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Class B.

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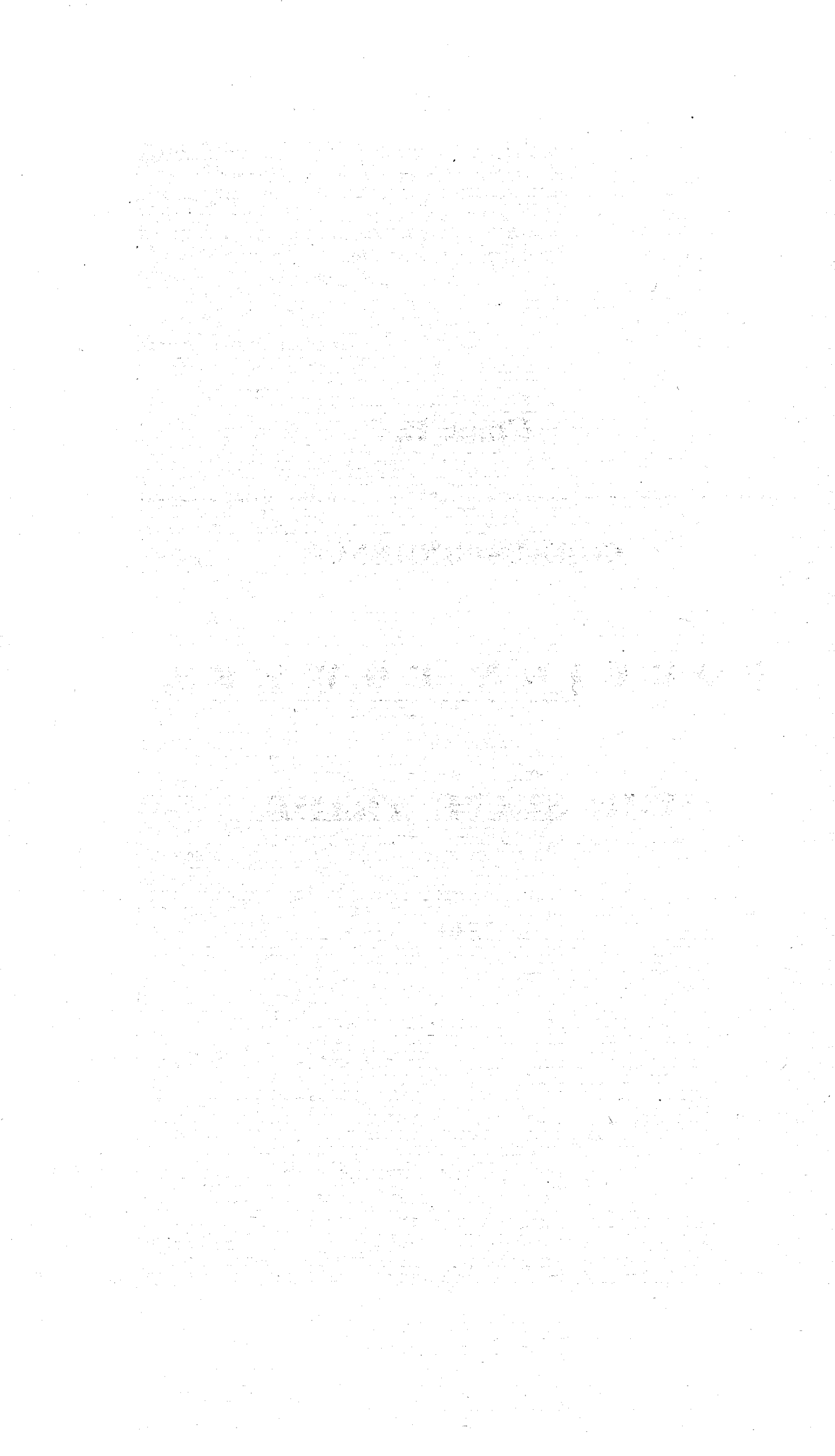
WITH

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

RELATING TO

THE SLAVE TRADE.

1840.



Class B.

CORRESPONDENCE

WITH

SPAIN, PORTUGAL,

BRAZIL, THE NETHERLANDS, AND SWEDEN,

RELATIVE TO

THE SLAVE TRADE.

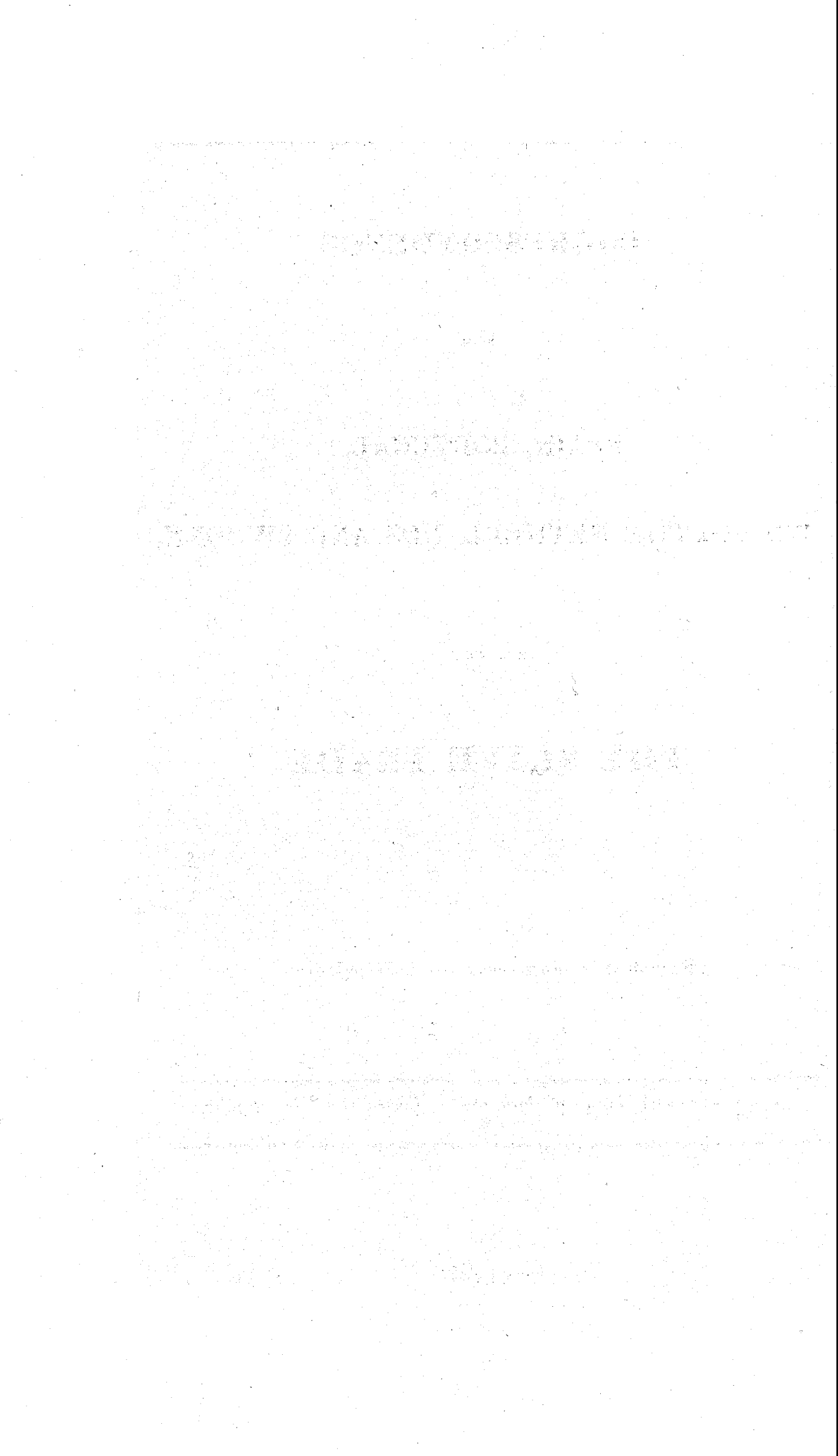
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Presented to both Houses of Parliament by Command of Her Majesty,
1840.

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1840.



Class B.—1840.

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CORRESPONDENCE

WITH

FOREIGN POWERS.

SPAIN.

No. 1.

Viscount Palmerston to Mr. Southern.

SIR,

Foreign Office, June 29, 1839.

I HEREWITH transmit, for your information, two copies of two series of papers, relating to the Slave Trade, which have been presented to the two Houses of Parliament, during the present Session, by Her Majesty's command.

I am, &c.

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

(Signed) PALMERSTON.

No. 2.

Mr. Southern to Viscount Palmerston.

(Extract.)

Madrid, July 13, 1839.

(Received July 22.)

I HAVE the honour to inclose to your Lordship, a copy of the draft of an Article, imposing a severe penalty on all persons convicted of being employed in the Negro Slave Trade, in fulfilment of Article Second of the Treaty of 1835.

I also have the honour to enclose a copy and translation of this most important Law, as drawn up by the Commission; and a translation of an extract of the Memoir, which, on the Code being presented for the approbation of the Cortes, will accompany it.

Your Lordship will find that the Commission, which is composed of some of the most distinguished jurists and magistrates of Spain, is animated by the most humane and enlightened sentiments on the subject.

When the Treaty of 1835 was sent out by Count Toreno to Puerto Rico, on opening the packet, a royal order was found, communicating the Treaty, and enjoining its observance, in the form which is generally used on such occasions. But there was also a secret Despatch to the Captain-General Latorre, which stated, in substance, that the Government of Her Catholic Majesty had been compelled by the force of circumstances to conclude the Treaty; but aware that some of its provisions might militate against the interests of the colony under the Captain-General's command, he was authorized in such cases to act in the manner which, in his judgment, he might consider most conducive to the welfare of the colony placed under his protection.

CLASS B.

First Enclosure in No. 2.

(Translation.)

Article 62 of Draft of the new Penal Code of Spain, to be proposed for the approbation of Cortes.

“The officers of Spanish vessels taken on the high seas, or on the coasts of Africa or America, engaged in the traffic of negroes, shall be punished with the penalty of death.”

“The owners, and the rest of the crew, are to be condemned to hard labour for life.”

Second Enclosure in No. 2.

Extract from Memoir in Support and Explanation of the proposed Penal Code of Spain.

BUT Article 62nd, which imposes most severe penalties on the officers of vessels, and crews taken on the high sea, or on the coasts, engaged in the traffic of negroes, and on the owners, places us under the necessity of treating, though incidentally, this question, largely discussed at the present day in Europe, and most interesting for the nation, from having a vast number of slaves in its ultramarine provinces.

Towards the close of the 18th century, certain philanthropic and liberal ideas, tending to extensive reforms, were agitated in England, although apparently contrary to the direct interests of the Government and of the nation: one of these was the abolition of the Slave Trade, and another the emancipation of the Catholics, which great act of humanity has at last been fulfilled in our days, after two ages of tyranny, and fifty years of unavailing endeavours.

The traffic in negroes had been carried on from the 16th century, and was continued in spite of Christian, civilized, and philosophic Europe. Neither the caustic expressions of Montesquieu, nor the epigrammatic sentences of Voltaire, nor the ostentatious declamations of Raynal, had been of any use in removing this stain from modern civilization; and according to Pitt, no country had carried this crime to such an extent as England herself. A worthy man, whose name ought to be respected by all nations, and before whose cosmopolitan virtues all shades of political and patriotic partialities should give way, Wilberforce, took up this cause, declaring himself the apostle of this great act of justice. He found himself aided in the undertaking by the talent and eloquence of Fox, and the most eminent men of England. The Government, reserved and timid at first, did not present itself on the arena to defend the sound doctrine, until three years afterwards a spark of the fire that was destroying France was communicated to the French part of the Island of Santo Domingo, producing such a devastation as has scarcely been equalled in history. England had colonies in the West Indies,—she trembled for them. Would to God that the nations in a similar position had had, or would have, the same foresight, for it is yet in time; the traffic in negroes was abolished in that nation, and such were her exertions that after some time she succeeded in banishing it from almost all the nations of Europe, and also from Spain, by a Treaty very advantageous to the latter. But the truth is that this Treaty, afterwards renewed, was not, nor is it, executed as it ought to be, thanks to individual interests that intervene, and seldom fail to paralyse the best actions, of which they are the opponents and constant enemies.

The Commission, in proposing the penalties designated in the 62d Article, considers that it will destroy the evil to its roots; and should this not be obtained, it behoves Your Majesty's Government, invested with all the dignity belonging to it, and supported by the authority of the law, to dictate the most energetic measures for putting an end to a traffic, which dishonours the nation that permits it.

This question, already so much discussed, placed in such a clear point of view, by the numerous works which philosophy has produced in the present century, ought to be viewed under many aspects, and assuredly there is not one in which it can be seen, that its deformity is not on the instant observed. We protest, above

all, not to speak of the system of slavery : there can scarcely be a sensible mind that does not weep on having to pronounce the word ; but it is a fact that it exists, that it has deep roots, and that it would cause ills without number to speak of it before the hand of time and other circumstances can pave the way towards the reform, which others more ardent than we are, will desire. We speak alone of the traffic in negroes, that is to say, we oppose, in the state to which things have arrived, the augmentation of slavery through the means of importation.

It would seem impossible that in Christian Europe the trade in human blood should have been tolerated for some centuries, and that it should have been protected by commerce, by navigation, and by Kings who styled themselves Christian and Catholic ; impossible it appears to us, for nothing is so contrary to the dogmas of a religion, which has taught equality and tolerance to the world, than human beings being degraded and converted into brutes, dragged from their native soil, and transplanted into strange regions to serve as instruments to the caprice, the enjoyments, and the pleasures of others, who excel them in nothing but the bad use they make of the perfection of their intellectual faculties.

Slavery among the ancients was founded on an error, which was, that the rights of man gave them power to dispose of the prisoners they took in war, and that being able to kill them, they granted them a favour by preserving their miserable existence in a life of suffering and affliction. But the slavery of modern times is even more barbarous, if between these calamities there were room to choose : it is grounded on nothing but force, and those who sustain so absurd an institution, do not even attempt to conceal the monstrosity of the system with any veil of hypocrisy, as is usual in similar cases : utility, interest, convenience, are the words used by its defenders, and they are not ashamed to prefer them to morality and religion, to all the laws of nature, and to all the positive laws of civilized countries.

If the trade in slaves is so contrary to the religion which we profess, it is not less so to morality and good customs, to the advancement of the arts and sciences ; so that the utility so much talked of, which those possessing numerous slaves imagine they receive, and to maintain which they require the continuance of the trade, becomes reduced to an expensive means of production, which, did they consider this the proper occasion, could easily be proved by statistical data, and comparisons deduced from them among all the nations of Europe and America that have had or have slaves. If there were no other more powerful reason, well and good ; but there is another material and point of fact one, which must convince the most incredulous, and which ought to convince the Government, and the men of reflection in the ultramarine provinces, who are forging, without knowing it, chains for their children :—this valuable reason is that of conservation.

Slavery among the moderns differs from that of the ancients in one thing very essential. In Rome one was not wanting who proposed in the latter times of the republic, that a mark or brand should be adopted to distinguish the slaves ; the petition was thrown out, and treated as it deserved, as impolitic and inopportune : this would be, exclaimed the good patricians, like placing ourselves in their hands by confessing our inferiority, and the numerical force of their band : the number of slaves had increased greatly in Rome, in the Campania, and in the provinces. But the people who have slaves in modern times cannot even avail themselves of this subterfuge ; in their faces they carry the indelible mark of their state ; at all hours they can be counted ; in any risk they can support each other, and alas for the day in which they come to know the superiority of their forces ! the conflagration of Haiti, ill extinguished, would spread, and that catastrophe, which still makes us shudder, would be renewed, and the rich possessions of the Archipelago of the Antilles, at present so flourishing in riches, would fall into the prostration and annihilation of the ancient island of Hispaniola, which at this moment drags on a miserable existence, notwithstanding the favourable elements with which it has been enriched by nature.

It is yet time to remedy the evil ; the individuals of the Commission who have the honour to be the first to treat of this question propose it. Deign, Madam, to take it into consideration ; the present and the future call for it, and the good men of the epoch and future generations will cover Your Majesty with blessings.

No. 3.

*Viscount Palmerston to General Alava.**Foreign Office, July 25, 1839.*

THE Undersigned, Her Majesty's Principal Secretary of State for Foreign Affairs, has the honour to state to General Alava, Envoy Extraordinary and Minister Plenipotentiary of Her Catholic Majesty, that by a communication which has been received at the Foreign Office from the Colonial Department, it appears that a law which forbids free negroes to land in the Island of Cuba, and against the application of which to British subjects urgent representations of Her Majesty's Government have been addressed to the Government of Spain, continues in full force, with the exception only, that negroes now arriving in foreign vessels are not put into prison, if the captain of the vessel gives security to the amount of 1,000 dollars, that such negroes shall have no communication with the shore.

It appears also from the communication referred to, that very inconvenient restrictions continue in force, with respect to the permission given to the black troops on board Her Majesty's transport "Romney" to land occasionally, for purposes of health and recreation; and it is stated that the place which the Spanish Minister for Foreign Affairs assured Lord William Hervey should be "indicated by the authorities for the black soldiers to enjoy themselves upon, without going beyond it," is a line of swampy coast, two miles long, deserted and unwholesome; and that the black soldiers are not permitted to go beyond that range, nor to hold communication with any inhabitant of the island.

The undersigned has therefore to request, that General Alava will urge the Government of Her Catholic Majesty to send out orders to the authorities of Cuba, to make such further modifications in the law in question as may relieve British subjects of colour from the restraints which at present are put upon their liberty in Cuba; and the undersigned has also to request, that the government of Cuba may be directed to treat the black soldiers, doing duty in the "Romney," in a manner more consistent with the laws of hospitality, and with the friendly relations subsisting between the two Crowns.

General Alava,
&c. &c. &c.

The Undersigned, &c.
(Signed) PALMERSTON.

No. 4.

Viscount Palmerston to Mr. Southern.

SIR,

Foreign Office, July 26, 1839.

WITH reference to previous correspondence respecting the Spanish law, by which free negroes are forbidden to land in the Island of Cuba, I transmit to you herewith a copy of a communication, which has been received at this office from the Colonial Department.

From this communication you will perceive, that notwithstanding the urgent representations of Her Majesty's Government, the law in question continues in full force in Cuba, with the exception only, that negroes now arriving there in foreign vessels are not put into prison, if the captain of the vessel gives security to the amount of 1,000 dollars, that such negroes shall have no communication with the shore: and you will also observe, that very inconvenient restrictions are still made, in respect to the landing of the black troops from on board Her Majesty's transport "Romney," and that the place on shore in Cuba, which the Spanish Government promised should be indicated by the authorities, "*where the black soldiers could enjoy themselves without going beyond it,*" is a line of two miles of swampy coast, deserted and unwholesome; and that the black soldiers are not permitted to go beyond that range, or to hold communication with any inhabitant of the island.

I have to desire that you will present a note to the Spanish Government, urging upon them a further modification of the law in force, so that British free subjects of colour may not be subject to those restrictions, which are at present imposed on their liberty in Cuba.

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

I am, &c.
(Signed) PALMERSTON.

Enclosure in No. 4.

Mr. Stephen to Mr. Backhouse.

SIR,

Colonial Office, July 10, 1839.

