to do,—who was ever guilty like them, of crimes of such a deep die, but incurred by such a conduct, punishment?

It would seem impossible for such men to venture to employ the terms of *scandalous, despotic, barbarous, infamous, horrid, odious, tyrannical, arrogant, inconvenient, little tyrants, ferocious executioners*, and so forth, when all these epithets, so ridiculously supplied to their indulgent captors, only apply to, and exactly describe them, calling immediately to mind the crimes by which they have been placed out of the pale of civilized nations, and have justly incurred greater punishments than those captors choose to inflict on them.

(Signed) WHALEY ARMITAGE,
In charge of the prize "*Flor de Loanda*."

Viscount Palmerston to M. Lisboa.

THE Undersigned, &c. has had the honour to receive the note addressed to him, under date of the 8th instant, by the Chevalier Lisboa; announcing on the part of the Brazilian Government, that the principle of embargoes is no longer to be considered as applicable to the sentences of the Mixed British and Brazilian Commission established at Rio de Janeiro.

Her Majesty's Government learns with satisfaction the decision of the Brazilian Government; and it derives sincere gratification from the assurances, that the Brazilian Government will adopt the most energetic measures against any one who shall directly or indirectly protect the infamous trade in slaves, and that they will neglect no means of putting an end to the criminal conduct of those, who may continue to commit those infractions of the Treaty which have heretofore, in many instances, been committed in Brazil.

The Undersigned trusts, that the assurances now given by the Government of Brazil, will be followed up by active and vigorous measures, for carrying into effect these praiseworthy intentions of that Government.

Foreign Office, April 18th, 1839. The Undersigned, &c.
(Signed) PALMERSTON.
The Chevalier Marques Lisboa,
&c. &c. &c.

No. 81.

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

(Extract.)

Rio de Janeiro, February 16, 1839.

I HAVE the honour to enclose copy of a note addressed by me to M. Monteiro, on the 25th January, 1839, on the subject of embargoes, together with copy and translation of a note, received from the Brazilian Minister of Foreign Affairs, announcing the abolition of the *embargoes* in the present, as in all future cases submitted to the Mixed Commission. His Excellency promised, that instructions, conformable to the tenor of his note, should be forthwith issued to the Brazilian Commissioners.

On the receipt of this note, I wrote to Captain Herbert, stating, that the Imperial Government had agreed to abolish the *embargoes*. A copy of my note is subjoined.

I also transmit a copy of a memorandum for instructions, to the officers in charge of the slavers, in case they had been sent to Demerara.

I have only time before the departure of the packet, to refer your Lordship to the inclosed correspondence without offering any remarks or analysis.

I have, &c.,
(Signed) W. G. OUSELEY.

P. S. When about to close this Despatch, I received from Captain Herbert the note that I beg leave to transmit in copy, in addition to the correspondence inclosed above.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c. (Signed) W. G. O

First Enclosure in No. 81.

Mr. Ouseley to Senhor A. M. Monteiro.

The Undersigned, &c., referring to former official correspondence and communication with His Excellency Senhor A. P. Maciel Monteiro, &c., on the subject of the non-admission of *embargoes* in cases adjudicated by the Mixed Commission Court; has the honour now to address him, to request that he will take into serious

consideration the extreme difficulties of the position of the Undersigned, with respect to the slave-vessels "*Diligente*" and "*Feliz*," at present in charge of the British squadron.

In the adjudication of the "*Brilhante*," the Imperial Government were distinctly informed, that it was the last case in which the reception of *embargoes* could be admitted by Her Majesty's Commissioners; yet the Brazilian Commissioners are still instructed by their Government to insist upon their reception.

In the mean time the disastrous consequences of delay, and the onerous charge of the custody of the vessels "*Diligente*" and "*Feliz*," are daily becoming more seriously felt.

The time which would be required to make copies of all the correspondence, that has taken place on this matter, obliges the Undersigned to confine himself to laying before His Excellency a summary of the letters and communications, which have passed between Captain Herbert, the present Commander of Her Majesty's naval forces, and the Undersigned.