WITH reference to previous correspondence, and to your letter of the 21st of March last, on the subject of the Spanish law, by which free negroes are forbidden to land at Cuba, I am desired by the Marquis of Normanby to transmit to you, for the information of Viscount Palmerston, the copy of a Despatch from Dr. Madden, reporting that this prohibition, with some slight modification, continues in full force; and with respect to the black troops on board the "Romney," that they are permitted to land twice a-week; but under such circumstances, that Dr. Madden is of the opinion, that no British officer would feel inclined to take his men on shore.

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

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

Sub-Enclosure in No. 4.

Dr. Madden to Lord Normanby.

MY LORD,

Havana, May 29, 1839.

I HAVE the honour to acknowledge the receipt of your Despatch of the 30th of March, enclosing a copy of a Despatch from Her Majesty's Minister at Madrid to Viscount Palmerston, with the copy of a note addressed to the Spanish Minister, applying for a further mitigation of the law, by which free negroes are forbidden to land in this island. On this subject I have to inform your Lordship that the prohibition continues in full force. The only modification of it that has taken place, since General Tacon's revival of this obsolete law, on the arrival here of the black troops of the "Romney," being, that negroes now arriving in foreign vessels are not put into prison while such vessels remain here, but are permitted to stay on board, on the captain's security of 1,000 dollars, that such negroes shall have no communication on shore.

My Lord, this alleged dread of communication with the people of our Colonies is increasing every day, and is made the pretext for a good deal of annoyance and difficulty at landing, to all classes of persons coming from our Colonies.

With respect to the black soldiers on board the "Romney" the Governor at length has acknowledged to the Commissioners the receipt of the Royal Order for the permission of the soldiers of the "Romney" occasionally coming on shore. General Espeleta informs the Commissioners those negroes will be permitted to land twice a-week, between the hours of sunrise and mid-day, accompanied by an English or Spanish officer, who is to be answerable for no communication taking place between the men of the "Romney" and any persons on shore. The place allotted for their landing and taking exercise is at the east end of the harbour, along a line of swampy coast, about two miles in length, where there are no inhabitants; and half a-mile inwards is the limit fixed for their distance from the shore. Altogether, my Lord, it seems very doubtful to me whether any British officer would take his men on shore under such circumstances.

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

*The Right Hon. Lord Normanby,
&c. &c. &c.*

No. 5.

*General Alava to Viscount Palmerston.**Harley-street, 30 de Julio, 1839.**(Received August 1.)*

EL Infrascrito, Enviado Extraordinario y Ministro Plenipotenciario de Su Magestad Católica, tiene la honra de presentar sus respetos á Su Excelencia my Lord Palmerston, Principal Secretario de Estado de Negocios Extrangeros de Su Magestad Británica, y de acusar á Su Excelencia el recibo de la Nota que con

fecha 25 del corriente se ha servido dirigirle, para invitar al Gobierno de Su Magestad Católica, á que modifique las leyes vigentes en la Habana, sobre los negros que desembarcan en aquella Isla, y se mejore el trato que se dá á los soldados de color que sirven en el "Romney."

Habiendo elevado el Infrascrito al conocimiento de Su Gobierno la expresada Nota de my Lord Palmerston, se apresurará á participar á Su Excelencia la constatacion que reciba, y entretanto aprovecha gustoso la ocasion de ofrecerle la expresion de su alta consideracion.

(Signed)

MIGUEL DE ALAVA.

Excellentísimo Señor Vizconde de Palmerston,

&c. &c. &c.

General Alava to Viscount Palmerston.

(Translation.)

Harley-street, July 30, 1839.

THE Undersigned, &c., has the honour to present his respects to Lord Palmerston, &c., and to acknowledge the receipt of the note, which, under date of the 25th instant, he was pleased to address to the Undersigned, to invite the Government of Her Catholic Majesty to modify the laws in force at the Havana, relative to the negroes who may disembark in that Island (Cuba), and to ameliorate the treatment given to the coloured soldiers who serve on board the "Romney."

The Undersigned having communicated to his Government the note of Lord Palmerston, above mentioned, will hasten to impart to his Excellency the reply which he may receive, and in the mean time avails himself, &c.

(Signed)

MIGUEL DE ALAVA.

His Excellency Viscount Palmerston,

&c. &c. &c.

No. 6.

*Mr. Southern to Viscount Palmerston.**Madrid, August 10, 1839.*

MY LORD,

(Received August 18.)

HAVING received from Her Majesty's Consul at Cadiz information, that the Spanish schooner "*Diana*" was preparing for a slave voyage in that port, I have addressed a note upon the subject to M. Perez de Castro, of which I have the honour to enclose a copy to your Lordship.

I have, &c.,

(Signed)

HENRY SOUTHERN.

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

&c. &c. &c.

Enclosure in No. 6.

Mr. Southern to M. Perez de Castro.

SIR,

Madrid, August 6, 1839.

As it may not be known to your Excellency, that there is established a mercantile house at Cadiz, which it is perfectly well known is extensively engaged in the Slave Trade, in violation of the Treaties for its suppression existing between Great Britain and Spain, I beg to refer your Excellency, for information on this subject, to the correspondence which, from time to time, has taken place between this Legation and your Excellency's department of the Government; in which your Excellency will find that various undertakings of this disgraceful class, in which the firm alluded to was engaged, have been denounced to Her Catholic Majesty's Government.

It is my disagreeable duty to add another to the list of the notorious offences of this establishment at Cadiz, which, although the Government of Her Catholic Majesty has always expressed its willingness to punish, unfortunately the authorities of that port have never yet been able to collect sufficient evidence, whereupon to take legal measures.

I am informed, from a source on which implicit reliance is to be placed, that the schooner "*Diana*," belonging to the mercantile house above referred to, (the name of which is a matter of notoriety,) was, on the 29th ultimo, in the port of Cadiz, preparing for a slave voyage to the coast of Africa; her outfit being to be completed at the Cape Verd Islands.

This traffic when carried on from a slave colony is viewed as a blot upon the national character, and the Spanish Government has invariably expressed its abhorrence of this violation of all laws, both human and divine; but what shall we say of the Slave Trade carried on from the most polished and enlightened city of liberal and constitutional Spain?

I feel it unnecessary to make any further observations on this subject. I am too well aware of the high character which Your Excellency bears as a statesman for good faith, and as a private individual for the best feelings of humanity, to doubt for one moment that your Excellency will take every suitable measure for the suppression of these disgraceful enterprizes. I only wish that the good intentions of your Excellency may be seconded by the authorities of the port of Cadiz, whom your Excellency will necessarily have to employ on this occasion.

I have, &c.,

(Signed) HENRY SOUTHERN.

M. Perez de Castro,
&c. &c. &c.

No. 7.

Viscount Palmerston to Mr. Southern.

SIR,

Foreign Office, August 25, 1839.

I HEREWITH transmit to you six copies of an address upon Slave Trade from the House of Peers to Her Majesty, and of Her Majesty's most gracious answer thereto.

These papers afford an additional proof of the unceasing and earnest desire of the Parliament and Government of this country for the total extinction of the traffic in slaves.

I am, &c.

(Signed) PALMERSTON.

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

Enclosure in No. 7.

Address of the House of Lords, August 2, 1839.

(See Class A. No. 4, p. 3.)

No. 8.

Mr. Southern to Viscount Palmerston.

Madrid, August 17, 1839.

MY LORD,

(Received August 26.)

WITH reference to my Despatch of the 10th instant, I have the honour to enclose to your Lordship the copy and translation of a note from M. Perez de Castro, in answer to mine of the 6th instant; as also the copy of a second note, which I have addressed to his Excellency, in consequence of having received some further information from Cadiz, relative to the sailing from that port of the slave-ship "*Diana*."

I have, &c.,

(Signed) HENRY SOUTHERN.

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

First Enclosure in No. 8.

(Translation.)

M. Perez de Castro to Mr. Southern.

SIR,

Madrid, August 13, 1839.

I HAVE received the note dated 6th instant, which you were pleased to address to me, calling my attention to the conduct observed by a certain commercial house established in Cadiz, which you assure me is occupied in the Slave Trade, in contravention of the Treaties concluded between Spain and Great Britain for its abolition, and acquainting me with a new act which has come to your knowledge, respecting an expedition which that firm is at present preparing for the coast of Africa.

Having no knowledge whatever of the antecedents existing in this office respecting the subject of your reclamation, I hasten to inform you that I am now occupied in examining with the greatest attention all the correspondence which has taken place between this department and Her Britannic Majesty's Legation, in order that, being thoroughly aware of all the circumstances, I may be enabled to submit to Her Majesty the august Queen-Regent a just determination in a matter which so greatly interests the good repute of the Spanish nation, and my own personal sentiments.

I avail myself, &c.,

(Signed)

EVARISTO PEREZ DE CASTRO.

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

Second Enclosure in No. 8.

Mr. Southern to M. Perez de Castro.

SIR,

Madrid, August 13, 1839.

WITH reference to my note of the 6th instant, respecting the slave-ship "*Diana*," fitting out in the bay of Cadiz, I have the honour to inform your Excellency that that vessel sailed on the 3d instant.

The departure of the "*Diana*," however, was not announced in the "*Diario Maritimo de la Vigia*" of Cadiz, which is published every evening by authority, for the purpose of registering the departure and arrival of all vessels leaving and entering the port, an exception, it would appear, being made only for slave-ships; for the omission which has now taken place with respect to the "*Diana*," your Excellency will find, by reference to Lord William Hervey's note of the 17th July, 1838, also occurred in the case of the "*Veloz*" and the "*Marinero*."

I have, &c.,

(Signed) HENRY SOUTHERN.

M. Perez de Castro,
&c. &c. &c.

No. 9.

*Mr. Southern to Viscount Palmerston.**Madrid, August 17, 1839.*

MY LORD,

(Received August 26.)

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 26th ultimo, I have addressed to M. Perez de Castro, pressing for a further modification of the Spanish law prevailing in the Island of Cuba, which prohibits the landing of coloured British subjects.

I have, &c.,

(Signed) HENRY SOUTHERN.

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

Enclosure in No. 9.

Mr. Southern to M. Perez de Castro.

SIR,

Madrid, August 13, 1839.

ON the 26th February last the Earl of Clarendon, in his Lordship's note of that date, informed your Excellency, that he had been instructed by the Government of the Queen my Sovereign, to make an earnest application to that of Her Majesty the Queen of Spain for the mitigation of the law, which prohibits the landing in Cuba of free negroes and men of colour, British subjects, employed on board of British ships in the ports of that island; according to the regulations, those individuals arriving off the island being liable to be seized and thrown into prison, unless the captain or owner of the vessel in which they are found enter into a bond of 1,000 hard dollars, engaging that they shall not go ashore while he remains in the harbour.

Lord Clarendon stated to your Excellency, that the Government of Her Britannic Majesty, feeling convinced that no injury could possibly accrue to the Colony, by permitting persons employed on British vessels occasionally to land, under the due surveillance of the authorities, appealed not only to your Excellency's sense of humanity, but likewise to that consideration, which is due to the free and industrious subjects of the United Kingdom; and further asked your Excellency whether it could be necessary that individuals, who are enjoying every privilege to which their fellow-countrymen are entitled, should, on their arrival at the shores of a friendly power, be treated as men infected with some physical or moral pestilence.

The law against which the Earl of Clarendon made this earnest appeal to your Excellency still exists; and the reason which then more particularly weighed with my Government in directing that the application should be made, is increasing in force; for by the abolition of slavery in the British Colonies, among the crews of vessels trading in those seas, coloured persons will now oftener be found, and, consequently, the regulations in question will every day become more and more vexatious to British commerce.

When the last accounts left the island, my Government is informed, that the appeal to your Excellency, made by Lord Clarendon in February last, had produced no mitigation of this law; and I have therefore been instructed once more to urge upon the Government of Her Catholic Majesty the justice and reasonableness of a modification of the restrictions, which are at present imposed on the liberty of coloured British subjects in Cuba.

With respect to the indulgence which my Government requested for the black soldiers of the "Romney" hulk, stationed in the port of the Havana, in consequence of which the Spanish Government promised that a place on shore should be indicated by the authorities, *where the black soldiers could enjoy themselves without going beyond it*, I regret to inform your Excellency, that though the promise has been kept, it has been in such a manner as to render it altogether illusory. The place assigned for the recreation of these black soldiers is a line of swampy coast, about two miles in length, where there are no inhabitants, and half a mile inwards is the limit fixed for their distance from the shore. On this pestilential desert General Espeleta generously allows the black soldiers of the "Romney" to land twice a-week, between the hours of sun-rise and mid-day, accompanied by an English or Spanish officer, who is to be answerable for no communication taking place between the men of the "Romney" and any persons on the island. Under these circumstances, my Government is informed, that it is very doubtful whether any British officer would consent to take his men on shore.

I have, &c.

(Signed) HENRY SOUTHERN.

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

No. 10.

*Mr. Southern to Viscount Palmerston.**Madrid, August 24, 1839.*

MY LORD,

(Received September 2.)

WITH reference to my Despatches of the 10th and 17th of this month, relative to the Spanish vessel "*Diana*," preparing for a slave voyage in the port of

CLASS B.

Cadiz, I have now the honour to enclose to your Lordship the copy and translation of a further note, which I have received from M. Perez de Castro, in answer to that which I addressed to his Excellency on the 13th instant, in which he states that the Minister of Marine had been directed to endeavour to find out and punish the persons concerned in this disgraceful traffic.

I have, &c.,
(Signed) HENRY SOUTHERN.

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

Enclosure in No. 10.

(Translation.) *M. Perez de Castro to Mr. Southern.*

SIR,

Madrid, August 18, 1839.

I HAVE received the note, which you were pleased to address to me on the 13th instant, informing me of the departure of the Spanish sloop "*Diana*," from Cadiz, which vessel, as you state in your communication of the 6th of this month, was making preparations for undertaking an expedition to the coast of Africa in search of slaves.

Already acquainted with the notion of the correspondence which has taken place between this British legation and this ministry, upon the subject treated of in your two communications just alluded to, I have given directions to have their contents immediately transmitted, as has been done, to the Minister of Marine, in order that, being acquainted with their contents and information existing in his office on the subject in question, every effort be made to discover the authors of the fact you complain against, with the view that, when ascertained, the Government of Her Britannic Majesty may receive, in the full punishment of the guilty party, a further proof of the religious exactness and constant fidelity, with which that of Her Majesty the Queen my Sovereign endeavours to fulfil the obligation it has contracted with a nation, to which it happily is united by the bonds of close friendship and alliance.

I avail myself, &c.
(Signed) EVARISTO PEREZ DE CASTRO.

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

No. 11.

Viscount Palmerston to Mr. Southern.

SIR,

Foreign Office, September 3, 1839.

I TRANSMIT herewith to you, for your information, three copies of an Act of Parliament which has recently passed for the suppression of Slave Trade.

I am, &c.
(Signed) PALMERSTON.

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

Enclosure in No. 11.

Act 2 and 3 Victoria, c. 73. (August 24, 1839.)

No. 12.

Mr. Southern to Viscount Palmerston.

Madrid, September 21, 1839.

MY LORD,

(Received September 29.)

I HAVE had the honour to receive your Lordship's Despatches, marked "Slave Trade", of the 25th August and the 3d September, with their respective Enclosures.

With reference to the Earl of Clarendon's Despatches of the 7th and 10th July, 1838, to your Lordship, I have the honour to enclose the copy and translation of a

note, which I have received from M. Perez de Castro, stating that the Government intends to propose to the Queen Regent a measure respecting the remission of the duties exacted on vessels, conveying emancipated negroes from Cuba, which, while it accomplishes the object desired by the Government of Her Britannic Majesty, shall not infringe the existing regulations.

I have, &c.

(Signed) HENRY SOUTHERN.

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

Enclosure in No. 12.

(Translation.) *M. Perez de Castro to Mr. Southern.*

SIR, *Madrid, September 10, 1839.*

UNDER date of the 6th July of last year, my predecessor had the honour of stating to the Earl of Clarendon, that no information or antecedent whatever being found in the office under my charge, with regard to the motive which gave rise to his Lordship's note of the 3d of said month, relative to the duties exacted by the officers of the Custom-house of the Havana from the brig "*Venus*," which was conveying liberated negroes to Belize, they had been required from the departments of Finance and Marine.

In consequence, an inquiry having been instituted into the above-mentioned reclamation, and a report demanded from the Superintendent of Finance of the Island of Cuba, it has been observed that some error exists in the statement of the facts in this case, communicated to the legation of Her Britannic Majesty at this court. On which account, and being desirous on my part to do all that may be possible, in deference to a reclamation presented by the British Government to that of Her Majesty, unless there should be invincible obstacles opposed to it, I have referred the case anew to the Minister of Finance, in order that, taking into consideration the request contained in Lord Clarendon's note, he may propose to the august Queen Regent a measure, which may conciliate the wishes of Her Britannic Majesty's Government with the regulations in force on the subject in question.

As soon as I am informed of Her Majesty's resolution, I shall hasten to communicate it to you.

I avail myself, &c.

(Signed) EVARISTO PEREZ DE CASTRO.

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

No. 13.

Viscount Palmerston to General Alava.

Foreign Office, September 30, 1839.

THE Undersigned, &c., has to inform General Alava, &c., that he has received from the Baron de Moncorvo, Her Most Faithful Majesty's minister at this court, a copy of a circular note, which has been addressed by the Portuguese Minister for Foreign Affairs, to the courts who were parties to the treaties and conventions, which were concluded at the Congress of Vienna in 1815.

The object of that circular is to complain of certain measures, which the Parliament and Executive Government of Great Britain have recently determined to take, with a view to put down the Slave Trade, hitherto carried on under the flag of Portugal; and the Portuguese Government represents the conduct of Great Britain towards Portugal in this matter, as unprovoked, oppressive, and unjust, and as being a flagrant violation of the law of nations, and a direct attack upon the rights of an independent nation.

Her Majesty's Government having already made public the whole of the negotiations which, for many years past, have been carried on between Great Britain and Portugal, upon the matters to which the Portuguese note relates, has only to refer to those negotiations for proofs, showing how entirely groundless and false are all the assertions, made by the Government of Portugal in its circular note; and Her Majesty's Government confidently affirm, that those negotiations exhibit an example of long enduring forbearance, on the part of Great Britain, and of deliberate bad

faith, and persevering breach of engagement, on the part of Portugal, rarely to be paralleled in the history of modern times.

But as the papers relating to those negotiations are voluminous, and, by being scattered through a mass of papers, annually laid before Parliament upon the subject of the Slave Trade, may not have sufficiently attracted the attention of other Governments, Her Majesty's Government have deemed it expedient to communicate to the courts, to which the Portuguese note has been addressed, copies of a few of those documents, which contain the substance of the whole of the negotiations between Great Britain and Portugal on this matter; and the Undersigned has accordingly to request, that General Alava will transmit to his court, for its information, the following papers:—

1st.—A copy of a representation, upon the subject of the Portuguese Slave Trade, addressed by the Undersigned to the Baron Moncorvo, on the 30th of April, 1836.

2dly.—A copy of the Answer, which was returned thereto by the Baron de Moncorvo, on the 2nd of June, 1836.

3rdly.—A copy of a Despatch, addressed by the Undersigned, on the 12th of May, 1838, to Her Majesty's envoy at Lisbon, and communicated to the Portuguese Government.

4thly.—A copy of a note, addressed by the Viscount de Sá da Bandeira, the Portuguese Minister for Foreign Affairs, on the 22d of May, 1838, to Her Britannic Majesty's Envoy at Lisbon, in answer to the last-mentioned communication.

And 5thly.—A copy of the reply, made by Her Majesty's Envoy at Lisbon on the 5th of May, 1839, to the preceding note of the Portuguese Minister for Foreign Affairs.

General Alava,
&c. &c. &c.

The Undersigned, &c.
(Signed)

PALMERSTON.

No. 14.

General Alava to Viscount Palmerston.

81, *Harley-street*, 9 de Octubre, 1839.

(Received October 10.)

EL Infrascrito, Enviado Extraordinario y Ministro Plenipotenciario de Su Magestad Católica, tiene la honra de presentar sus respetos a S. E. el Señor Visconde de Palmerston, principal Secretario de Estado y de Negocios Estrangeros de Su Magestad Británica, y de acusarle el recibo de la nota y de los documentos, que S. E. ha tenido à bien dirigirle, con fecha 30 de Setiembre proximo pasado, relativos à las negociaciones entre la Gran Bretaña y el Portugal, sobre las medidas que conviene adoptar para poner un termino al Trafico de Negros.

El Infrascrito se apresurará à trasmitir a su Gobierno tan importantes é interesantes documentos, conforme con los deseos manifestados por su Excelencia, à quien ofrece con este motivo las seguridades de su alto consideracion.

(Signed) MIGUEL DE ALAVA.

Excellentissimo Señor Visconde de Palmerston,
&c. &c. &c.

(Translation.)

81, *Harley Street*, October 9, 1839.

THE Undersigned, &c., has the honour to present his respects to his Excellency Viscount Palmerston, &c., and to acknowledge the receipt of the note and the documents, which his Excellency was so good as to address to him, under date of the 30th September last, relative to the negotiations between Great Britain and Portugal, on the measures to be adopted for putting an end to the traffic in slaves.

The Undersigned will hasten to transmit to his Government these very important and interesting documents, in conformity with the wishes manifested by his Excellency, to whom he offers, &c.

(Signed) MIGUEL DE ALAVA.

His Excellency Viscount Palmerston,
&c. &c. &c.

No. 15.

Viscount Palmerston to Mr. Southern.

SIR,

Foreign Office, October 12, 1839.

I LATELY received a note from the Baron de Moncorvo, Her Most Faithful Majesty's minister at this Court, enclosing the copy of a circular note, which has been addressed by the Portuguese Minister for Foreign Affairs to the Courts who were parties to the Treaties and Conventions, which were concluded at the Congress of Vienna, in 1815.

The object of that circular is to complain of certain measures, which the Parliament and Executive Government of Great Britain have recently determined to take, with a view to put down the Slave Trade, hitherto carried on under the flag of Portugal; and the Portuguese Government represents the conduct of Great Britain towards Portugal, in this matter, as unprovoked, oppressive, and unjust, and as being a flagrant violation of the law of nations, and a direct attack upon the rights of an independent State.

Her Majesty's Government have deemed it expedient to communicate to the Courts, to which the Portuguese note has been addressed, copies of the papers which contain the substance of the negotiation between Great Britain and Portugal on this matter; and I transmit, for your information, copy of M. Moncorvo's note to me, and of my note to the Ministers accredited to this Court by the Powers who were parties to the Treaties of the Congress of Vienna, in 1815.

I am, &c.

(Signed) PALMERSTON.

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

Enclosures in No. 15.

1st. *Baron Moncorvo to Viscount Palmerston. London, August 14, 1839.*
(No. 97, page 97.)2d. *Viscount Palmerston to General Alava and others. Foreign Office,*
September 30, 1839. (No. 13, page 11.)

No. 16.

Viscount Palmerston to Mr. Southern.

SIR,

Foreign Office, October 17, 1839.

I HEREWITH transmit, for your information, a copy of a Despatch from Her Majesty's Commissioners at Sierra Leone, containing their Report of the case of the Spanish vessel "*Merced*."

This vessel was brought before the Mixed British and Spanish Court at Sierra Leone, under the Tenth Article of the Treaty with Spain, of the 28th June, 1835, relative to the Slave Trade; but the Court, being of opinion that the equipment found on board her was not sufficient to lead to her condemnation, decreed that she should be restored to her owner.

The Commissioners, however, state that it frequently happens that vessels which, on the outward voyage, carry a full slaving equipment, land all their suspicious articles immediately on their arrival on the coast, and do not take those articles again on board, until on the eve of their departure; and the Commissioners therefore suggest the propriety of urging the Spanish Government to agree to an article, upon the subject of equipment, similar in effect to that upon the subject of negroes, which was added to the Treaty of 1817, with Spain; so that, if any articles of slaving equipment shall have been on board a vessel, during the particular voyage on which she is detained, she may be liable to condemnation, even though such articles may have been landed, thrown overboard, or otherwise removed, previous to her being captured.

I have to instruct you to bring this matter under the consideration of the Spanish Government, and to propose to them an article, of which a draft is enclosed, explanatory of the Tenth Article of the Treaty of 1835, in order that the Treaty may not be evaded in the manner pointed out by Her Majesty's Commissioners at Sierra Leone.

I am, &c.,

(Signed) PALMERSTON.

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

First Enclosure in No. 16.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, February 14, 1839.

(See Class A., No. 41, page 57.)

Second Enclosure in No. 16.

Draft of Explanatory Article.

WHEREAS, it is stipulated in Article 10 of the Treaty between His late Majesty and Her Majesty the Queen of Spain, for the abolition of the Slave Trade, which was signed at Madrid on the 28th of June, 1835, "that every merchant vessel, British or Spanish, which shall be visited by virtue of that Treaty, may lawfully be detained, and sent or brought before the Mixed Courts of Justice, established in pursuance of the provisions thereof, if in her equipment there shall be found any of the things hereinafter mentioned;" and that the presence of any one or more of the articles there enumerated "shall be considered as *prima facie* evidence of the actual employment of the vessel in the Slave Trade; and the vessel shall thereupon be condemned, and declared lawful prize:"

And whereas, it has been found by experience, that vessels engaged in the Slave Trade are in the habit of landing all suspicious articles, immediately on their arrival on the coast of Africa, and do not reembark those articles again, until on the eve of their departure from the coast, and thus the true object and intent of the Treaty above mentioned is defeated:

The High Contracting Parties therefore hereby declare, that if clear and sufficient proof shall in any case be given that any one or more of the things enumerated in the Tenth Article of the Treaty above mentioned has or have been on board a vessel during the particular voyage, in the course of which she shall be captured, then and on that account, according to the true intent and meaning of the stipulations of the Treaty, such vessel shall be detained by the cruizers, and shall be finally condemned by the Commissioners.

This Explanatory Article shall have the same force and effect, as if it were inserted word for word in the said Treaty, and shall be held to form part of the same.

In witness whereof, &c.

No. 17.

Mr. Southern to Viscount Palmerston.

Madrid, October 12, 1839.

MY LORD,

(Received October 21.)

I HAVE the honour to enclose the copy and translation of a note, which I have received from M. Perez de Castro, in answer to mine of the 13th of August last, in which his Excellency informs me, that he has written to the Captain-General of Cuba, desiring him to devise some means, consistent with the safety of the island, of giving effect to the wishes of Her Majesty's Government, with respect to a further modification of the laws prohibiting the landing of free negroes employed on board British ships, and the selection of a healthier spot for the recreation of the black soldiers on board the "Romney" hulk.

I have, &c.,

(Signed)

HENRY SOUTHERN.

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

&c.

&c.

&c.

Enclosure in No. 17.

(Translation.)

M. Perez de Castro to Mr. Southern.

SIR,

Madrid, October 1, 1839.

I DULY received the note, which you were pleased to address to me under date of the 13th August last, in which, recapitulating the substance of the Earl of Clarendon's note of 26th February last, you request, in the name of your Government, a modification of the law which actually exists in the Island of Cuba, and in

virtue of which the landing there of free negroes or men of colour, forming part of the crew of British ships arriving in the ports of that island, is prohibited.

You are also pleased to represent, that the spot fixed on by the Captain-General of that island as the place where the black soldiers of the hulk "Romney," of the Royal British Navy, might occasionally land, is extremely unhealthy, and, consequently, that the permission granted by the Spanish Government is altogether illusory.

The many and important occupations which at present surround Her Majesty's Government have prevented my giving my attention to this subject, and examining the summary relative to it, which exists in this office under my charge, so as to enable me to answer you with a complete cognizance of all the antecedents of so grave an affair. But having now done so, I have the honour to acquaint you, with reference to the first point contained in your note, that my predecessors on various occasions, and particularly Count Ofalia, in his note of the 31st of August of last year, gave every information to Her Britannic Majesty's Legation at this Court with respect to all the orders existing for a long time past in the Island of Cuba, which prohibit the landing there of free negroes and men of colour, and even slaves who might have lived in foreign colonies. These orders, founded upon the necessity of protecting the safety of that island, the first object recommended to the Captain-General, have been somewhat modified by General Ezpeleta in favour of the captains of foreign vessels who may have free negroes on board, as you are already aware.

With respect to the second point, that is, the complaint of the British Government relative to the ground assigned by the said Captain-General for the recreation of the black soldiers of the "Romney," I must refer to the various communications, which have taken place upon this subject between this office and Her Britannic Majesty's Legation, and especially to the above-mentioned note of Count Ofalia, in which you will please to observe that Her Majesty's Government, ever anxious to do that which is pleasing to the Government of her faithful friend and ally, Great Britain, separated itself from the restrictions which are actually imposed upon free negroes arriving in that island, and proposed to grant permission to the said soldiers to land, under certain precautions, which should prevent the smallest contact between them and the negroes of the island, and which were detailed by Count Ofalia to Lord William Hervey. The Earl of Clarendon, in his note of October 18th, 1836, stated to the Spanish Government, that the Government of Her Britannic Majesty accepted the proposal which the former had made, under the restrictions specified by Count Ofalia, and consequently the necessary instructions were transmitted to the Captain-General of the island to carry this arrangement into effect, upon the basis indicated to Lord William Hervey.

The Captain-General then assigned for this object a spot of ground, on which the recreation of these soldiers might be reconciled with the prohibition, that they were not to have any contact with the negroes of the island; but Her Majesty's Government, always receiving with the greatest consideration the reclamations of Her Britannic Majesty, and the august Queen Regent, desirous of availing herself of every opportunity presenting itself to manifest to her august ally, the Queen of Great Britain, her sincere gratitude for the distinguished services which she has rendered her during the present civil war, has been pleased to command, that a copy of your note be transmitted to the Captain-General of the Island of Cuba, in order that, being acquainted with the reclamation of the British Government with respect to the two points contained in the said note, and aware of the wishes which animate Her Majesty to please, in-as-far as is possible, her intimate ally, he may devise some means of conciliating the request made by you in the name of your Government, with the precautions which the safety and tranquillity of that part of Her Majesty's dominions may require.

Having already forwarded to the Captain-General of the Island of Cuba the orders consequent upon this command of the august Queen Regent, it only remains for me to request of you to have the kindness to communicate it to your Government, stating, at the same time, how ready that of Her Majesty always is to accede, in as much as is in their power, to the demands of Great Britain.

I avail myself, &c.

(Signed)

EVARISTO PEREZ DE CASTRO.

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

No. 18.

Viscount Palmerston to Mr. Southern.

SIR,

Foreign Office, November 2, 1839.

WITH references to my Despatches, marked "Slave Trade," of the 25th of August and of the 3d of September last, the first enclosing copies of an Address upon Slave Trade from the House of Peers to Her Majesty, and Her Majesty's most gracious answer thereto, and the second enclosing a copy of an Act of Parliament, recently passed for the suppression of the Slave Trade, I have to acquaint you, that the Queen has been pleased to command, that orders should be given to the commanders of Her Majesty's cruizers to detain vessels engaged in Slave Trade, and sailing under the flag of Portugal, wherever met with; and also to detain vessels engaged in Slave Trade, but hoisting no flag, and destitute of any papers proving their nationality.

Orders have also been given to establish British Courts of Vice-Admiralty, at any places within Her Majesty's dominions and Colonies abroad, where such courts may be requisite for the adjudication of vessels detained as before mentioned.

Thirdly. Orders have been given that the crews of Portuguese slave-vessels, so detained, shall be sent to that port of the Portuguese dominions to which it may be most convenient to convey them, in order that they may there be delivered up to the Portuguese authorities.

Fourthly. Orders have been given, that negroes found on board such detained vessels shall be landed at the nearest British port or settlement, and shall there be placed under the care of the governor, or other officer in command.

And fifthly. Orders have been given to the governors of Her Majesty's forts and settlements abroad to make the necessary arrangements for the care and support of the negroes, who may be landed and set free under these orders.

The officers commanding Her Majesty's cruizers, employed for the suppression of the Slave Trade, have at the same time been acquainted, that nothing contained in the before-mentioned Act of Parliament is intended to confer upon British cruizers any new right of search, as to any vessel sailing under the flag of a State with which Great Britain has no Treaty granting a mutual right of search; and that, with respect to vessels sailing under the flag of a State with which Great Britain has a Treaty granting a mutual right of search, that Act of Parliament is not intended to authorize Her Majesty's naval officers to visit and search such vessels, in any other way than that which is prescribed by such Treaties, and by the instructions annexed thereto.

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

I am, &c.
(Signed) PALMERSTON.

No. 19.

Viscount Palmerston to Mr. Jerningham.

SIR,

Foreign Office, November 11, 1839.

I HEREWITH transmit to you extracts of two Reports from Her Majesty's Commissioners at Sierra Leone, relating to the cases of the "*Amalia*" and the "*Maria Theresa*," recently condemned in the British and Spanish Mixed Court at Sierra Leone, for breach of the tenth Article of the Treaty of June 28th, 1835, between Great Britain and Spain for the suppression of the Slave Trade.

You will observe that these papers contain evidence, that the Government of Cuba derives a profit of half a doubloon for every slave safely landed in the neighbourhood of the Havana; and I have to instruct you to address a note to the Spanish Government, inviting them to institute inquiry into the alleged misconduct of the authorities at the Havana in this respect, and expressing the confidence of Her Majesty's Government, that any Spanish authorities, against whom such an offence shall be proved, will be severely punished.

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

I am, &c.
(Signed) PALMERSTON.

Enclosures in No. 19.

1st. *Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, February 12, 1839.*

(See Class A., page 37, No. 30.)

2d. *Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, March 14, 1839.*

(See Class A., page 58, No. 42.)

No. 20.

*Mr. Southern to Viscount Palmerston.**Madrid, November 2, 1839.*

MY LORD,

(Received November 11.)

I HAVE the honour to enclose the copy of a note which, in obedience to the instructions contained in your Lordship's Despatch of the 17th ultimo, I have addressed to M. Perez de Castro, proposing to his Excellency the adoption of an explanatory Article, for the purpose of putting a stop to the evasion of the equipment clauses in the Treaty of 1835, attempted by the persons engaged in the Slave Trade.

I have, &c.

(Signed) HENRY SOUTHERN.

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

&c.

&c.

&c.

Enclosure in No. 20.

Mr. Southern to M. Perez de Castro.

SIR,

Madrid, October 30, 1839.

I HAVE the honour to inform your Excellency, that I have received the instructions of my Government to invite the attention of that of Her Catholic Majesty to a point of importance, closely connected with the due execution of the Treaty for the effectual abolition of the traffic in slaves, celebrated in the year 1835 between Great Britain and Spain.

By the Tenth Article of the Treaty it is agreed, that every merchant vessel, British or Spanish, equipped for the carrying of slaves, with any or all of the articles therein enumerated, may lawfully be detained and taken before the Mixed Courts of Justice; and that unless satisfactory evidence, upon the part of the master or owners, shall establish that such vessel was, at the time of her detention or capture, employed in some legal pursuit, the said vessel shall be condemned.

As this Article has invariably proved one of the greatest obstacles and difficulties in the way of persons engaged in this horrid, but unhappily lucrative, traffic, human ingenuity has been strained in order to discover the means of evading its provisions, and, I regret to inform your Excellency, with too much success.

It is found that vessels, which, on their outward voyage, carry a full slaving equipment, land all their suspicious articles immediately on their arrival on the coast of Africa, and do not take them on board again until the eve of their departure; when these articles and the wretched objects of the trade are embarked together, and the vessel puts out to sea.

By the Treaty, which was celebrated with the same objects in 1817, and which was subsequently confirmed and enlarged by that of 1835, it was provided that vessels should be condemned in which negroes should be found; and in the same way, as in the case of the Equipment Article, the slave traders contrived to destroy this evidence against them, either by drowning their unfortunate cargo while being pursued, or, if off the coast, landing them until they set sail. This evasion was met by an Explanatory Article, which was signed at Madrid on the 10th December, 1822, which declared that, if there should be clear and undeniable proof that a slave or slaves had been put on board a vessel for the purpose of illegal traffic, in the particular voyage on which the vessel shall be captured, then, and on that account, according to the true intent and meaning of the stipulations of the Treaty, such vessel shall be detained by the cruisers, and finally condemned by the Commissioners.

CLASS B.

The case is strictly analogous, and demands an analogous remedy. I have consequently been instructed by Her Britannic Majesty's Secretary of State for Foreign Affairs to suggest to your Excellency, the propriety of adopting an Article, explanatory of the Tenth Article of the Treaty of 1835, so drawn up that, if any articles of slaving equipment shall have been on board a vessel during the particular voyage on which she is detained, she may be liable to condemnation, even though such articles may have been landed, thrown overboard, or otherwise removed, previous to being captured.

With this view, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs has caused the draft of an Explanatory Article to be drawn up, and has directed me to propose it to your Excellency. I have the honour to enclose a copy of this Article, and, seeing the deep importance of the subject, and the amount of human suffering that might be happily avoided, by proceeding promptly in an affair of so simple a character, feel confident that your Excellency will give to this subject all the consideration which may be spared from the various grave subjects, which I am aware are at the present moment occupying the time and attention of the Government of Her Catholic Majesty.

M. Perez de Castro,
&c. &c. &c.

I have, &c.
(Signed) HENRY SOUTHERN.

No. 21.

Mr. Southern to Viscount Palmerston.

Madrid, November 2, 1839.

MY LORD,

(Received November 11.)

I HAVE the honour to inform your Lordship, that I have addressed a note to M. Perez de Castro, of which I enclose a copy, pointing out to his Excellency, that the Royal Commercial Passports issued by the Spanish Government, and which are endorsed with a warning against trading in slaves, as appears in the report of the case of the "*Merced*," enclosed in your Lordship's Despatch, marked Slave Trade, of the 17th ultimo, only contains a reference to the Treaty of 1817, and suggesting that due mention should be made of that of 1835.

I have, &c.
(Signed) HENRY SOUTHERN.
The Right Hon. Viscount Palmerston, G. C. B.,
&c. &c. &c.

Enclosure in No. 21.

Mr. Southern to M. Perez de Castro.

SIR,

Madrid, November 1, 1839.

I REQUEST the attention of your Excellency to the fact, that in the Royal Commercial Passports, where a warning against any engagements in slave trading is endorsed by the Government of Her Catholic Majesty, the only Treaty referred to is that of the 23d September, 1817.

This observation has been called forth by a passport, found among the papers of the Spanish vessel "*Merced*," charged with slave dealing before the Mixed Court at Sierra Leone, and which was dated 20th April, 1836, and signed Juan A. Mendizabel.