Soon after the publication of the final sentence of condemnation, Captain Herbert applied to this Legation, to be informed of the time fixed for carrying that sentence into execution. It was at that time, that the question of the non-admission of "*Embargoes*" having been decided negatively by the Imperial Government, he again wrote to the Legation stating the utter impossibility of his taking upon himself the responsibility of an indefinite delay in providing for the Africans on board the two vessels, explaining fully to the Undersigned the risk incurred of the spreading of contagious disorders, to which many had already fallen victims, even the officers and crews not having escaped the infection of the small-pox, and other maladies; that, during the present season of the year, the excessive heat caused the evils and dangers of keeping so many human beings confined in inconvenient, unwholesome, and crowded small craft, to be doubly felt; the irritating collisions, and even sanguinary conflicts, which arise out of the nightly attacks in boats, for the purpose of kidnapping the negroes; the extreme expence incurred for their support, as well as the hindrance and inconvenience occasioned to the service of the squadron, already weakened by the absence of several vessels of war, so as to be with difficulty enabled to fulfil their other duties, and to conform to instructions on subjects foreign to the present question,—in a word, Captain Herbert has at different times made me fully aware of the extreme difficulty, not to say impossibility, in a naval sense, of leaving these vessels in their present *statu quo*, that I have felt it to be my duty,—the instructions to Her Majesty's Commissioners being positive, and the Queen's Government regarding the sentence already pronounced as final;—to find some means of providing for the safety of these vessels and Africans, under circumstances so very adverse.

The plan of having recourse to the Imperial Government, and requesting from it the permission to make use of an island, or other fitting place, for the reception of the negroes, was rejected on a consideration of the fatal results of a similar arrangement in 1835, when, under the command of Admiral Sir Graham Hamond, the negroes of the "*Rio de la Plata*" having been landed under the sanction and protection of the Imperial Government, the guard was attacked by so superior an armed force, that, after all the resistance in their power, having been disarmed or wounded, above 200 Africans were carried off.

There remained then but to decide upon sending, with as little delay as possible, the two vessels to the nearest British possession; and Captain Herbert advised the Colony of Demerara, or the Island of Trinidad, as being the most easy of access, and the voyage generally much shorter than that to Sierra Leone.

The Undersigned has then, on mature reflection, and after having sought, by every means in his power, to provide for these vessels, and for those on board of them, in the manner most conformable to the stipulations of the Treaty, and, taking into consideration all the difficulties and physical obstacles that militate against their indefinite detention here, found it to be his duty to announce to Senhor Monteiro the determination, which he has already intimated to his Excellency, to send forthwith the slave-vessels "*Feliz*" and "*Diligente*" to Demerara; or, if the winds, weather, or other circumstances prevent their reaching that destination, to Trinidad, which is easy of access,—always with the understanding that any measure which His Excellency may (by considering favourably some of the means proposed, and which have already been touched upon to Senhor Monteiro by the Undersigned) suggest, shall, if possible, be made use of, in order to avoid the necessity of adopting a plan which the Undersigned would regret to have to carry

into execution, if he thought it could be displeasing to the Imperial Government.

Further, the ultimate disposal of the negroes and vessels is reserved for the consideration of the two Governments; and the proceeds of the sale of the vessels, as well as any and all other sums accruing from the employment of the Africans, or other sources, will be laid aside, and an exact account of the amount will be furnished to the Brazilian Government. In fact, it is but for the purpose of placing the negroes and vessels in a safe depôt; and, in order to avoid the probable destruction of so many unfortunate human beings, that the Undersigned is under the necessity of deciding on this plan, and without delay, as each additional day increases the difficulties of his position, and the weight of the responsibility with which he is charged.

But the Imperial Government cannot seriously object to a plan which has already, some years ago, been proposed by itself. The project of sending all the liberated Africans to an English colony, and more particularly to Trinidad, having formed the subject of a correspondence brought about by the Imperial Government.