I have no doubt that the omission of all reference to the recent Treaty of 1835 is a mere oversight of some subordinate department of the Government, for which reason I have thought it my duty to point it out to your Excellency, in order that directions may be given for the due alteration of the form of this salutary warning.

I have, &c.
(Signed) HENRY SOUTHERN.
M. Perez de Castro,
&c. &c. &c.

No. 22.

Viscount Palmerston to Mr. Southern.

SIR,

Foreign Office, November 16, 1839.

I HAVE received your Despatch, "Slave Trade," of the 2d instant, inclosing the copy of a note which you had addressed to M. Perez de Castro, purposing the adoption of an Explanatory Article for putting a stop to an evasion of the Equipment clauses in the Treaty of 1815. And I have to acquaint you, that I approve of the note which you addressed on this occasion to the Spanish Minister.

H. Southern, Esq.
 &c. &c. &c.

I am, &c.
 (Signed) PALMERSTON.

No. 23.

Viscount Palmerston to Mr. Jerningham.

SIR,

Foreign Office, November 20, 1839.

WITH reference to the Earl of Clarendon's Despatch, "Slave Trade," of the 2d of February, 1839, stating that the necessary orders had been issued to the Government of Cuba to cause the negro boy Wellington to be delivered up to the British Consul at St. Jago de Cuba, I have to transmit to you the accompanying copy of a communication from the Colonial Department, from which it appears that the boy Wellington has not been liberated, but that another boy has been substituted and delivered up in his place to the British Consul.

I have, therefore, to instruct you to represent this circumstance to the Government of Her Catholic Majesty, and to procure a repetition of the orders which were originally given for the liberation of the boy Wellington, with the addition of such an admonition to the authorities of Cuba, as shall be likely to prevent a recurrence of the deception, which has been practised in this instance, for the purpose of evading the fulfilment of the just intentions of Her Catholic Majesty.

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

I am, &c.
 (Signed) PALMERSTON.

Enclosure in No. 23.

Mr. Stephen to Mr. Backhouse.

SIR,

Downing Street, August 31, 1839.

WITH reference to previous correspondence, I am desired by the Marquis of Normanby to transmit to you herewith, for Lord Palmerston's information, copy of a Despatch from the Governor of Jamaica, relative to the boy Wellington, who was kidnapped and sold in Cuba.

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

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

Sub-Enclosure A., in No. 23.

Sir Lionel Smith to Lord Normanby.

MY LORD,

Kingshouse, Jamaica, July 19, 1839.

WITH reference to my Despatch, No. 130, of the 4th instant, I have the honour to acquaint your Lordship, that upon the examination of the negro boys who were sent by Her Majesty's Pro-Consul from St. Jago de Cuba, it appears that "Wellington" is not one of the number, but that the boy supposed to be "Wellington" is another lad, of whose deportation from Jamaica the Government has been hitherto ignorant.

I have, therefore, addressed to Her Majesty's Pro-Consul at St. Jago de Cuba a letter, under this date, of which I have the honour to transmit a copy for your Lordship's information.

I have, &c.
(Signed) LIONEL SMITH.

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

Sub-Enclosure B., in No. 23.

Sir Lionel Smith to Mr. Pro-Consul Wright.

SIR,

Kingshouse, Jamaica, July 19, 1839.

I HAVE the honour to acknowledge the receipt of your letter of the 23d ultimo, informing me that the negro boy "Wellington," with two other kidnapped lads, referred to in Mr. Consul Hardy's letter to me of the 20th October last, had been put on board Her Majesty's steamer "Tartarus," to be returned to this island.

The boys having been landed, and undergone an examination before the magistrates, it appears that "Wellington" is not one of them; but that the boy supposed to be "Wellington" is another lad, of whose deportation from this island the Government were in ignorance until thus brought to light.

You will, therefore, see the necessity of representing to the authorities of Cuba the deception which has been practised in this case; and in fulfilment of the instructions, which you state have been addressed to Her Majesty's Consulate at Cuba by Lord Palmerston, I have no doubt you will take such vigorous measures as may procure restitution of the unfortunate boy, should he still be in existence; or, if he be no longer alive, may place Her Majesty's Government in a position to demand reparation for the atrocious injury, which appears to have been committed on one of Her Majesty's subjects.

I have, &c.
(Signed) LIONEL SMITH.

J. S. Wright, Esq.,
Her Majesty's Pro-Consul, St. Jago de Cuba.

No. 24.

Viscount Palmerston to Mr. Jerningham.

SIR,

Foreign Office, November 22, 1839.

I HAVE received Mr. Southern's Despatch, "Slave Trade," of the 2d instant, 1839, enclosing copy of a note which he had addressed to M. Perez de Castro, suggesting, with reference to the endorsements which are to be entered upon the royal passports of Spanish vessels, and by which the commanders of those vessels are to be warned against trading in slaves, that care in future be taken that the Treaty of 1835, between Great Britain and Spain, for the suppression of Slave Trade, be specially referred to in those endorsements; and I have to acquaint you that I approve of the communication made in this instance by Mr. Southern to the Spanish Government.

I am, &c.
(Signed) PALMERSTON.

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

No. 25.

Mr. Jerningham to Viscount Palmerston.

Madrid, November 30, 1839.

MY LORD,

(Received December 10.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches, marked "Slave Trade," of the 2d and 11th of this month.

I transmit to Your Lordship herewith, a copy of the note which I have addressed to M. Perez de Castro, in execution of the instructions contained in the latter Despatch, respecting the alleged profits of the Government of Cuba upon slaves safely landed in the neighbourhood of the Havana.

I took an early opportunity, after the reconstruction of the ministry, of drawing M. Perez de Castro's attention to the additional Article explanatory of the 10th Article of the Slave Trade Treaty of 1835, which was sent to Mr. Southern on the 17th of last month. I told his Excellency that your Lordship had expressed to me, before my departure from England, a strong desire that the Article should be agreed to by the Spanish Government, and also that it would much gratify me to witness its adoption, in the course of the short period I might have the honour to act as Her Majesty's Chargé d'Affaires.

M. Perez de Castro declined pledging himself in any way upon the subject. but, after I had explained to him its exact nature, he promised to give it his attention, and to write to me thereon as soon as possible.

Understanding that M. Arrazola, the Minister of Grace and Justice, was well disposed upon the subject of Slave Trade, I have spoken to him also respecting the Explanatory Article, and he has promised to lose no time in conferring upon it with M. Perez de Castro.

I have, &c.

(Signed)

G. S. S. JERNINGHAM.

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

Enclosure in No. 25.

Mr. Jerningham to M. Perez de Castro.

SIR, *Madrid, November 26, 1839.*

I HAVE the honour to inform your Excellency, by order of my Government, that, from the evidence taken before the British and Spanish Mixed Court at Sierra Leone, in the cases of the two vessels "*Amalia*" and "*Maria Theresa*," recently condemned for breach of the 10th Article of the Treaty of June 28th, 1835, between Great Britain and Spain, for the suppression of the Slave Trade, it appears that the Government of Cuba derives a profit of half a doubloon for every slave safely landed in the neighbourhood of the Havana.

I am further instructed to invite the Government of Her Catholic Majesty, to institute an enquiry into this alleged misconduct of the authorities at the Havana; and to express the confidence of Her Majesty's Government, that any Spanish authorities against whom such an offence shall be proved will be severely punished.

I have, &c.

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

(Signed)

G. S. S. JERNINGHAM.

No. 26.

Mr. Jerningham to Viscount Palmerston.

MY LORD,

Madrid, November 30, 1839.

(Received December 10.)

SINCE writing my other Despatch of this day's date, I have received two notes from M. Perez de Castro, of which I have the honour to transmit copies and translations, the one in answer to Mr. Southern's note of the 30th ultimo, relative to the Explanatory Article, the other in reply to mine, complaining of the profits made on slaves by the Government of Cuba. These documents merely promise an early attention to the subjects in question.

I have, &c.

(Signed)

G. S. S. JERNINGHAM.

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

First Enclosure in No. 26.

M. Perez de Castro to Mr. Jerningham.

(Translation.)

SIR,

Madrid, November 28, 1839.

I HAVE submitted to the august Queen Regent the contents of the note which you were pleased to address to me on the 30th ultimo, in which, by order of your Government, you propose to that of Her Majesty the expediency of forming an Explanatory Article (a copy of which you enclose) to Article 10th of the Treaty of 1835, for the complete abolition of the Slave Trade, in order to prevent the fulfilment of the enactments contained in the said Article from being eluded.

Her Majesty has been pleased to take into consideration the above proposition, and desirous of proceeding in the matter with the proper and necessary instruction, and to satisfy, as far as possible, the wishes of the Government of her august friend and faithful ally, the Queen of Great Britain, she has been pleased to command, that a report be made on the subject by enlightened persons of her confidence; and I have the honour to inform you of this, in answer to your said note, assuring you that I shall not lose a moment in communicating to you the result of the report which has been called for, for the information of Her Britannic Majesty's Government.

I avail myself, &c.

(Signed)

ÉVARISTO PEREZ DE CASTRO.

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

Second Enclosure in No. 26.

M. Perez de Castro to Mr. Jerningham.

(Translation.)

SIR,

Madrid, November 28, 1839.

I HAVE received the note which you were pleased to address to me, on the 26th instant, in which, by order of your Government, you inform me that, from the evidence taken before the Mixed Court at Sierra Leone, it appears that the Government of Cuba derives a profit of half a doubloon for every slave safely landed in the neighbourhood of the Havana.

Having taken its contents into consideration, I have the honour to acquaint you, that it being the constant desire of Her Majesty's Government that the Treaty celebrated in 1835 with Great Britain for the complete suppression of the Slave Trade should be punctually fulfilled, I proceed without loss of time, by the command of the august Queen Regent, to demand the necessary information with regard to the object which has given rise to your representation, and I will hasten to inform you of the result as soon as it is in my power.

I avail myself, &c.

(Signed)

ÉVARISTO PEREZ DE CASTRO.

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

No. 27.

Viscount Palmerston to Mr. Jerningham.

SIR,

Foreign Office, December 11, 1839.

I HEREWITH transmit to you a copy of a Despatch, and of its Enclosures, from Her Majesty's Commissioners at the Havana, stating that four black soldiers belonging to Her Majesty's ship "Romney," who had been sent to Grenada in charge of emancipated negroes, had been detained by Spanish authority on their return to the Havana: and I have to desire that you will communicate to the Spanish Government the facts related in these papers, in proof of the disposition felt by the authorities at Cuba, to oppose every possible obstacle to the efforts made by Her Majesty's Government in pursuance of the stipulations of the Treaty, to put down the Slave Trade.

You will add, that a fact, which has only recently come to the knowledge of Her Majesty's Government, speaks volumes on this point. For while the authorities of Cuba have been pretending to feel the greatest alarm as to the effect, which

might be produced on the subordination of the slaves in Cuba, and upon the general tranquillity of the island, by the presence of a detachment of one of Her Majesty's black regiments on board the "Romney," and while those authorities have, upon the allegation of such reasons, refused to allow these black soldiers to land, except under severe restrictions, and on condition of holding no intercourse with any inhabitants of Cuba, it actually appears that there have been all the time two whole regiments of negroes in the service of the Government of Cuba, and that a portion of these black regiments are constantly quartered in the city of the Havana, and are daily to be seen in its streets; and it is further to be remarked that the men of these two black regiments speak the same language with the slaves of Cuba, whereas the men of the British detachment, having been brought up in a British colony, must find it difficult to make themselves understood by the negroes, or by the free people of Cuba.

You will state, in conclusion, that Her Majesty's Government are convinced, that when the Spanish Government shall have given its attention to these circumstances, it will take such steps as may be necessary, for compelling the authorities of Cuba to put an end to those unfriendly, and, as it now appears, most groundless restrictions, which they have hitherto imposed upon the detachment doing duty on board the "Romney."

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

I am, &c.
(Signed) PALMERSTON.

Enclosure in No. 27.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, September 20, 1839.

(See Class A, No. 107, page 139.)

No. 28.

Viscount Palmerston to Mr. Jerningham.

SIR,

Foreign Office, December 21, 1839.

HER Majesty's Government have received information, that in the course of the last summer, the "*Tecora*," a vessel under Portuguese colours, imported from Africa direct to the Havana a cargo of negroes as slaves; and that, about six weeks after the arrival of these newly imported negroes at the Havana, 49 of them were purchased in the public slave-market in that place by José Ruiz, and four more by Pedro Montez; Ruiz and Montez then engaged the Spanish schooner "*Amistad*" to carry these negroes, and some other slaves, together with themselves, to another port in Cuba.

During the passage, the negroes, with a view of recovering their liberty, seized possession of the vessel, put the Master to death, and ordered the remaining whites to direct the course of the vessel to the Coast of Africa.

These whites, however, navigated the vessel towards the Coast of the United States of America, until they were fallen in with by the United States brig of war "*Washington*," which conducted the "*Amistad*" to the port of New London. The negroes were subsequently put upon their trial before the District Court at Hartford, for the murder of the Spanish Captain. It appears that this Court expressed doubts of its having jurisdiction in the case; and in the mean time the Spanish Minister at Washington demanded, that the negroes should be given up to the authorities of Cuba, as the property of Messrs. Ruiz and Montez.

But it is to be observed, that, since the year 1820, according to Spanish law, it has become unlawful to import negroes from Africa as slaves into the Spanish dominions; and as these negroes had been newly imported from Africa into Cuba, and as they could not by the law be imported as slaves, they must in the eye of the law be considered as free persons.

I have, therefore, to desire, that you will present a note to the Spanish Government, calling upon them to issue immediately strict orders to the authorities of Cuba, that if the request of the Spanish Minister at Washington is complied with, these negroes may be put in possession of that liberty of which they were deprived, and to the recovery of which they have an undeniable title.

You will further express the just expectation of Her Majesty's Government, that the Spanish Government will cause the laws against Slave Trade to be enforced

Enclosure in No. 30.

Mr. Jerningham to M. Perez de Castro.

SIR,

Madrid, December 8, 1839.

REFERRING to the Earl of Clarendon's note to Señor de Onis of January 23d of this year, requesting the interference of the Government of Her Catholic Majesty, in procuring the restoration to liberty of a negro boy named "Wellington," who was kidnapped in the year 1834, in Montego Bay, in the Island of Jamaica, and sold afterwards at Santiago de Cuba to an individual named Garcia; and referring also to the answer returned by Señor de Onis to the said note on the 31st of the same month, in which it was stated, that the necessary orders had been issued to the Government of Cuba to cause the boy "Wellington" to be delivered up to the British Consul at Santiago de Cuba. I have the honour to inform your Excellency, that I have received from Viscount Palmerston a copy of a communication from the Colonial to the Foreign Department, by which it appears, that the boy "Wellington" has not been liberated, and that another boy has been substituted, and delivered up in his place to the British Consul.

I have consequently been instructed to represent this circumstance to the Government of Her Catholic Majesty, and to procure a repetition of the orders which were originally given for the liberation of the boy "Wellington;" with the addition of such an admonition to the authorities of Cuba as shall be likely to prevent a recurrence of the deception, which has been practised in this instance, for evading the fulfilment of the just intentions of Her Catholic Majesty.

I beg leave to add the expression of my sanguine hopes, that your Excellency will have the goodness to give your earliest attention to this important matter, which involves the personal liberty of one of Her Majesty's subjects.

I have, &c.

(Signed)

G. S. S. JERNINGHAM.

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

No. 31.

Viscount Palmerston to Mr. Jerningham.

SIR,

Foreign Office, December 28, 1839.

ON the 11th June, 1838, I addressed to Her Majesty's Envoy at Madrid a Despatch on the subject of the tonnage duty, which had been demanded by the Governor-General of Cuba from the brig "Venus," on her return to the Havana, after having been employed in conveying to their destination negroes, emancipated under a Decree of the Mixed Court of Justice, in pursuance of the stipulations of the Treaty of June, 1835.

The circumstances of that case were represented to the Spanish Government, and the Spanish Government were requested to give orders, that the duty which had been exacted from that vessel should be remitted, and that in future no tonnage duty should be levied on vessels engaged in or returning from, a service such as that in which the "Venus" had been employed.

But it does not appear that the money paid in the case of the "Venus" has yet been refunded; and it appears that a tonnage duty, amounting to 277 dollars, has lately been exacted from the Bremen brig "Louise Federicke," employed under circumstances similar to those of the "Venus;" and I have therefore to desire, that you will represent these facts to the Spanish Government, and will request, that the duty exacted from the "Louise Federicke" and from the "Venus" may be refunded; and that orders may be given to the Captain-General of Cuba to prevent the recurrence of any such exaction in future.

I am, &c.

(Signed)

PALMERSTON.

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

No. 32.

Viscount Palmerston to Mr. Jerningham.

SIR,

Foreign Office, December 31, 1839.

I HEREWITH transmit to you a copy of a Brief, which has been issued by His Holiness the Pope, enjoining all Catholics to abstain from Slave Trade.

You will communicate this paper to the Spanish Government, and you will cause it to be inserted in the principal newspapers of Madrid.

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

I am, &c.
 (Signed) PALMERSTON.

Enclosure in No. 32.

Papal Brief, December 3, 1839.

(See Class C.)

SPAIN. (*Consular.*)—*Cadiz.*

No. 33.

Viscount Palmerston to Mr. Brackenbury.

Foreign Office, June 29, 1839.

Circular transmitting Papers presented to Parliament.

(See No. 1, page 1.)

No. 34.

Mr. Brackenbury to Viscount Palmerston.

British Consulate, Cadiz, July 20, 1839.

(Received August 13.)

MY LORD,

I HAVE the honour to acknowledge your Lordship's Despatch of the 29th ultimo, with a copy of two series of papers, relating to the Slave Trade, which have been presented to the two Houses of Parliament, during the present Session, by Her Majesty's command.

I have, &c.

(Signed) J. M. BRACKENBURY.

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

&c.

&c.

&c.

No. 35.

Viscount Palmerston to Mr. Brackenbury.

Foreign Office, August 25, 1839.

Circular transmitting Address of the House of Peers.

(See No. 7, page 7.)

No. 36.

Viscount Palmerston to Mr. Brackenbury.

Foreign Office, September 3, 1839.

Circular transmitting Act for the Suppression of Slave Trade.

(See No. 11, page 10.)

No. 37.

Mr. Brackenbury to Viscount Palmerston.

British Consulate, Cadiz, September 25, 1839.

(Received October 7.)

MY LORD,

I HAVE the honour to acknowledge your Lordship's Despatches of the 25th of August and of the 3d instant, with their several Enclosures, regarding the measures, which have been recently adopted for the suppression of Slave Trade.

I have, &c.

(Signed) J. M. BRACKENBURY.

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

&c.

&c.

&c.

No. 38.

*Viscount Palmerston to Mr. Brackenbury.**Foreign Office, October 12, 1839.**Circular on Negotiations with Portugal.*

(See No. 15, page 13.)

No. 39.

*Viscount Palmerston to Mr. Brackenbury.**Foreign Office, November 2, 1839.**Circular communicating Orders issued under Act for Suppression
of the Slave Trade.*

(See No. 18, page 16.)

No. 40.

*Mr. Brackenbury to Viscount Palmerston.**British Consulate Cadiz, November 23, 1839.**(Received December 20.)*

MY LORD,

I HAVE the honour to acknowledge your Lordship's Despatch of the 12th ultimo, marked "Slave Trade," with its Enclosures, respecting the measures which the Parliament and the Executive Government of Great Britain have recently determined to adopt, with a view to put down the Slave Trade hitherto carried on under the flag of Portugal.