The Undersigned must remark upon a passage in His Excellency's note of the 29th January, in which he refers to the opinions expressed *confidentially* to His Excellency on the conduct of Her Majesty's Commissioner not wishing to appeal against the unusual course adopted of mentioning, in a formal and rather unconciliatory official note, communications of a strictly confidential nature, the Undersigned must observe to His Excellency, that the opinions which he may have expressed on the subject of the strict and zealous observance of his instructions on the part of Her Majesty's Commissioner, in the affair of the "*Brilhante*," are merely *private* opinions, and in nowise influence the question. It remains also to be proved whether Her Majesty's Government may not be inclined to approve of the conduct of the Commissary Judge in this particular, rather than that of the Undersigned, who has possibly but too strongly testified his sincere desire to conciliate and to reconcile, as far as lies in his power, duties which require prompt execution, with the determinations, perhaps somewhat strongly expressed, of the Imperial Government.

To resume, the Undersigned ventures to make this last effort to induce M. Monteiro to reconsider this question, and to place it in its true light; and the extreme difficulty of the position of the Undersigned, where so great a responsibility exists, the weight of which may be daily increased by new captures, and His Excellency will not fail to do him the justice to allow that the plan which he has adopted is the only feasible one that remains under the circumstances—to follow, and by no means deserves to meet with opposition on the part of the Imperial Government, which has so frequently expressed its desire that the liberated Africans should not be allowed to remain within the limits of this empire. Moreover, the vessels and negroes will, in the present instance, remain in depôt, subject to the ultimate decision of the two Governments.

Should, however, the Brazilian Government be opposed, which the Undersigned can hardly anticipate, to the place adopted, and if means can be found to make the respective instructions of the two Governments to their Commissioners, accord, by an arrangement similar to that entered into by the Government of the Queen, and that of Spain at the Havana, where *embargoes* and other purely national usages have been abolished, although long allowed in practice, it would doubtless be desirable to adopt it.

It should be more particularly borne in mind by the Imperial Government, that, although they may consider other Mixed Commissions that have been appointed here, as being differently circumstanced from that under the Slave-Trade Convention, yet that there exists one at Sierra Leone, which is, in its nature, origin, and object, precisely similar, named by the same Governments, and under the self-same Convention, the only difference being that the Commission at Sierra Leone is in British territory, would not the Government of Her Britannic Majesty be justified should that of Brazil persist in applying the peculiar forms of its judicial proceedings to a Mixed and Exceptional Court, in insisting upon the interpolation in the regulations of the Mixed Commission at Sierra Leone of such particular parts of English legal practice as might seem eligible in its opinion?

Perhaps among the modes which the Undersigned has had the honour to suggest, or which have been referred to by M. Monteiro, the best diplomatic mode of proceeding, in order to obviate any difficulty in altering the practice hitherto tole-

rated, would be the issuing of a "*letter or note reversale*," or explanatory *aviso* or decree, setting forth the expediency of a more exact observance of the letter of the Treaty, and considering the sentences of the Commission in conformity with the view of the Queen's Government, as final, without the reception of embargoes. The addition of a Separate Article to the Convention is a mode to which the objection exists of the necessity of great delay; whereas it is requisite, should the Imperial Government be pleased to enter into the views of that of Her Majesty on this point, that the action of any measure adopted should be immediate.

A *note reversale*, or explanatory instruction, on the part of M. Montiero, would, it appears to the Undersigned, obviate all difficulty on this subject, and enable the final sentence of the Commission in the present cases of the "*Diligente*" and "*Feliz*," as in all future cases that may arise, to be carried at once into execution.

The Undersigned earnestly requests His Excellency, the Minister of Foreign Affairs, to submit such suggestions on this head as may seem to His Excellency expedient, to the pleasure of the Imperial Government, and to do him the honour of communicating to him the result with as little delay as is compatible with his convenience.

The Undersigned, &c.

(Signed) W. G. OUSELEY.

Rio de Janeiro, 25th January, 1839.

Senhor Monteiro,
&c. &c. &c.

Second Enclosure in No. 87.

Mr. M. Monteiro to Mr. Ouseley.

THE Undersigned, &c. has the honour to acknowledge receipt of the note that Mr. Ouseley, &c. addressed to him on the 25th January, referring to the construction put by the Government of Her Majesty the Queen of Great Britain on the Convention concluded in 1817, between the two Governments, for the abolition of the Slave Trade, regarding the forms of proceeding observed by the Mixed Brazilian and British Commission established here; also requesting the assent of the Imperial Government to the non-reception of *embargoes* offered to the sentences of the same Commission, which Mr. Ouseley observes ought to be final, and carried into execution in the two cases now pending of the vessels "*Diligente*" and "*Feliz*," both under adjudication before the said tribunal.

Being enabled, in virtue of the view taken by the Government to whom the note in question was submitted, and by previous mature consideration of the arguments, on which the British Government founds the objections raised to the practice adopted of admitting *embargoes* to the sentences of the Mixed Commission, established at this capital, the Undersigned has the satisfaction of communicating to Mr. Ouseley, that the Imperial Government, in conformity with the solicitations of that of Her Britannic Majesty, as well as in consideration of the stipulations of the Treaties on this subject, has thought it expedient that the formality of the *embargoes* should no longer be observed, in the adjudication of the causes which may be brought before the said Commission, including also the cases now pending in that Court, not only to render its proceedings as summary as it is required to be by the above-mentioned Treaty, but also in order to assimilate the regulations observed by the two Mixed Commissions, that of this capital, and that of Sierra Leone, respecting the form of proceeding, and the adjudication of the prizes which may respectively be brought before them.

In communicating to Mr. Ouseley this decision of the Imperial Government by which an arrangement has been effected, in a manner that no longer admits of doubt, of a point which has lately been a subject of continued difference and discussion between the Commissary Judges of the Mixed Commission, the Undersigned flatters himself that Her Britannic Majesty's Legation at this Court will not fail to transmit, with all possible despatch, this important decision to its Government, as a convincing and irrefragable proof of the sentiments which animate the Imperial Government in its desire to contribute, by every means in its power, to render as really effective as possible the noble object which the two Governments had in view in concluding the Treaty now in force.

The Undersigned, &c.

(Signed)

ANTONIO PEREGRINO MACIEL MONTEIRO.

Palace of Rio de Janeiro, February 14th, 1839.

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

Third Enclosure in No. 87.

Mr. Ouseley to Captain Herbert, R.N.

SIR,

Rio de Janeiro, 14th February, 1839.

IN reply to your letter of the 12th instant, I have to inform you that I have just received, from the Brazilian Minister for Foreign Affairs, an official communication informing me that the Imperial Government have at length, conformably to the wishes of that of Her Majesty, come to the determination of abolishing the formality of the *embargoes* on their sentences hitherto admitted in the form of procedure of the British and Brazilian Mixed Commission Court established here. His Excellency, Senhor Maciel Monteiro, has likewise informed me that the *embargoes* presented in the cases of the slave-vessels "*Felix*" and "*Diligente*," still before the Mixed Court, will not be admitted, and that instructions to this effect are preparing for the guidance of the Brazilian Commissary Judge. I have thought it expedient to communicate to you the earliest information of this decision of the Imperial Government, as the necessity no longer exists for sending to the West Indies the above vessels, as previously determined, since the final sentence already pronounced ought now immediately to be carried into execution.

I think it, however, incumbent upon me to take this opportunity of thanking you, Sir, as officer in command of Her Majesty's squadron in this harbour, for the prompt and effective assistance which you have afforded to Her Majesty's Legation in this troublesome and somewhat delicate affair, nor can I refrain from stating, that in bringing this question, long obstinately contested by the Brazilian Government, to a satisfactory conclusion, I am much indebted to your intelligent and cordial co-operation.

I have, &c.
(Signed)

W. G. OUSELEY.

To Captain Herbert, R.N.
&c. &c. &c.

Fourth Enclosure in No. 87.

Memorandum.