I have also had the honour to receive your Lordship's Despatch of the 2d inst., marked Slave Trade, with the orders which the Queen had been pleased to command should be issued to Her Majesty's cruizers, to detain vessels engaged in Slave Trade, and sailing under the flag of Portugal, wherever met with; and also to detain vessels engaged in Slave Trade, but hoisting no flag, and destitute of any papers proving their nationality.

I have, &c.,

(Signed)

J. M. BRACKENBURY.

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

&c.

&c.

&c.

SPAIN. (*Consular*)—*Teneriffe.*

No. 41.

Viscount Palmerston to Mr. Bartlett.

Foreign Office, August 25, 1839.

Circular transmitting Papers presented to Parliament.

(See No. 1, page 1.)

No. 42.

Viscount Palmerston to Mr. Bartlett.

Foreign Office, August 25, 1839.

Circular transmitting Address of the House of Peers.

(See No. 7, page 7.)

No. 43.

Mr. Bartlett to Viscount Palmerston.

Santa Cruz, July 31, 1839.

(*Received August 27.*)

MY LORD,

ON the 15th inst. a brig, called the "*Two Friends*," under American colours, anchored in this bay. On the 22d two seamen, named Francis Cassedy and Joseph Oliver, came to Her Majesty's Consular Office, and said that they belonged to the brig, and that they did not wish to serve on board any longer. In answer to my inquiries as to their motives, they made a statement, which I took down in writing, and they signed. The Enclosure marked No. 1 is a copy.

I immediately went to the Marquis of Concordia, the Commandant-General, and communicated the fact, to him, and afterwards sent an official letter, dated the 22d of July, copy contained in Enclosure No. 2.

On the 26th of July another seaman, named John Maguire, came to the office; I wrote down his statement, which he signed. The Enclosure No. 3 is a copy; and I in consequence wrote another letter to the Marquis, dated July 26: copy contained in Enclosure No. 2.

Since the date of the Marquis of Concordia's answer to my letter, dated July 23, the sails of the brig have been brought on shore, and also the arms that were on board. An official communication also has been made to the Commandant General by the Swedish Consul, in consequence of a representation from a Norwegian sailor, one of the crew of the "*Two Friends*." Mr. Cullen, the American Consul, who usually resides at Port Orotava, has come to Santa Cruz.

There cannot be the slightest doubt that the "*Two Friends*" was engaged in a slaving voyage; and, in my opinion, after what has occurred, if the vessel should be allowed to go to sea, either with the Spanish or American crew now belonging to the ship (the Spanish crew are borne as passengers and the Spanish Captain as supercargo), it is probable that they will become pirates; and so I told the Commandant General.

I understand the brig is navigating under the authority of a Bill of Sale and a Custom House clearance from New Orleans. There is no log-book on board. In my official letters to the General I entered into details, and stated minute facts, that he might have grounds for ordering a strict investigation of the circumstances of the fitting of the brig, the ownership, and objects of the voyage, if so disposed.

I have, &c.,

(Signed)

RICHARD BARTLETT,
Consul.

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

I enclose a Memorandum respecting the sailors on board the brig "*Two Friends*," as stated by Francis Cassedy and Joseph Oliver.

(Signed)

R. B.

First Enclosure in No. 43.

Statement of Francis Cassedy and Joseph Oliver, Seamen on board the Brig "Two Friends."

(No. 1.)

Santa Cruz, July 22, 1839.

FRANCIS CASSEDDY, native of Newry, in Ireland, shipped at Liverpool on board the "*Edward Bonnyfied*," of Philadelphia, for New Orleans; and there shipped on board the "*Two Friends*," of New Orleans, John Durkey, Master. JOSEPH OLIVER, native of St. Ubes, in Portugal, left London in the ship "*Port-sea*" for New York, and from thence went to New Orleans.

They state that the brig "*Two Friends*" left Havannah with a Spanish Captain and crew, and Spanish flag, bound to New Orleans. There, Joseph Oliver says, the brig arrived about the 31st of March or 1st of April. He went on board two days afterwards, and there were no Americans on board.

The deponents say, at New Orleans American papers and flag were obtained, and a crew of 16 men were shipped as American, but are all foreigners except one. The deponents say they signed articles to go to a port in Cuba, from thence to port or ports in Europe, thence to the coast of Africa, and from thence to a port of discharge in the West Indies.

The "*Two Friends*" sailed from New Orleans to Cabanes, in the Island of Cuba, and there shipped small irons for the legs, coppers, and about 50 or 60 bags of rice, which were landed at Gallinas, on the coast of Africa (and Cassedy says, also two Portuguese flags and two French flags), where the ship proceeded from Cabanes, and remained 24 hours only, and arrived at Santa Cruz, Teneriffe, on Monday, the 15th of July, after a passage of 30 days.

Francis Cassedy states that, on his arrival at Cabanes, he asked for his discharge, when he found out the destination of the ship, which was denied; and he is now desirous of leaving the ship, as he does not wish to be employed in the Slave Trade, which he has no doubt is the object of the voyage. Joseph Oliver states that he also wishes to leave the ship, and refuses to continue the voyage. He, Cassedy, is serving on board the American ship "*Two Friends*" under the name Richard Dasheil. A protection for a man of that name was given to him by William Rogers, a seaman on board.

(Signed)

FRANCIS CASSEDDY,
JOSEPH OLIVER, his + mark.

Second Enclosure in No. 43.

(No. 2.) (Translation.)—*Mr. Bartlett to the Marquis Concordia.*

EXCELLENT SIR,

Santa Cruz de Teneriffe, July 22, 1839.

THIS morning Francis Cassedy, a native of Newry, in Ireland, and one of the crew of the American brig "*Two Friends*," now anchored in this port, presented himself at this Consular Office. He has represented to me, that since he entered on board as a sailor, he has well-grounded motives to believe, that the brig is destined to the coast of Africa to be employed in the Slave Trade; and such traffic being contrary to the laws of England and the United States (and I believe

contrary to those of Spain also), he objects to continue the voyage; and, as a subject of Her Britannic Majesty, he has sought my protection.

In consequence, I solicit your Excellency to be pleased to take such measures as you may judge convenient, to discover the object of the voyage of the said vessel, since, as Francis Cassedy is serving on board a foreign vessel, although the Captain should discharge him, I cannot advance any money, neither for his sustenance nor for his voyage to his country, without the intervention and attestation of your Excellency, as the Superior Chief of the Province.

Francis Cassedy, in support of his opinion of the destination of the brig "*Two Friends*," has informed me, that the brig arrived from the Havannah at New Orleans with a Captain and crew of Spanish sailors, and there took the American flag and papers, and a crew composed of various nations. From New Orleans the brig went to Cabanes, in Cuba, and embarked feters, coppers, and about 50 or 60 bags of rice, and sailed for Gallinas, on the coast of Africa, where the said effects were disembarked in the space of 24 hours, and the brig immediately made sail for this port.

God preserve your Excellency many years,

(Signed) RICHARD BARTLETT.

His Excellency the Marquis Concordia,
&c. &c. &c.

Third Enclosure in No. 43.

(Translation.)—*Mr. Bartlett to the Marquis Concordia.*

(No. 2.) *Santa Cruz de Teneriffe, July 23, 1839.*

IN my official letter of yesterday I omitted to inform your Excellency, that, besides the effects mentioned, disembarked at Gallinas, on the coast of Africa, by the vessel "*Two Friends*," were two Portuguese and two French flags.

God preserve your Excellency many years.

(Signed) RICHARD BARTLETT.

His Excellency the Marquis Concordia,
&c. &c. &c.

Fourth Enclosure in No. 43.

(Translation.)—*The Marquis Concordia to Mr. Bartlett.*

(No. 2.) *Santa Cruz, July 23, 1839.*

I ACKNOWLEDGE the receipt of your official letter of yesterday, with the addition of that of to-day, relative to the brig the "*Two Friends*," which, with the flag of the United States of America, has touched at and is now in this port, making known to you that, in accordance with legal advice, I have adopted appropriate proceedings on the subject.

God preserve you many years.

(Signed) THE MARQUIS CONCORDIA.

Richard Bartlett, Esq., Her Britannic Majesty's Consul.

Fifth Enclosure in No. 43.

(No. 2.) (Translation.)—*Mr. Bartlett to the Marquis Concordia.*

EXCELLENT SIR, *Santa Cruz, Teneriffe, July 26, 1839.*

WITH reference to my official letter of the 22d instant, I have the honour to inform your Excellency, that this morning another of the crew of the American brig "*Two Friends*" has presented himself in this Consular Office, and has informed me (and he is ready to affirm the same under oath) that his name is John Maguire, and that he is a native of Liverpool, in England; that, being in New Orleans, he went to the office of a ship-agent, named Gibbs, to obtain employment on board of a vessel, and that by the agency of the said Gibbs he embarked on board the American brig "*Two Friends*," with the name of George Anderson, which is the name of an American seaman, who was one of the crew of the American frigate of war the "*United States*," who gave him (Maguire) his discharge when the said

frigate was paid off at New York. Maguire has no other American protection. He says that before the vessel "*Two Friends*" arrived at Gallinas, on the coast of Africa, the Captain changed the names of the crew, except some that had American protections, and that he was called Samuel O'Neil. Respecting the other circumstances of the voyage, he confirms the statement of Francis Cassedy. The said John Maguire has asked my protection for the same reasons as the sailor Cassedy; and he objects to continue to sail on board the "*Two Friends*."

The two sailors, Francis Cassedy and John Maguire, say that when the vessel "*Two Friends*," arrived at Cabanes from New Orleans, they asked for their discharge. Cassedy says that the Captain refused to give it to him; and Maguire says, that the Captain answered him that he might go if he liked, but the Mate said to him "Jack, you had better go with us;" and that he (Maguire) answered "No," and that then the Mate said, "How are you to get on shore?" and in fact there was no mode of disembarking, and consequently he had no resource but to go the voyage. The sailor Cassedy is on board with the name of Richard Dashiell, and he has an American protection for a man named Dasheil. Cassedy says that this protection was given to him by an American sailor, named William Rogers, who is actually on board the ship "*Two Friends*."

God preserve your Excellency many years.

(Signed)

RICHARD BARTLETT.

His Excellency the Marquis Concordia.

&c. &c. &c.

Sixth Enclosure in No. 43.

No. 2.) (Translation.)—*Mr. Bartlett to the Marquis Concordia.*

EXCELLENT SIR,

Santa Cruz, July 29, 1839.

With reference to my official letters respecting the two English sailors on board the American ship "*Two Friends*," I think it right to inform your Excellency, that having asked the sailor Cassedy the conditions under which he embarked in New Orleans, he told me that to the best of his recollection they were to go to a port in Cuba, from thence to a port or ports in Europe, afterwards to the Coast of Africa, and from there to a port of discharge in the West Indies.

God preserve you many years.

(Signed)

RICHARD BARTLETT.

His Excellency the Marquis Concordia.

&c. &c. &c.

Seventh Enclosure in No. 43.

(No. 2.) (Translation.)—*The Marquis Concordia to Mr. Bartlett.*

SIR,

Santa Cruz, July 30, 1839.

I received in due course the official letter which you addressed to me, dated the 26th instant, and to day, that of yesterday, both relating to the brig "*Two Friends*," which, with the flag of the United States of America, arrived in this port; I have directed both to be added to the legal proceeding, formed in consequence of the arrival of this vessel, and proper measures will be adopted, as you must be assured from the justice which I administer.

God preserve you many years.

(Signed)

EL MARQUES DE LA CONCORDIA.

Richard Bartlett, Esq.

&c. &c. &c.

Eighth Enclosure in No. 43.

Statement of John Maguire, Seaman of the Brig "Two Friends."

JOHN MAGUIRE, native of Liverpool, states that his father was a Custom-house officer in Liverpool, and died about six years ago, and a few days before his death he obtained the appointment of landing-waiter. The said John Maguire, says, that being in New Orleans, he went to the office of an agent for ships,

named Gibbs, and asked for a ship; that Gibbs told him he had a very good ship, called the "*Dous Amigos*;" that he shipped at once without further inquiry; and that he went on board, and seeing the Spanish crew, he asked who they were, and was told they were passengers; that he, Maguire, shipped in the name of George Anderson, that being the name of a sailor belonging to the American frigate "*United States*," who when that ship was paid off, gave him (Maguire) his discharge, and that he has no other American protection; that when the American ship "*Two Friends*" arrived at Cabanes in Cuba, he asked the Captain for his discharge, and was told he might go on shore, and when preparing to do so, the Mate called him back, and said, "Jack, you had better go with us;" he told him "No," and the Mate then said, "How are you to get on shore?" and there being no means of doing so, he proceeded on the voyage; that before the ship arrived at Gallinas, the men's names were changed, except some of those that had American protections, and that he deponent was called Samuel O'Neil.

The circumstances of the voyage, as stated by Cassedy, the Deponent confirms. He objects to serve in the "*Two Friends*."

(Signed) JOHN MAGUIRE.

Santa Cruz, July 26, 1839.

Ninth Enclosure in No. 43.

Memorandum respecting the sailors on board the brig "Two Friends," under American colours, as stated by Francis Cassedy and Joseph Oliver.

American crew, thirteen:—

Two Englishmen.	One Norwegian.
Two Prussians.	One Portuguese.
Three Frenchmen.	One Spaniard.
Two Italians.	One American.

Note.—Two Englishmen and one Russian, went on shore at Cabanes in Cuba:—

Spanish crew, eleven:—

Six Portuguese.	Five Spaniards.
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No. 44.

Mr. Bartlett to Viscount Palmerston.

Santa Cruz, August 2, 1839.

MY LORD,

(Received August 28.)

Since I wrote my Despatch, dated the 31st of July, I have grounds for believing that the Spanish authorities have decided to refer the question respecting the brig "*Two Friends*," to the Government at Madrid. I presume that the vessel will be detained until an answer is received.

I shall send copies of my two Despatches, and of the Enclosures to Her Majesty's Minister at Madrid.

I have, &c.

(Signed) RICHARD BARTLETT, *Consul.*

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

&c.

&c.

&c.

No. 45.

Viscount Palmerston to Mr. Bartlett.

Foreign Office, September 3, 1839.

Circular transmitting Act for the Suppression of the Slave Trade.

(See No. 11, page 10.)

No. 46.

*Viscount Palmerston to Mr. Bartlett.**Foreign Office, October 12, 1839.**Circular on Negotiations with Portugal.*

(See No. 15, page 13.)

No. 47.

*Mr. Bartlett to Viscount Palmerston.**Santa Cruz September 13, 1839.*

MY LORD,

(Received October 14.)

Referring to my Despatches dated the 31st of July and 2d of August, I have the honour to state, that the brig "*Two Friends*," under American colours, remains in this bay, waiting the result of the reference made to Madrid by the Spanish authorities. Declarations have been taken of the whole of the individuals composing the two crews, Spanish and American. I was present when Declarations were given by the two men, Cassedy and Maguire, who state themselves to be British subjects. They communicated nothing more than what they stated to me, except that the Spaniard, who came here in the character of Supercargo, acted as Captain of the ship during the voyage. I learn, however, that some of the Portuguese of the Spanish crew, state that the "*Two Friends*" is the same vessel that has been running with the name of the "*Gabrielle*," and has landed more than one cargo of negroes in Cuba; has been frequently chased by British cruisers, and on one occasion the crew fired into the boats of one of Her Majesty's ships.

The Spanish Captain (Supercargo) and Mate, are in the castle of St. Christopher. The Spanish crew remain on board the brig. The American crew have been sent to a fort called Paso Alto, for security. The American Captain is at liberty.

Mr. Cullen, the American Consul, has denounced the ship, as having been engaged in a voyage contrary to the laws of the United States of America, but he denies the right of the Spanish authorities to interfere, except to detain the ship, until the American authorities decide as to the manner in which it is to be disposed of.

I have, &c.

(Signed)

RICHARD BARTLETT, *Consul.**The Right Hon. Viscount Palmerston, G.C.B.,*

&c. &c. &c.

No. 48.

*Viscount Palmerston to Mr. Bartlett.**Foreign Office, November 2, 1839.**Circular communicating Orders issued under Act for the Suppression of the Slave Trade.*

(See No. 18, page 16.)

No. 49.

*Mr. Bartlett to Viscount Palmerston.**Santa Cruz, October 15, 1839.*

MY LORD,

(Received November 14.)

I HAVE the honour to acknowledge the receipt of Despatches, marked "*Slave Trade*," of the 29th June, the 25th August, and 3d September, with Enclosures respecting the traffic in slaves.

I have, &c.,

(Signed)

RICHARD BARTLETT, *Consul.**The Right Hon. Viscount Palmerston, G.C.B.,*

&c. &c. &c.

No. 50.

*Mr. Bartlett to Viscount Palmerston.**Santa Cruz, November 25, 1839.**(Received December 19.)*

MY LORD,

THE brig "*Two Friends*," under American colours, still remains in this Bay detained. No orders on the subject have as yet been received by the Authorities from the Spanish Government.

On the 25th October, Commodore Hull, in the American line-of-battle ship "*Ohio*," came here to make inquiries respecting the circumstances of the detention of the "*Two Friends*." From hence the "*Ohio*" proceeded to Gibraltar and the "Mediterranean."

I think it right to mention, with reference to a statement communicated in my Despatch of September 13th, as hearsay, viz. "that the '*Two Friends*' is the same vessel that has been running with the name of the '*Gabrielle*,' and has landed more than one cargo of slaves in Cuba, has been frequently chased by British cruizers, and on one occasion the crew fired into the boats of one of Her Majesty's ships;" that in conversation with the Portuguese Vice-Consul (who is a Spaniard), I asked if the facts were so, he replied, that nothing had come to his knowledge, respecting the crew of the "*Gabrielle*" having fired into the boats of one of Her Majesty's ships.

I have, &c.

(Signed) RICHARD BARTLETT, *Consul.**The Right Hon. Viscount Palmerston, G.C.B.,*

&c.

&c.

&c.

SPAIN. (*Consular*)—*The Havana.*

No. 51.

Viscount Palmerston to Mr. Tolmé.

Foreign Office, June 29, 1839.

Circular transmitting Papers presented to Parliament.

(See No. 1, page 1.)

No. 52.

Mr. Tolmé to Viscount Palmerston.

British Consulate, Havana, May 6, 1839.

MY LORD,

(Received July 2.)

IN my Despatch of the 11th ultimo, Slave Trade, I said, that I was engaged "in collecting materials for a list of vessels in port, likely to proceed to Africa, which I should send when complete."

That list I have now the honour to enclose. It does not contain Americans, because their positive destination it is impossible to ascertain with accuracy till they leave; but I believe that there must be several here intended for the slave traffic.

I have, &c.

(Signed)

C. D. TOLME', *Consul.*

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

&c.

&c.

&c.

Enclosure in No. 52.

List of Vessels lying in the Port of Havana, at the end of April, 1839, which it is supposed are putting out for Africa.

- Port. ship "*Maria Segunda*," formerly the "*Socorro*," arrived March 11, 1839.
 - Port. ship "*Amenia*," formerly the "*Cavalle Marino*," arrived Jan. 4, 1839.
 - Port. brig "*Duquesa Braganza*," formerly the "*Venus*," arrived Jan. 7, 1839.
 - Port. brig "*Trueno*," arrived December 9, 1838.
 - Port. brig "*Escorpion*," arrived October 18, 1838.
 - Port. brig "*Felicidad*," arrived February 2, 1839.
 - Port. brig "*Liberal*," arrived March 23, 1839.
 - Oriental brig "*Primogenito*," arrived February 14, 1839.
 - Spanish brig "*Aguila*," arrived in the middle of 1838.
 - Spanish brig "*Cienpies*," first voyage.
 - Port. schooner "*San Ygual*," arrived April 15, 1839.
 - Port. schooner "*Eliza*," arrived February 25, 1839.
 - Port. schooner "*Brillante*," arrived February 17, 1839.
 - Port. schooner "*Dichosa*," arrived January 6, 1839.
 - Port. schooner "*Josefina*," arrived March 7, 1839.
 - Port. schooner "*Segunda Union*," arrived January 30, 1839.
 - Port. schooner "*Lavandeira*," arrived February 21, 1839.
 - Port. schooner "*Josefina*," arrived February 7, 1839.
 - Port. schooner "*Constituição*," arrived March 3, 1839.
 - Port. schooner "*Carlota*."
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No. 53.

Mr. Tolmé to Viscount Palmerston.

British Consulate, Havana, May 16, 1839.

MY LORD,

(Received July 2.)

I HAD the honour, in my Despatch of the 28th November, 1838, Slave Trade, to speak of the British brigantine, "*Arrogante*," as likely again to be em-

ployed as a slaver, and in that of the 11th ultimo I stated, that she would probably proceed, under English colours, to Cadiz or Gibraltar.

It is now my duty to inform your Lordship, that this vessel has been sold here, under the Power of Attorney of which I have the honour of enclosing a copy; the Register has been delivered to me, in conformity with the 3d and 4th of William IV., cap. 55, sec. 20, and the crew been discharged, in compliance with the 5th and 6th of William IV., cap. 19, sec. 17.

This ship, there is little doubt, is to be employed as before; but as she must be well known to all Her Majesty's cruisers who were in Vera Cruz of late, I hope she will not escape their vigilance.

I have written to the Commander-in-Chief respecting her; the Enclosure, No. 2, is a copy of my letter. She will probably at first have Spanish colours, but no doubt be soon transferred to the Portuguese.

It is unnecessary for me to call your Lordship's attention to the facts, that this vessel,

1. Belonged, when captured, to P. Martinez and Co.
2. Sent from Sierra Leone, she was purchased, or at least registered, in London, on the 19th of September, 1838, by M. Zulueta, Messrs. Martinez' Agents there.
3. That on the 8th of November, 1838, the same Zulueta executed a Power of Attorney to a partner here of the same P. Martinez and Co. for her sale; and
4. That she is now again the property of her original owner.

The papers are before your Lordship, and they speak for themselves.

I have, &c.

(Signed) C. D. TOLME, *Consul.*

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

&c.

&c.

First Enclosure in No. 53.

Power of Attorney from Mr. Zulueta to Mr. Martinez.

By this public instrument or procuration, and letter of attorney, be it known and manifest unto all to whom these presents shall come, that whereas by a deed-
roll, or instrument in writing, under the hand and seal of George Alexander Kidd,
of Freetown, in the Colony of Sierra Leone, merchant, bearing date on or about
the 23rd day of June, now last past, he, the said George Alexander Kidd, therein
described to be the sole Owner of the brigantine or vessel called the "*Arrogante*,"
which said brigantine or vessel is therein more particularly described, did constitute
and appoint Charles Goldsmith and James Webster, of Friday-street, in the City
of London, merchants, conducting a business under the style and firm of Goldsmith
and Webster, to be his true and lawful attorneys, to sell and dispose, as well the
said brigantine "*Arrogante*" as her appurtenances, at and for the best price that
could be got for the same, and thereupon to seal and execute a bill of sale, assign-
ment, or other deed and writing for perfecting and confirming the sale thereof, as
the law of England should require, or that should in that behalf be requisite and
necessary, and upon receipt of the money which the said brigantine and her appur-
tenances should be sold for, to give sufficient receipts and discharges for the same,
and generally to do all other matters and things in and about the premises as fully
and effectually as he himself could or might do if personally present; and that
whereas by a bill of sale or instrument in writing, bearing date on or about the
18th day of August, also now last past, and made, or expressed to be made, between
the said George Alexander Kidd, by his attorneys Charles Goldsmith and James
Webster, and Peter John de Zulueta, of King William-street, in the City of
London, merchant, a free denizen, by letters of denization, bearing date the 26th
day of May, 1836, for the consideration therein mentioned to the said George
Alexander Kidd by the said Peter John de Zulueta paid, all that the ship or
vessel called the "*Arrogante*," then in the Port of London, and thereafter
particularly described, together with all and singular the appurtenances whatsoever
to the said ship or vessel belonging, or in anywise appertaining, were bargained,
sold, assigned, and set over unto the said Peter John de Zulueta, his executors,
administrators, and assigns for ever; and that whereas the said ship or vessel hath
been duly registered pursuant to Act of Parliament, a copy of the recital of the
certificate of which registry is in the words and figures, or to the purpose and
effect following; that is to say—

No. 407. Port of London, dated 19th September, 1838, name "*Arrogante*,"

burthen 104 tons; Henry Alloway, Master; when and where built or condemned as prize; referring to builder's certificate, judge's certificate, or last registry; condemned as prize in the British and Portuguese Court of Mixed Commission at Sierra Leone, 6th March, 1838, for the breach of the laws made for the prevention of the Slave Trade, as appears by a certificate of registry granted at Sierra Leone, 20th June, 1838. No. 4 now delivered up and cancelled. Name and employment of surveying officer, W. Board, the surveying officer. New form; one deck, two masts; that her length from the inner part of the main stem to the fore part of the stern aloft is 92 feet 5-tenths, (her depth in hold at midships is 19 feet tenths,) her breadth in midships is 19 feet tenths, her depth in hold at midships is 10 feet tenths; that she is brigantine rigged, with a standing bowsprit, square sterned, carved built, no galleries, a scroll head. W. H. Billing p. Coll., R. Tall p. coat, admeasured under the Act 5 and 6 Will. 4, c. 56.

Admeasurement per Act 3 and 4 Will. 4, c. 55, $\frac{109}{34}$ tons. Subscribing Owners. Pedro Juan de Zulueta, of King William-street, in the City of London, merchant, a free denizen, by letters of denization, dated 26th May, 1836; shares 64. And that whereas a memorandum of the said bill of sale or transfer hath been duly entered upon the said recital of the certificate of registry, and the said Peter John de Zulueta is thereby described to be, and now is, the sole Owner and proprietor of the said ship or vessel called the "*Arrogante*:" and that whereas it hath been alleged that the said ship or vessel, whereof Henry Alloway now is or lately was the Master, set sail from the Port of London, under destination for that of Cadiz, on or about the 19th day of the said month of August. And be it hereby further known and manifest that, on the day of the date hereof, before me, the hereinafter described notary public, personally came and appeared the said Peter John de Zulueta, to me, the said notary, well known, who did thereupon declare as follows, that is to say; that being desirous of appointing Don Cipriano Lopez Martinez, of the Havana, merchant, to act as and be his attorney, for the special intents and purposes hereinafter mentioned, he had accordingly made, ordained, nominated, constituted, and appointed, as by these presents he doth, make, ordain, nominate, constitute, and appoint, the said Don Cipriano Lopez Martinez to be his true and lawful attorney, hereby giving and granting unto him full power and absolute authority for and on behalf of him the said constituent, and in his name or otherwise, as shall be found most suitable, and either by public auction or private contract, and at and for the best price or sum that can be got or obtained for the same, to bargain, sell, assign, transfer, and set over, to such person or persons as may be desirous of becoming the purchaser or purchasers thereof, all that the aforesaid ship or vessel called the "*Arrogante*," hereinbefore particularly described, together with all and singular the masts, sails, sail-yards, anchors, cables, ropes, cords, guns, gunpowder, ammunition, small arms, tackle, apparel, boats, oars, and appurtenances, whatsoever to the said ship or vessel belonging, or in any wise appertaining; and upon effecting the sale of the said ship or vessel and her appurtenances, to sign, seal, and execute, and, as his the said constituent's act and deed, to deliver such bill or bills of sale, deed, or deeds of assignment, or other instrument or instruments whatsoever, in the premises, for effectually conveying, assigning, and assuring the said ship or vessel, and her appurtenances, unto such purchaser or purchasers thereof, his, her, or their executors, administrators, and assigns, as shall or may be requisite or necessary, or can or may be reasonably required. And also upon the receipt of the purchase and consideration money arising from and out of the said sale, or of any part or parts thereof, good sufficient receipts, acquittances, and other discharges, for the same to give, and further for him, his said attorney, if need be, one or more attorney or attorneys, under him, in the Island of Cuba, or elsewhere, for all or any of the purposes aforesaid, to delegate and substitute, the same at pleasure to revoke, and another or others, in the room of such attorney or attorneys so removed, again to appoint; and generally to do, perform, and execute, or cause or procure to be done, performed, and executed, all and whatsoever shall or may be needful or expedient, for effecting all or any of the objects aforesaid, or all or any of the matters and things in any way relating thereto or connected therewith, as fully, amply, and effectually, to all intents and purposes, as he the said constituent himself might or could do, were he personally present, and acting therein: he, the said constituent, hereby ratifying, allowing, and confirming, and promising to ratify, allow, and confirm, all and whatsoever his said attorney or his substitute or substitutes shall lawfully do, or cause to be done, in or about or touching or concerning the premises, by virtue of these presents.

In publication of which premises, and in exercise of my official functions, I, the said notary public, practising in this said City of London, have granted these presents, under my official firm and seal, to serve and avail as occasion shall or may require, the same being first described by the said Peter John de Zulueta, in the presence of the witnesses hereunto subscribing, and of me the said notary public.

Done and passed in London aforesaid, this eighth day of November, in the year of our Lord One thousand eight hundred and thirty-eight.

(Signed) P. J. de ZULUETA.

Witnesses :
(Signed) SAM. BIRKLEY, *Insurance Broker at Lloyd's.*
WM. SMITH, *Clerk to Messrs. Zulueta and Co.*

In testimonium veritatis,

(Seal.) A. DE PINNA, *Not. Pub.*

(Translation.)

I, THE Undersigned, Consul of Her Majesty the Queen Donna Isabella the Second, in the United Kingdom of Great Britain and Ireland, do certify that A. de Pinna, Notary Public, is recognised as such, as in the exercise of the functions of that office in this capital, and that in courts of justice and elsewhere entire faith is given to his signature, which is that which precedes and is the same which he uses in all his writings. And, in order that it may certify and produce the proper effects, I give the present, sealed with the official seal and signed by my hand at London, Nov. 10, 1838.

(Seal.) (Signed) JOSE MARIA BARRERO.

Second Enclosure in No. 53.

Mr. Tolmé to the Commanding Officer of Her Majesty's Naval Forces at Port Royal.

SIR, *British Consulate, Havana, May 13, 1839.*

As several commanders of British vessels on this station have seen the celebrated slave-trader the "*Duquesa de Braganza*" when she was first rigged as a barque, I think it well to make known to you that she is now a brig, and will sail in a few days from hence for Mosambique.

I would also observe, that the British brigantine "*Arrogante*," which several of our Officers must have seen at Vera Cruz, once the "*Urracca*," prize to Her Majesty's brig "*Snake*," has been sold here, and will probably be again fitted out for an expedition to Africa, under Spanish, or more likely, Portuguese colours.

I have, &c.

The Commanding Officer of Her Majesty's Naval Forces at Port Royal. (Signed) C. D. TOLME'.

No. 54.

Mr. Tolmé to Viscount Palmerston.

British Consulate, Havana, May 28, 1839.

(Extract.) (Received July 2.)

I HAVE the honour to wait on your Lordship with copies of the Lists, supplied Her Majesty's Commissioners, of arrivals and departures in the last month, of vessels said to be engaged in the Slave Trade.

The "*Sin Ygual*" is the same which arrived on the 4th October, 1838; the "*Matilde*" and "*Ense*" those which were reported in February, 1839.

I have nothing this month to communicate to your Lordship from the out-ports.

First Enclosure in No. 54.

List of Vessels despatched from the Port of Havana in the Month of April, 1839, suspected of being engaged in the Slave Trade.

April 12. Portuguese brig "*Matilde*," Nieves, Master, for Princes' Island.

April 22. Portuguese brig "*Ense*," Vives, Master, for Rio Pongo.

Second Enclosure in No. 54.

Vessel arrived in the Port of Havana in the Month of April, 1839, after having, it is said, landed Slaves on the adjacent Coast.

April 15. Portuguese schooner "*Sin Ygual*," Matorel, Master, about 335 Africans.

No. 55.

Mr. Tolmé to Viscount Palmerston.

British Consulate, Havana, May 28, 1839.

(Received July 2.)

MY LORD,

HER Majesty's Commissioners having yesterday notified to me your Lordship's directions, that they should, in their monthly reports, give not only the names of vessels despatched from this port to the Coast of Africa, but also, when they can be ascertained, the names of the person sent in command of them, "and having requested me to furnish them in the sequel the required information accordingly," I beg to assure your Lordship that I shall not fail to do so, and as such information may be useful for the immediate past, as well as the future, I now take leave to supply it for all clearances from the 1st January to the 30th of April, of this year in the Enclosure to this Despatch.

I have, &c.

(Signed)

C. D. TOLME, *Consul.*

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

Enclosure in No. 55.

List of Vessels despatched from Havana for the Coast of Africa, from 1st January to 30th April, 1839, with the Names of their respective Captains.

January 23.	" <i>Rebecca</i> "	. . .	Wilson,	Master.
" 26.	" <i>Oriental</i> "	. . .	Hatch,	"
" 28.	" <i>Fortuna</i> "	. . .	Barboza,	"
February 8.	" <i>W. Bayard</i> "	. . .	Hubbard,	"
" 19.	" <i>Na Sa del Rosario</i> "	. . .	Pernano,	"
" "	" <i>Montaña</i> "	. . .	Viana,	"
" "	" <i>Morris Cooper</i> "	. . .	Smith,	"
" 21.	" <i>Percy Spenser</i> "	. . .	Munroe,	"
March 6.	" <i>Wyoming</i> "	. . .	Christopher,	"
" "	" <i>Octavia</i> "	. . .	Hickens,	"
" 12.	" <i>Josefina</i> "	. . .	Rodriguez,	"
" 21.	" <i>Constituciao</i> "	. . .	Rodriguez,	"
" "	" <i>Jack Wilding</i> "	. . .	Eneas,	"
April 12.	" <i>Matilde</i> "	. . .	Nieves,	"
" 22.	" <i>Elisa</i> ,"	. . .	Vives,	"

No. 56.

Mr. Tolmé to Viscount Palmerston.

British Consulate, Havana, June 26, 1839.

(Received July 24.)

MY LORD,

I HAVE the honour of transmitting to your Lordship, according to my usual practice, a copy of the Lists, which I have furnished to Her Majesty's Commissioners for the last month.

Of the vessels despatched at the Custom-house, suspected of being engaged in the Slave Trade, the "*Josefina*" arrived on the 7th March; the "*Victoria*" was, I believe, recently an American, but as there are several of the same name, I cannot speak positively on this point. The "*Amelia*" is the old "*Caballo Marino*," which arrived under her present name on the 4th of January; the "*Primo Genito*" came in on the 14th February; the "*Liberal*" on the 14th February; all are mentioned in my former Despatches. The "*Margaretha*" is a Hamburger, taking out a cargo on freight, her destination being not "*Princes' Island*," for which she cleared, but "*Whydah*."

Of the vessels arrived, the "*Ligera*" makes her first or second voyage under this name, being formerly American; the "*Maximo*" was the Spanish brig "*Irene*;" the "*Victoria*," if I do not confound her with another vessel of the same name, cleared from hence in September, 1838, and was just before under American colours. Besides these arrivals with slaves, there has come without, the "*Triunfo*," from Mosambique, formerly the "*Cristina*," cleared from hence in September, 1838. I shall communicate to your Lordship when I can, the ports from which slave-vessels arrive, but, as the places to which slave-vessels go, and those from which they come, are seldom reported correctly, I cannot expect to be able to give correct information on the subject.

I have no news this month from the out-ports; indeed there is so extraordinary a disinclination on the part of persons resident there, to state what is going on in the Slave Trade, that I despair of procuring ample information, till I have time, by visiting them in person, to organize an agency for the purpose.

I have, &c.

(Signed)

C. D. TOLME, *Consul.*

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

&c.

&c.

&c.

First Enclosure in No. 56.

List of Vessels despatched in May, 1839, from Havana, for Africa and the Cape de Verds.

7th May,	Portuguese schooner . . .	"Josefina" . . .	J. Reis, Master, for Loanda.
„	Portuguese schooner . . .	"Victoria" . . .	J. J. Acuna, Master, for Caba Mesurado.
„	Portuguese ship . . .	"Amelia" . . .	Menquita, Master, for Madagascar.
16th „	Oriental brig . . .	"Primo Genito" . . .	Garcia, Master, for Montevideo, by way of Pablo de Loando.
16th „	Portuguese schooner . . .	"Liberat" . . .	Dos Santos, Master, for Loanda.
23rd „	Hamburg brig . . .	"Margaret" . . .	Blohm, Master, for Princes' Island.

Second Enclosure in No. 56.

List of Vessels arrived in Havana in the Month of May, 1839, after having, it is said, landed Slaves on the Coast.

3rd May,	Portuguese schooner . . .	"Ligera" . . .	Captain Sales, with 233 Africans.
10th „	Portuguese brig . . .	"Maximo" . . .	Silva, with 360 Africans.
14th „	Portuguese brig . . .	"Victoria" . . .	Santures, with 283 Africans.

No. 57.

Mr. Tolmé to Viscount Palmerston.

British Consulate, Havana, July 15, 1839.

MY LORD,

(Received August 17.)

I HAVE the honour to enclose Lists of the vessels arrived from the Coast of Africa in the month of June, suspected of having landed slaves on the Coast of Cuba, and of those entered outwards at the Custom-house of this place, in the same month, suspected of being engaged in the Slave Trade.

Copies of these lists I have transmitted to Her Majesty's Commissioners.

Of the arrivals the "*Dous Amigos*," went out, I am told, an American. The "*Josefina*" was once the "*Gallega*." The "*Astrea*" was fitted out in "*Bahia*."

Of the vessels despatched, the "*Maria Segunda*" is the former "*Socorro*." She is no longer commanded by M. Muizzard. The "*Ulises*" is the "*Manso*," so mentioned in my Despatch, "Slave Trade," 27th February, 1839. The "*Ligera*" arrived on the 3d May last. The "*Duquesa de Braganza*," now a brig, is the famous barque "*Venus*," about which there has been so much correspondence.

CLASS B.

The "*Hound*" is an American schooner, which arrived from Nassau 25th March last. The "*Mary*" is a heavy vessel, chartered merely to carry out goods, whilst the "*Elvina*" and "*Catherine*" both arrived from Baltimore on the 25th May, and were sold to parties connected with the Slave Trade.

There came also, on the 21st June, from Gallinas, the American schooner "*Hugh Boyd*;" but she brought only, I understand, passengers, Spaniards or freemen.

From the other parts of the island I have no report.

I have, &c.,

(Signed)

C. D. TOLMÉ, *Consul.*

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

&c.

&c.

&c.

First Enclosure in No. 57.