1st. THE negroes are to be placed under the immediate care and protection of the Executive Government, the Governor, or Lieutenant-Governor. They are, after being, in conformity with the regulations adopted here, furnished by the proper authorities, with authentic copies on parchment, and in a tin box worn suspended round the neck, of certificates of freedom, to be duly registered in the proper offices, to be hired out at a moderate rate, the amount of which must of course be relative and dependent upon the usual rate of wages in the colony, say two dollars a month, payable monthly, and whenever called for at any period of the term of service, the term of service for adults, or those above 14, five years; those under 14, and above 7, seven years; and those under 7, twelve years; at the expiration of which term their apprenticeship to cease, and their unconditional emancipation to begin. Children that may be born subsequent to this date, and during the term of service of the mothers, of course to be free.

It is to be carefully kept in view that these conditions are subject to the approbation of Her Majesty's Government, and that the negroes must, until a confirmation of the present provisions for them be received from England, be always subject to such other arrangement as may seem fit to Her Majesty's Government. The proceeds of the sale of the vessels, and of the hire of the blacks, to be kept in the hands of the competent authority until the pleasure of the Queen's Government be ascertained as to its ultimate disposal.

As it is probable that the vessels may be much out of repair, and barely seaworthy on their arrival, and possible that they may fall into improper hands, it may perhaps be expedient to break them up and sell the materials.

Rio de Janeiro, 14th February, 1839.

No. 82.

Mr. Ouseley to Viscount Palmerston.

MY LORD,

Rio de Janeiro, February 25, 1839.

IN conformity with the instructions contained in your Lordship's Despatch, Slave Trade, of the 29th October of last year, I made a representation to the Imperial Government against the conduct of Senhor Joaquim Feliciano Gomez, the Brazilian Commissioner of arbitration at Sierra Leone.

I have the honour to enclose copy of my note, as also of the answer which I have received from the Minister of Foreign Affairs, in which I have much satisfaction in stating, that his Excellency announces, that in consequence of the representations that I was instructed to make, and in order to show that the Imperial Government is determined to do all in its power to put an end to the Slave Trade, and to act in concert with that of Her Majesty on this subject, it has thought fit to deprive M. Gomez of the office he so improperly filled.

The promptness and vigour shown by the Imperial Government on this occasion will, I trust, have a salutary effect upon the conduct of those in the service of this Government, and assist in giving a moral force to the declarations so frequently made, (of a determination to suppress the Slave Trade,) that has hitherto been much wanting.

I have, &c.

(Signed)

W. G. OUSELEY.

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

&c.

&c.

&c.

P. S. I have the honour to enclose a copy of my reply to Senhor Monteiro's note, written subsequently to the date of this Despatch.

W. G. O.

 First Enclosure in No. 82.
Mr. Ouseley to Senhor Maciel Monteiro.

SIR,

Rio de Janeiro, January 9, 1839.

I have the honour to transmit to your Excellency, copies of a Despatch, and of its enclosures, from Her Majesty's Commissioners at Sierra Leone, relating to M. Gomez, the Brazilian Commissioner of arbitration in that Colony; from which it appears, that during M. Gomez's recent residence there, it was observed that his chief associates, were the captains and supercargoes of Slave vessels.

In communicating these papers to the Imperial Government, I am instructed to remark that such habitual association with slave traders appears to Her Majesty's Government, to be inconsistent with the duties which M. Gomez is sent to discharge, and must at least tend to produce in the colony of Sierra Leone, an impression very little favourable either to M. Gomez, or to his Government.

With respect to the reasons alleged by M. Gomez, in excuse for this proceeding, it is to be remarked that every necessary assistance and protection to his countrymen in distress, (if the persons in question really were such), might have been afforded without making them his associates, in such a manner as was calculated to induce a belief in the colony, that he not only felt compassion for the men, but approved of their slave-trade pursuits.

It is perhaps superfluous to remark on the tone of the reply of M. Gomez, to the temperate private note of Mr. Macaulay. I shall only observe to your Excellency, that the last paragraph of this answer is in contradiction to its commencement, when he says that future communications can be made "*officially*," although he affects to consider in the first line of his reply, that Mr. Macaulay's note had an official character; its confession, also, is remarkable, of a belief, that in his own country, the circumstance of these men having amassed a large fortune by the infamous pursuits of which they have been convicted, renders them while suffering temporally from the consequences of their misdeeds, fit associates for a member of a court, established for the suppression of their criminal traffic,—and without referring particularly to the mode of M. Gomez's arrival at the colony

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of Sierra Leone, it is evident that in his estimation slave-dealing, which he considers as a mere "contraband trade," does not stamp with infamy those who are accomplices in its atrocities, nor does he seem aware that civilized nations regard it not merely as an illegal traffic, but as a disgrace to humanity.

I leave to the Imperial Government to judge how far the conduct of Mr. Gomez is unbecoming either to his private or official character, and avail myself of this opportunity to renew to your Excellency, &c. &c.,

(Signed) W. GORE OUSELEY.

His Excellency Senhor Antonio P. Maciel Monteiro,
&c. &c. &c.

Second Enclosure in No. 82.

M. Monteiro to Mr. Ouseley.

THE Undersigned, &c. in acknowledging receipt of the note addressed to him on the 9th ultimo by Mr. Ouseley, &c., representing by order of his Government against the conduct of Joaquim Feliciano Gomez, Brazilian Commissioner of Arbitration of the Mixed Brazilian and British Commission at Sierra Leone, has the honour to inform him, that the Imperial Governments, desirous of giving a convincing proof that it will not suffer its subjects, and more particularly those employed in its public service, to show the least tendency to favour, in the slightest degree possible, the odious and immoral traffic in Africans, has thought fit to dismiss the said Commissioner.

In making this communication to Mr. Ouseley, the Undersigned has the pleasing duty of assuring him, that the Imperial Government, firm in the laudable and philanthropical object of extinguishing the nefarious contraband trade in human flesh, after having taken into serious consideration the official communications lately made by Her Britannic Majesty's Legation on the subject, will exert itself to the utmost of its power in taking the most energetic measures to cause the existing Treaties between the two Governments to be fulfilled in all their amplitude and vigour.

The Undersigned avails, &c.

(Signed) ANTONIO P. MACIEL MONTEIRO.

Palace of Rio de Janeiro, 22nd February, 1839.

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

Third Enclosure in No. 82.

Mr. Ouseley to M. Monteiro.

Rio de Janeiro, March 14th, 1839.

IN acknowledging the receipt of Mr. Maciel Monteiro's note of the 22nd ult., in which his Excellency states that the Imperial Government have thought fit, in consequence of the representations made on the part of Her Majesty's Government to dismiss Senhor Gomez from the post of Commissioner under the Slave Trade Convention at Sierra Leone. I have the honour to inform his Excellency that I shall not fail to communicate by the packet now about to sail for England, this new proof of the right feeling of the Brazilian Government on the subject of the traffic in Africans; and I anticipate great satisfaction on the part of Her Majesty's Government at the prompt attention thus shown to the representations which I have been instructed to make; an attention which will always be reciprocally paid by the Government of Great Britain to the well-founded complaints which that of Brazil may find it necessary to make against the conduct of any of Her Majesty's agents, and which is the best guarantee of that complete and mutual good understanding which exists between the two Governments.

I avail myself, &c.

(Signed) W. G. OUSELEY.

His Excellency Senhor Antonio P. Maciel Monteiro.
&c. &c. &c.

No. 83.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, 25th April, 1839.

I HAVE received your Despatch, marked "Slave Trade," of the 16th of February, 1838, containing a statement of the proceedings which led to a final withdrawal of the demand insisted on by the Brazilian Government, that the practice of embargoes should be allowed in the case of the sentences passed by the Mixed British and Brazilian Court of Commission at Rio de Janeiro, under the Convention on Slave Trade between Great Britain and Brazil; and I have the satisfaction of informing you that I entirely approve of your conduct throughout the whole of this affair.

I am, &c.

(Signed)

PALMERSTON.