Vessels arrived at Havana in the month of June, 1839, after having landed, it is said, Slaves on the adjacent Coast.

June 9.	Portuguese schooner	" <i>Dous Amigos</i> "	José Silva, after landing, it is said, 413 slaves.
" 14.	" "	" <i>Josefina</i> "	Antonio Rodriguez, after landing, it is said, 240 slaves.
" 20.	" "	" <i>Astrea</i> "	Labino, after landing, it is said, 440 slaves.

Second Enclosure in No. 57.

Vessels despatched at the Custom House of Havana in the month of June for the Coast of Africa.

June 5.	Portuguese ship	" <i>Maria Segunda</i> "	Fr. Batalla, for Mosambique.
" 5.	" brig	" <i>Ulises</i> "	Antonio Hernandez, for Princes' Island.
" 5.	" schooner	" <i>Ligera</i> "	José de Ponza Brito, for Loando.
" 17.	" brig	" <i>Duquesa de Braganza</i> "	Urbano, for Goa.
" 17.	American schooner	" <i>Hound</i> "	Alex. Hanna, for Lagos.
" 17.	" brig	" <i>Mary</i> "	David Tomlinson, for Gallinas.
" 26.	" schooner	" <i>Elvina</i> "	Jones, for Gallinas and Bonny.
" 15.	" schooner	" <i>Catharine</i> "	Wedge, for Princes' Island.

No. 58.

Viscount Palmerston to Mr. Tolmé.

Foreign Office, August 25, 1839.

Circular transmitting Address from the House of Peers.

(See No. 7, page 7.)

No. 59.

Viscount Palmerston to Mr. Tolmé.

Foreign Office, September 3, 1839.

Circular transmitting Act for the Suppression of Slave Trade.

(See No. 11, page 10.)

No. 60.

Mr. Tolmé to Viscount Palmerston.

British Consulate, Havana, August 20, 1839.

(Received October 2.)

MY LORD,

I HAVE the honour to enclose your Lordship a List of vessels, entered outwards

at this Custom-house for the Coast of Africa, in the month of July, 1839; and a List of vessels entered inwards in the same month, after having, as it is believed, previously discharged slaves in this island, with the number of slaves so discharged.

Of the vessels entered outwards, the "*Dous Amigos*" is the same schooner that arrived on the 9th June last. The "*Butterfly*" an American, which, having grounded on one of the Bahamas in March or April of this year, was condemned and sold at Nassau, got off, sent here and in vain offered for sale, till, proceeding to New Orleans, she procured fresh papers, and after her return, was transferred to one of the houses in the Slave Trade. The "*Triunfo de Loanda*" is the vessel mentioned in my Despatch, Slave Trade, of May 17, 1839, formerly the "*Cristina*." On one of her recent voyages, it is said, that she stole the cargo of slaves of the Brazilian brig "*Mercurio*," of Pernambuco. The "*Felicidad*," "*Victoria*," and "*Josefina*," are the vessels of those names, which arrived in February, May, and June respectively. Of Portuguese vessels, besides the above mentioned, there cleared in July, for Porto Rico, the well-known schooner "*Brillante*," formerly the "*Volador*," which vessel, last summer, robbed the Brazilian barque "*Rosa*" of her cargo of negroes; and for Vera Cruz the schooner "*Lavadeira*," the same that arrived from the Coast of Africa in February, 1839. The first of these vessels will, probably, only call at Porto Rico, and thence proceed to the Coast of Africa; the last, it is said, was intended to have been despatched thither from a Mexican port, but some difficulties having arisen, she has returned, and is now offered for sale.

Of the arrivals, the "*Magdalena*" was a New York pilot boat, sold here in March, 1839, being then called the "*Joseph Legger*," and immediately sent to Africa, though she does not appear in my lists, having been cleared for another destination; and the "*Fortuna*" is the "*Llobregat*," for many years past a conspicuous name in the Reports of Her Majesty's Commissioners.

From the out-ports I have no intelligence; my correspondent at Matanzas is absent. My friends at Trinidad, Cienfuegos, &c., are not willing to take on themselves the risk of making me reports of what is passing. From Santiago de Cuba I trust your Lordship has direct information.

It was to be expected that the detention of the American ships "*Eagle*," "*Clara*," and "*Wyoming*," by Her Majesty's ships "*Buzzard*" and "*Harlequin*," would intimidate the Slave Traders in this place, from employing the flag of the United States, and such appears to have been the case, for many Baltimore clippers are lying here, for the moment, unsaleable, and in August no American has been despatched from hence for the Coast of Africa, except a heavy sailing brig, the "*Douglas*," with a cargo for Whydah; but on the other hand several Portuguese have been equipped, and some Spaniards are again coming into the trade. The account thereof belongs to another month; but I cannot refrain from anticipating my then to be given report, as far as concerns the British brig "*Arrogante*," the subject of my Despatch of the 16th May last, Slave Trade, by stating that she left the Havana for S. Tomé on the 2d August, as the Spanish schooner brig "*Iberia*," commanded by Don José Rodrigues.

I have, &c.

(Signed)

C. D. TOLME, Consul.

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

First Enclosure in No. 60.

List of Vessels entered outwards from the Custom House of Havana for the Coast of Africa in the month of July, 1839.

1839.

July 2,	Portuguese Schooner	..	" <i>Dous Amigos</i> "	..	Silva, Master, for S. Tomé.
..	American Schooner	..	" <i>Butterfly</i> "	..	Morris, Master, for Princes' Island.
.. 6,	Portuguese Brig	..	" <i>Triunfo</i> "	..	Souza, Master, for Mozambique.
July 9,	Portuguese Schooner Brig,	..	" <i>Felicidades</i> ,"	..	Sorria, Master, for Lagos.
.. 27,	Portuguese Schooner	..	" <i>Victoria</i> "	..	Santresiz, Master, for Rio Pongo.
..	Portuguese Schooner	..	" <i>Josefina</i> "	..	Rodriguez, Master, for S. Tomé.

N. B.—The names of the Masters of the "*Victoria*" and "*Josefina*" may be different.

Second Enclosure in No. 60.

List of Vessels entered inwards in the Month of July, after having, as is believed, previously discharged Slaves in this Island, with the number of Slaves so discharged.

1839.

July 3, Portuguese Schooner, "*Magdalena*," Moradillo, Master, after landing about 184 negroes at Guanimar.
 „ 19, Portuguese Brig . . . "*Fortuna*" . Bardosa, Master, after landing 347 negroes at Banes.

No. 61.

Viscount Palmerston to Mr. Tolmé.

SIR,

Foreign Office, October 12, 1839.

ON the 16th ultimo the "*Correiro*," of Lisbon, published in the Portuguese language two Notes, which Lord Howard de Walden was instructed some months ago to present to the Portuguese Government, on the subject of the African Slave Trade, carried on under the flag of Portugal.

I transmit to you herewith one copy of the "*Correiro*," and I have to desire that you will cause the two Notes to be reprinted, and to be circulated as extensively as possible.

I am, &c.

(Signed) PALMERSTON.

C. D. Tolmé, Esq.,
 &c. &c. &c.

No. 62.

*Viscount Palmerston to Mr. Tolmé.**Foreign Office, October 12, 1839.**Circular on Negotiations with Portugal.*

(See No. 15, page 13.)

No. 63.

*Viscount Palmerston to Mr. Tolmé.**Foreign Office, November 2, 1839.**Circular communicating Orders issued under the Act for the Suppression of the Slave Trade.*

(See No. 18, page 16.)

No. 64.

*Mr Tolmé to Viscount Palmerston.**Havana, September 3, 1839.**(Received November 26.)*

MY LORD,

I HAVE to day the honour of waiting on your Lordship with the Lists, for the month of August, of such vessels as have been reported to me to have entered outwards at this Custom-house for the Coast of Africa, and of those entered inwards, after having, as it is believed, previously discharged slaves on this Island; with the number of slaves so discharged.

As far as Portuguese vessels go these returns correspond exactly with those published by Authority, for, according to the latter, only two sailed in August, and only three under that flag arrived, of which one from Vera Cruz, the "*Lavandeira*," a slave-trader, has since cleared for San Tomé.

Of the vessels under other colours no such means exist of testing the accuracy of my reports.

Among those which entered in August, the "*Amable Salomé*" is one of the well-known vessels of that name belonging to Pedro Blanco. The "*Casualidad*" is the "*Morris Cooper*," an American brig, which has made several voyages to Africa with merchandize.

Of the vessels which left, the "Douglas" is an American, with a full cargo, likely, I am told, to return with salt from the Cape Verds; the "Iberia" is the schooner brig "Arrogante," formerly under the Spanish and afterwards the British flag, alluded to in several of my recent Despatches; and the "Magdalena" is the American pilot-boat "Joseph Legget," mentioned in that of the 20th August last. Of the "Ensayador," I have no particulars. The "Fortuna" is the notorious "Llobregat."

From the out-ports I have no information. People seem afraid of giving it.

In my last Despatch, I stated that the "Brillante" was formerly the "Volador." This was an error. I beg to apologize for it. The latter vessel is now the "Escorpion," and it was by her that the act of piracy, alluded to in that communication, was committed, as will be seen by the accompanying translation from the Portuguese, which I have had the opportunity of making, of a letter (whereof the original has been shown me), addressed by a Brazilian in this place to her Owners here upon the subject.

I have, &c.

(Signed) C. D. TOLMEY.

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

&c. &c. &c.

First Enclosure in No. 64.

LIST of VESSELS which were despatched at the Custom-house of Havana, in the Month of August, 1839, for Africa and the Cape de Verds.

	Flag and Rig.	Ship's Name.	Master's Name.	Where bound.
1839.				
August 2	Spanish Schooner . . .	Ensayador . .	Juan Artuza . .	Cape de Verds.
" "	American Brig . . .	Douglas . .	Baker . . .	Bonny.
" "	Spanish Brigantine . . .	Iberia . . .	José Rodriguez .	S. Tomé.
" 5	Portuguese Pilot-boat . .	Magdalena . .	Juan Faldena . .	Gallenas.
" "	Portuguese Brig . . .	Fortuna . .	Alejo Silva . .	Princes' Island.

Second Enclosure in No. 64.

LIST of VESSELS which arrived in the Port of Havana, in the Month of August, 1839, after landing it is believed, Slaves on the adjacent Coast.

	Flag and Rig.	Ship's Name.	Master's Name.	Number of Slaves landed.	Where landed.
1839.					
August 1	Portuguese Brig	Casualidad . .	Juan Flores . .	489	Guanimar.
" 10	Do. Schooner	Amable Salomé.	Antonio Sanchez	318	Near Cuba.

Third Enclosure in No. 64.

Translation of a Letter from Joaquim Jose Duarte Silva to Messrs. Blanco and Carvalho, Havana.

RESPECTED SIRS,

Havana, November 26, 1838.

M. JOAQUIM DE REGADAS, in his letter from Pernambuco of the 17th August, has ordered me to reclaim the cargo taken by force from his brig "Mercurio," by the commercial brig of this place, called the "Triunfo de Loanda," or "Cristina." In the said letter, he informs me of a similar event which has happened to his friends, Carvalho and Bastos, of Rio de Janeiro, whose barque "Rosa"* was violently deprived of her cargo by the brig "Escorpion, or "Volador," of this place, despatched by you, for which reason I now address you, in order that you may be pleased to retain in your power, the funds arising from this disagreeable affair, until you receive the documents necessary to prove what has taken place. I request you to be pleased to give me a definite reply to this communication, and remain.

* Note by Mr. Tolmé.—The "Rosa" is the vessel mentioned in Mr. Ouseley's despatch of the 24th September, 1838. P.P. 1838-9. Class B., page 406.

No. 65.

*Mr. Tolmé to Viscount Palmerston.**Havana, September 7, 1839.**(Received November 26.)*

MY LORD,

I HAVE the honour to acknowledge receipt of your Lordship's Despatch of the 29th of June last, marked "Slave Trade," accompanying a copy of two series of Papers relating to the Slave Trade, which have been presented to the two Houses of Parliament during the present Session by Her Majesty's Government, which I have added to the Archives of this Consulate.

I have, &c.

(Signed)

C. D. TOLME', *Consul.**The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

No. 66.

*Mr. Tolmé to Viscount Palmerston.**Havana, September 17, 1839.**(Received November 26.)*

MY LORD,

HAVING received by the Express Packet the printed Correspondence relating to the Slave Trade presented to Parliament, by Her Majesty's command, in its last Session, a correspondence which throws much light on what is passing here, the earliest appears to me the most appropriate moment, for availing myself of the information which it contains, to elucidate the monthly returns, which I have had the honour of making, and for waiting on your Lordship with such remarks on the traffic in general, as these highly interesting volumes suggest.

In entering on this task, I beg to assure your Lordship, that I have no wish to obtrude myself into the province of others, whose more express duty it is to communicate with Her Majesty's Government on such subjects, and whose leisure and talents no doubt enable them to furnish far more important facts, than those within the reach of my time or ability; but as it is required of me, as well by my Consular Instructions as by Mr. Backhouse's Despatch of the 17th January, 1835, from time to time to report to the Secretary of State, the information I may collect in regard to the Slave Trade, I would not fail to fulfil this duty, more especially when the details I am enabled to give, though taken alone perhaps unimportant, may serve to form some link in a chain of evidence, sufficient to prove how the trade is now carried on, and in what manner, and to what extent the subjects and citizens, and flags of Spain and Portugal, and the United States, are engaged in it.

In the fulfilment of this plan, I would first beg leave to call your Lordship's attention to the List annexed, No. 1, of all the vessels which have been reported to me as arriving in Havana during the year, commencing the 1st September, 1838, and ending on the 1st September, 1839, after clandestinely landing negroes on the adjacent coast. This List may be not quite complete; the persons employed to furnish information, may occasionally, from partiality or neglect, fail to do it, but I have reason to believe, from private inquiry made in various quarters, that it will not be found materially defective or incorrect.

Neither is it probable, that any great number of negroes is landed at the out-ports, without being included in this list:—

1st. Because almost all vessels that discharge at such ports, if they bring slaves for the supply of this district, afterwards come in here, and are included in this Report; witness those that disembark their cargoes at Guanimar, Mariel, Camarioca, &c.

2nd. Because many that discharge in other provinces of the island, afterwards come round, and are reported here; witness the "*General Espartero*," "*Triunfo de Loanda*," "*Escorpion*," and "*Brillante*," being four out of nine vessels included in Mr. Consul Hardy's List of the arrivals at Santiago in 1838, and also in the List of Her Majesty's Commissioners as arrived here.

3rdly. Because in no other of the provinces of the island, can negroes to any very great extent be sold, (except in those of the Havana and Cuba,) for their agricul-

ture creates no considerable demand, and their means admit of no extensive purchases, witness the value of produce* exported in 1838, which whilst it amounted, according to official Returns:—

From Havana and Matanzas to	16,108,761 dollars, or about	£3,221,752
And from Cuba to	2,645,658	„ „ 529,131
Amounted from Puerto Principe to about	87,367	„ „ 17,473
„ „ Trinidad	1,113,995	„ „ 222,799
„ „ Baracoa	31,245	„ „ 6,249
„ „ Gibara	192,635	„ „ 38,527
„ „ Cienfuegos	152,820	„ „ 30,564
„ „ and Manzanillo	138,617	„ „ 27,723

* And merchandises previously introduced for of produce alone the export of the whole island but little exceeded 15½ million dollars.

That is to say, from the last six ports, not sufficient, if applied entirely to that object, to purchase 6,000 negroes.

4thly. Because people frequently come up from the last mentioned places to buy negroes here; and 5thly, because according to the official Returns of Portuguese vessels, which flag has of late been employed to the exclusion of almost all others, in the importation of slaves, their arrived in 1838,

At Havana and Matanzas	39 sail.
At Cuba	3 „
And at all the other ports only	2 „

Admitting however, that some cargoes, of which we have no knowledge, are landed at out-ports, and that the Lists of those landed here are not complete, I am led to think, from a conversation with the most intelligent merchants and planters, that if 20 per cent. be added to the number returned, the aggregate will be more, rather than less, than the whole importation of the island; indeed it is hardly possible to believe, that a colony devoted wholly to agriculture, and exporting the almost entire produce of its soil, should be able to lay out annually more than one-third of the amount of such export in the purchase of slaves, which would be the case if we reckoned the number bought at 20,000, for that quantity would cost six million dollars, and the whole exportation of sugar, coffee, tobacco, copper, and the other products of the island amounted in 1838, to only 15,544,599 dollars.

I have dilated on this point, because a work recently published, by one whose talents and philanthropy (to which the humble tribute of my praise is not wanting,) entitle him to the confidence of the public, may create some misconception, and I hold it to be essentially important for many reasons, and among others, that we may judge of the proportion of the vessels captured to those which arrive, and thereby of the probable effect of our naval operations against the trade, that correct ideas should prevail on the matter.

But whether I am right or no, whether there are 20,000, or, as Mr. Buxton says, 60,000 slaves landed in this island, there ought not to be, and there is not, I am sure, less desire on the part of your Lordship to listen to any remarks that bear on the question of putting a stop to the Slave Trade of Cuba; and I therefore take leave to proceed with my subject.

On a comparison of the List before mentioned, No. 1 with No. 2, which is an estimate of the number of slaves imported in the years 1830 to 1838, inclusive, formed on the annual List furnished by Her Majesty's Commissioners in this place, it would appear that there were landed on the adjacent coast, from vessels which afterwards entered this port between the

1st September 1838 and 1st September 1839	13,000 souls.
And in the whole year of 1838	14,438 „
„ „ „ 1837	15,200 „
„ „ „ 1836	14,200 „
„ „ „ 1835	14,800 „
„ „ „ 1834	11,400 „
„ „ „ 1833	9,000 „
„ „ „ 1832	8,200 „
„ „ „ 1831	10,400 „
„ „ „ 1830	9,808 „

or in the first five years of this decennium, about 48,800, and in the five last years, about 71,638. This increase arose, no doubt, originally from what Her Majesty's Commissioners, in their Despatch of the 1st January, 1834, aptly call "the inva-

sion of the Havana by Cholera," which causing a great mortality in the black population, occasioned in some quarters an extensive demand for African negroes, and gave a considerable impulse to the Slave Trade. The singular good fortune of the speculators in 1834, who introduced 11,400 negroes in 33 vessels, whilst in that year, only eight bound or belonging to the Havana, were condemned by the several Mixed Courts, as appears by the Enclosure No. 3, spurred them on to the new undertakings, so that in 1835, no less than 80 vessels were despatched from hence to the Coast of Africa, as appears by Mr. Macleay's return, P. P. 1835, Class A., page 208. But 1835 to 1838, were, after all, not very prosperous years for the Havana Slave Traders, for they lost by capture, see Enclosures No. 4, 5, 6, and 7.

In the 1st year	16 ships,	with 6,506 slaves.
„ 2nd . .	32 „	6,187 „
„ 3rd . .	19 „	5,048 „
„ 4th . .	24 „	4,481 „

Still the losses having fallen less on the speculators, than on the Insurance Companies (which consequently ceased to underwrite on African risks), the high price of produce having occasioned a continuance of the demand for slave labour, and the hope of, first by the use of the Portuguese, and afterwards of the American, flag, escaping the vigilance of our cruisers, these traffickers in human flesh were not to be deterred from pursuing their craft, and the impulse given in 1834 is felt to the present day. Nevertheless, as from 1836 to 1838, only 144 vessels arrived here, whilst in the same years, as many as 75 bound or belonging to this place, were captured and condemned, though the profits of single expeditions may have been enormous, and the trade, in the aggregate, remunerating, or even lucrative, yet I am convinced of many individuals connected with it having suffered severely, and in fact, that it has received a blow, which if followed up, will very materially affect it.