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

No. 84.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, May 27, 1839.

ON reference to previous correspondence with Her Majesty's mission at Rio de Janeiro, it appears that the Legislature of Brazil has passed laws intended to prevent all importation of negroes from Africa into Brazil, and that the Government have dwelt specially on the inconvenience, likely to arise from an increase in the number of emancipated negroes in the Brazilian territory.

It is probable, therefore, that neither the Government nor the Legislature of Brazil will object to the conclusion of a stipulation between Great Britain and Brazil, by which negroes captured and liberated by sentences of the Mixed Courts of Justice, sitting under the Convention of the 23rd of November, 1826, shall be delivered over to the care of the Government of the country, whose cruiser shall have made the capture.

The effect of such a stipulation would be to place the greater part of the liberated Africans under the charge of the British Government, as the greater part will be captured by British cruisers.

I have, accordingly, to desire, that you will propose to the Brazilian Government, the articles of which I herewith transmit to you a draft, and which may properly form an Annex to the Convention before-mentioned.

These articles are, with trifling alterations, copied from those which form Annex C. to the Treaty, recently proposed by Great Britain to Portugal on Slave Trade.

I am &c.

(Signed)

PALMERSTON.

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

No. 85.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, May 27, 1839.

I HAVE to desire, that if you shall succeed in the negotiation with which, by my Despatch, Slave Trade, of this date, you are charged, for the conclusion of articles respecting Negroes liberated under the Convention of November 23, 1826, between Great Britain and Brazil, you will endeavour to obtain the ratification of those articles by the Government and Legislature of Brazil without delay; and you will take the occasion of their ratification, to press the Government of Brazil to propose to the Legislature the ratification also of the two articles, which were concluded between Great Britain and Brazil on the 27th July, 1835, stipulating for the condemnation of slave vessels upon the ground of their equipment; and for the breaking up of all vessels condemned for Slave Trade.

I am, &c.

(Signed)

PALMERSTON.

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

No. 86.

Mr. Ouseley to Viscount Palmerston.—(Received May 27.)

MY LORD,

Rio de Janeiro, March 23, 1839.

THE Portuguese Consul-General and Chargé d'Affaires, *ad interim*, continues to furnish vessels with Portuguese papers, notwithstanding the late decrees issued by the Government of Her Most Faithful Majesty, relative to the registry of vessels not built in Portugal.

Most of the vessels, thus furnished with a pretext for claiming the protection of the flag of Portugal, are employed in the Slave Trade, and there are, at this moment, in this harbour, between 30 and 40 vessels bought and equipped by notorious Slave Traders, provided with Portuguese papers by Her Most Faithful Majesty's Consul General, in direct contradiction to the spirit and letter of the laws of Portugal and the ostensible instructions, and declared intentions, of the Government of that country.

It may be affirmed in some of these cases, that these vessels are not proved to have been built out of Portugal; but in the case of the "*Brilhante*" slaver, lately condemned, and sold in conformity with the previous sentence of the Mixed British and Brazilian Commission Court at this capital, it was clearly proved, in the course of the proceedings, that this vessel was not built in Portugal, was not furnished with a legal register, and was employed in the Slave Trade. Yet Senhor Moreira did not think himself bound to refuse Portuguese papers to this vessel, which accordingly sailed from this port under the flag of Her Most Faithful Majesty in the month of February last, for Monte Video, where there is every probability of her being fitted out and dispatched on a slave trading voyage to the coast of Africa.

As it appears very unlikely, that Senhor Moreira, in thus acting, can rightly have understood or fulfilled the instructions of his Government, I think it my duty to state the fact, for the information of Her Majesty's Government; and I ought not, perhaps, to conceal from your Lordship, that it is asserted most publicly and generally here, that Senhor Moreira's chief, if not sole, profits are derived from furnishing the papers and protection of the Government of Her Most Faithful Majesty to the Slave Traders, and it is notorious, that he is in constant and intimate communication with these criminals.

I have, &c.

(Signed)

W. G. OUSELEY.

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