So much I would take leave to observe in general, as to the Slave Trade of this place, and now, if your Lordship allow me, will proceed to enter into details, which, based on the Lists and Reports of Her Majesty's Commissioners, may best be given under the following heads.

1. The number of slaves imported in different periods of the year.
2. The class of vessels by which they are imported.
3. The names of those vessels.
4. The names of the Masters commanding them.
5. The places in Africa at which they load.
6. The places at which they discharge in Cuba.
7. The number of females introduced, in proportion to males.
8. The manner in which expeditions are made up.
9. The profits of the trade, &c.
10. The flags employed in it.

With regard to the time of importing slaves, there is no doubt that the traders prefer receiving their supplies in those months when they are less subject to sickness, from November to April, and when the demand is likely to be greatest, in March and the following month, but however much they may endeavour to arrange for the arrival of their vessels at these epochs, undertakings of this class are too subject to casualties to admit of nice calculations, and therefore, as it appears by the Enclosure, No. 8, they reach this Coast at all seasons, and the vigilance of our cruisers ought therefore never to flag.

I believed, in 1836, that the vessels to be employed in the Slave Trade would thereafter be smaller than before. In this I erred, for from the return of vessels despatched from hence, between 1829 and 1838, Enclosure No. 9, there were more schooners in the first than in the last part of this period. But in both the number of vessels of very limited tonnage in the trade was excessive, and the number of unfortunate Africans packed into their narrow holds, seems to have been circumscribed, chiefly by the difficulty which the dealers on the Coast at times experience in collecting these living cargoes, or the physical impossibility of stowing more in the vessels.

According to the Spanish Passport, of which a form is affixed to the Treaty of Madrid, of September 23, 1817, no Spanish vessel could take more than five slaves for every two tons; and Portugal and Brazil are said, by a Decree of 1813, to have stipulated the same; a proportion equal to 250 slaves for every 100 tons: yet, on extracting from the Reports of Her Majesty's Commissioners, the tonnage

where mentioned, of such ships as were condemned from 1834 to 1838 inclusive, or nearly all of them (see Enclosure No. 10), I find that 43 vessels, under 120 tons, had on board, when captured, in the ratio of 334 Africans for each 100 tons; 12 more overladen, 477; one, the "*Gaceta*," 548; a second, the "*Bienvenida*," 605; and a third, the "*Tamega*," 690.

The number of tons stated as the measurement of the vessels is not, indeed, to be implicitly relied on. We find the "*Pepita*" (P. P. 1835, Class A. p. 37), described in her Register to be of 45 tons, whilst, when measured, she was 106; but on the other hand, the "*Arrogante*" is said (P. P. 1838-9, Class A. p. 28), to be 155 tons, whilst, by her British Register, she is only 104; and here at least we have certain undeniable data to go on. The "*Arrogante*" had on board, when taken, 407 slaves, or 391 to each 100 tons English, equal (as it is said that one and a-half British tons are about one Spanish ton) to near 590 per 100 tons Spanish. The "*Morris Cooper*," too, an American vessel, which we know to have been 187 tons American, or about 125 tons Spanish, brought about 489 negroes, or 391 per 100 tons; and the "*Joseph Legget*," 98 tons American or 65 Spanish, 184 or 283 per 100 tons.* It is therefore quite clear, whether we regard the Spanish and Portuguese tonnage, as given of the vessels captured, or the English and American of others, known to us by register, that the heart-rending descriptions we read of the manner in which the unfortunate victims of the Trade are packed, like herrings in a barrel, on board vessels in which they have to make a voyage across the Atlantic, and even from beyond the Cape of Good Hope, are by no means exaggerated; and these facts add a new motive for every exertion being used to put a stop to it.

With regard to the vessels employed in the Trade, their names are so continually changed, that I am scarcely able to trace them. When the "*Europa*" becomes successively the "*Alerta*," the "*Duqueza de Braganza*," and the "*Provisional*;" the "*San Pedro*" the "*Marinero*," the "*Paquete de Cabo Verde*," the "*Ferox Africano*," and the "*Diligente*"; and the "*Leguria*" the "*Emprendedora*," the "*Marcial*," and the "*Incomprehensivel*;" one may lose sight of all except remarkable ships, like the "*Maria Segunda*," once the "*Socorro*;" "*Fortuna*," "*Llobregat*;" "*Triunfo de Loanda*," "*Cristina*;" "*Amelia*," "*Caballo Marino*;" "*Escorpion*," "*Volador*;" and "*Duqueza de Braganza*," "*Venus*." And, if errors arise in the Reports given, I trust your Lordship will see an excuse for them.

Neither are the names of the Masters of such vessels any more to be relied on. Formerly one met continually with the Pujoles, the Pereyras, the Andrecains, the Delices, the Muzzards, the Coerbos, the Olivers, the Paolis,—veterans in their craft. Now we find mere flag Captains, employed at little above the rate of seamen, and turned off like them; or men who change their appellations and birth-place as their interests require, and are to-day Miguel Bertinote, of Cadiz, and to-morrow Manoel de Barros de Algarves; to-day Johannes Surr, of Stralsund, and to-morrow Carlos Martinez, of Florida.

The places at which vessels load on the Coast of Africa are not to be judged of, either by their reports of entry or rumours in circulation here. The only correct information on this subject is to be derived from the cases adjudicated in the Courts of Mixed Commission; yet the information thus obtained must be received with a certain reservation, for after all it may only prove where most seizures take place, and not where most slaves are shipped. Still, as the vigilance of our navy during a series of years is not confined to single points, I think the list which I enclose of the places of embarkation of the cargoes of all or nearly all the captured vessels, from 1834 to 1838 inclusive, will show with approximate correctness, the parts in which slaves are usually taken in. From this list it would appear, that of 100 vessels, the places of loading were as follows:—

Six North of Sierra Leone, namely, one at Bissao at the River Nunez; two and three at the River Pongo.

Nine between Sierra Leone and Cape Coast, namely, at Sherbro and Cape Mount two, at Gallinas six, and at Sestos one.

* I had included this vessel among the number of those which took very crowded cargoes, before I knew her actual register tonnage; but I leave her there, because she is one of those extremely sharp-built clippers, which have no capacity for stowage, and one which, if scientifically measured, would prove much smaller. She was, in fact, originally a mere pilot-boat of New York, and her 184 negroes must have been dreadfully confined.—(Note by Mr. Tolmé.)

Twenty-four in the Bight of Benin, namely, at Little Popoe one, at Whydah ten, at Lagos eleven, and at Benin two.

Forty-seven in the Bight of Biafra, including Princes' Island, namely, at the River Bras or Nun three, at Bonny twenty-five, at New and Old Calabar fourteen, at Bemba four, and Princes' Island one.

Thirteen from Princes Island Southward, namely, at St. Tomé, Gaboon, and Cape Lopez three, at Marjumba, Loanga, Congo, and Ambriz nine, and at Loando, Novo Redondo and Benguela one,

And one at Mozambique; or together 100.

The Bights of Benin and Biafra, and the points southward of them, are without doubt those from which the greatest shipments are made, and require most to be watched; Cape Coast to Sierra Leone next, and north of Sierra Leone last. The expeditions to Mozambique are on too large a scale to suit the majority of our traders, and will therefore be confined to the wealthier speculators and a superior class of ships; but if one or two of them, the "*Maria Segunda*" or "*Duqueza de Braganza*," the "*Socorro*" and "*Venus*" were caught, either on the outward or homeward voyage, the traffic of Havana with the Eastern Coast of Africa would, rely on it my Lord, be for a considerable time paralyzed.

Of the ports of landing in this island, at least for the last year, I can speak more accurately. Of the vessels entered here from the 1st of September 1838 to the 1st of September 1839, amounting, according to the returns made to me, to 41 sail—

18	landed their cargoes in or near	Guanimar.
4	ditto	ditto
4	ditto	Trinidad.
1	ditto	Mariel.
1	ditto	Puento de Guanós.
1	ditto	Cabanás.
2	ditto	Banes.
1	ditto	Cogimar.
2	ditto	Santa Cruz.
5	ditto	Camarioca.
2	ditto	St. Jago de Cuba.
1	ditto	Cœnimar.

41 in all.

This list proves, among others, three facts, from which important deductions may be drawn.

1. That the Slave Traders have much altered their views as to the most eligible places for disembarking their negroes.

2. That the extent of coast, on which landings are expected, is by no means great; and

3. That the points of debarkation are few and fixed.

In former times people here were averse from their cargoes being landed on the south side of the island, as may be seen from an intercepted letter, bearing internal evidence of being written by P. Martinez and Co. (P. P. 1835, Class A. p. 75), in which they state, "that an approach by the southward is much exposed and contrary to their wishes;" whilst now the greater number of vessels take that route; and, as another intercepted letter from the same house shows (P. P. 1838-9, Class A. p. 39), Captains are allowed "to pass either by the southern or the northern coast, as they may find more convenient;" and, with a view of assisting them to reach Guanimar on the south side, "Pilots are posted at Rocky Key, Crocodile, Isle of Pines, and French Key." Such being the case, it is most important always to have cruizers in the neighbourhood of the Isle of Pines.

With regard to the second fact, it may be observed, that by always guarding that island on the one side, and a distance of not two degrees, namely, from Camarioca to Bahia Honda, on the other side of Cuba, the escape of slavers will be very precarious.

The third fact shows the delusive reasoning of those who, as General Kindelan did, so long ago as 1822 (P. P. 1822-3 Class B. p. 100), "admit the notoriety of negroes being landed on the coasts, but state the impossibility of the Government guarding against that species of illicit traffic, considering the great extent of the

coast of the island, and the few points at which there are authorities residing ;” or who, as the Captain of this port did, so recently as in 1839 (P. P. 1838-9, Class A. p. 17), “maintain that it is impossible for the local authorities to put a stop to the Slave Trade of an island 600 leagues in circumference, entirely unpeopled, abounding in harbours and bays, where neither cruisers nor land force would avail over such an extent of territory ;” for this third fact shows, that it is not into those ports where no authorities reside, into those unpeopled regions, distant hundreds of miles from the seat of Government, which the foot of man has never trod, that slaves are introduced ; but on the contrary, into the most populous part of the country, places where a large military force, and agents of the civil power are stationed, within a few miles of the capital, close to each other, and even into this port itself, and others only second to it in importance, as was the case with the cargo of the “*Magico*,” landed in the port of Mariel, in 1825, (P. P. 1824-5, Class A. p. 149) ; the cargo of the “*Minerva*,” landed in the port of Havana in 1826 (P. P. 1825-6, Class A. p. 121) ; and more recently the cargo of the “*Amable Salomé*,” which, as Mr. Caballa says, in his letter of the 26th of September, 1838, to his partner, Mr. Pedro Blanco (P. P. 1838-9, Class A. p. 49), he brought round from Camarioca, in the steamer “*Almendarez*,” and in the bay (which is the port) of Matanzas, “assembled the different purchasers and sold the cargo.”

Indeed many intelligent and candid persons, natives of this country, admit, that the local government could no doubt in a great degree prevent the trade in slaves, but they add, that popular opinion runs so strong in favour of it, that the Captain-General, who should make the attempt, would bring down on himself such general odium, as to jeopardize his best efforts in every other act of government for promoting the welfare of the island.

I had expected, that before this time the landed proprietors would have seen the policy of equalizing upon their estates the number of slaves of the two sexes, but it has not been the case ; for, as the Enclosure No. 12 shows, in a number of captured vessels, taken indiscriminately from the Reports of Her Majesty’s Commissioners, there were on board on the average, in every 100, only 28 women and 72 men ; and Messrs. P. Martinez and Co., in a letter to Angel Ximines, says, under date of the 26th of April, 1837, “that they have not been able to dispose of women at any price, and therefore recommend him to embark the smallest possible number or none ;” and it would thus appear, that the planters here have no fear of a speedy termination being put to the traffic.

Expeditions still continue to be made up in the way described by Mr. Kilbee, in his Despatch of the 1st of January, 1825 (P. P. 1824-5, Class A. p. 141), “by persons taking shares of 1,000 dollars, which are again not unfrequently subdivided,” so that the loss, in case of capture, does not fall heavy on any one ; but some of the larger houses admit no shareholders, and in case of their ships being caught are sufferers to a great amount.

Though the profits of the Trade are in some instances immense, such as in the case of the “*Firme*,” given by Mr. Macleay in his Despatch of the 1st of January, 1829, (P. P. 1829, Class A. p. 115) and in that of the “*Duqueza de Braganza*,” given by Her Majesty’s Commissioners at Havana, in their Despatch of the 19th of January, 1839 (P. P. 1838-9, Class A., further series; p. 109) ; yet there are many adventures by no means profitable. Mr. Carvallo, in a letter to Mr. Blanco, already cited, says that “the shipment by the ‘*Amable Salomé*’ would scarcely be free from loss ;” and I have heard of numerous instances in which, owing to long detention on the voyage, great mortality among the negroes, and other causes, the result has been similar or worse. I am therefore of opinion, formed after considerable inquiry, that the profits of the Slave Traders of this island do not bear, on the average, that proportion to the loss which is usually stated. I estimate, their gains at present at not above 100 per cent., especially as the use of the Portuguese and American flag occasions them increased expenses ; and I announce the fact with pleasure, because I think it justifies the hope of our being able, by the strong hand of power, namely, by the increase of our naval force on this coast and that of Africa, and the organization of a more systematic blockade, to materially, if not entirely, put an end to the Slave Trade of the Island of Cuba.

I now come to my last point, the flags under which the Slave Trade has of late been chiefly carried on. By a reference to the Parliamentary Papers, it will be seen, that of the vessels despatched from hence to the Coast of Africa, so recently

as 1835, out of 80, 78 were Spanish. At that time it was not believed that the Treaty of the 28th June, 1835, would go into effect; but when the slave-traders were, to their cost, convinced of the reverse, they immediately availed themselves of the flag of Her Most Faithful Majesty for the protection of their undertakings; and in 1836, out of 43 vessels from the Coast of Africa, 14 were Portuguese. At that time there was no difficulty in placing foreign vessels under the latter colours; mock transfers were made with impunity; the authorities of the province of Cape de Verd gave sailing licences; the Government of Princes Island provisional passports; and the Consular Agents in Brazil, and other parts hastened with discreditable alacrity to furnish the documents of transnationalization. The Lisbon decree, prohibiting foreign built vessels from being considered Portuguese unless they bore that flag, and no other, prior to the 16th January, 1837, somewhat altered the case, but not materially; it occasioned only *the antedating of the transfers*, as that of the "*Veloz*," which though still an English brig, in January, 1838, had papers representing her to have become a Portuguese on the 30th December, 1836 (P. P., 1838-9, Class A., further series, p. 33), or *the application of old Papers to new vessels*, as in the case of the "*Duqueza de Braganza*" (P. P. 1838-9, Class B., p. 30); and of the "*Constituição*" (P. P., 1838-9, Class A., p. 58, further series), which vessel had the papers of a schooner of American build, though really constructed in this very harbour; or the use of forged papers, which, though I have no proof of it, was, I am informed on undeniable authority, frequently made.

The transfers then being effected with ease it is no wonder that in 1837, out of 51 vessels, which arrived here with slaves, 48 were Portuguese; and in 1838, out of 50, 44. But even this was to cease. The unfortunate circumstance of the Captor's Proctor, in the matter of the "*Opposiçãõ*," having judiciously not libelled her, as was originally proposed, for a breach of the 1st Additional Article of the Portuguese Convention, signed at Lisbon the 15th March, 1823 (under which if the precedent of the precisely similar case of the "*General Laborde*," under the precisely similar Clause of the Spanish Treaty, P. P. 1835, Class A., p. 212, have any value, she must have been released), but proceeded against her as a Spaniard on that principle, which your Lordship had previously so emphatically asserted, "that the national character of a merchant is to be taken from the place of his residence and of his mercantile establishment, and not from the place of his birth," led not only to her condemnation, but on the same principle, thus adopted by the Court, to that of the "*Diligente*," "*Ligera*," "*Constituição*," and others in the same category, and gave a death blow to the use of the Portuguese flag for slaving purposes. It may linger on a while, but its end is near.

In this dilemma, to the colours of the United States the slave-traders now look for the means of carrying on their traffic. Under these they despatched 11 vessels in 1837, and 19 in 1838; and of these they now avail themselves in the following way. American vessels are either built for their account, or bought here, where, as the Enclosure No. 13 shows, many are sent for sale; or they are hired to take out goods, on the condition, as may be seen by the copy of a contract, Enclosure No. 14, that "should the agents of the Havana house, on the Coast of Africa, decide to buy the vessel, the Captain will close a bargain with them." Thus purchased, or chartered, from hence, they proceed with no American seamen on board, except the Master and two or three of his followers. The craft is navigated by Spaniards and Portuguese seamen under his orders, and is furnished with Spanish and Portuguese papers, to be used in due time. Once arrived, the American lands his cargo, and prepares to receive the return. These ready, the colours are changed, the unfortunate Africans are tumbled on board, the voyage begins, and the sturdy republican, the worthy son of a boasted land of liberty, after having thus lent his aid towards the enslavement of hundreds of his fellow-creatures, returns a passenger in his own vessel, to follow again the same career of ignominy.

It is not for me, my Lord, to say what steps should be taken to put a stop to this abuse of the American flag—to do so would be presumptuous; but I feel bound to state my conviction, that unless the United States enter into the views of Great Britain with regard to the right of search, or, if the fundamental principles of their constitution, as asserted by Mr. Adams in his Despatch of the 30th December, 1820, absolutely prohibit their doing so, take of themselves measures to prevent their citizens from engaging in the trade, we shall see it almost entirely limited to the colours of that nation.

I now close my communication, hoping that I may be excused for the length to which I have extended it, provided it be found to contain one particle of information, calculated to increase that mass of evidence upon the Slave Trade, which may serve as a weapon in the hands of your Lordship, who has already fought so gallantly in the cause, to defeat the enemies of abolition, and terminate the existence of "a scourge which has so long desolated Africa, degraded Europe, and afflicted humanity."

I have, &c.

(Signed)

C. D. TOLME'.

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

First Enclosure in No. 66.

List of VESSELS which have entered the Port of Havana, from September 1, 1838, to September 1, 1839, after having landed Slaves.

Date.	Rig.	Flag.	Name.	Master's Name.*	Number of Slaves landed.	Where landed.	Remarks.
September, 1838	Brig	Portuguese.	Vigilante	Souza	500	.	Sailed again October 19, 1838.
"	"	"	Gabriel	Giraud	340	.	Once the American Brig Gabriel.
"	Schooner	"	Lavandeira	S. Martin	200	Guanimar	Once the American Schooner Cleopatra.
"	"	Spanish	Nueva Amable Salomé	Fox	253	Camarioca	For particulars of this vessel's discharge, see P. P. 1838, 1839, Class A, p. 49.
"	"	Portuguese.	Montaña	J. G. Vianna	213	"	Sailed again February 19.
October 4,	"	"	Sin Igual	Matorel	240	Guanimar	Sailed again October 23.
" 5,	"	"	Constancia	Ant ^o el Portuguez.	213	"	Sailed again November 23, or rather December 22.
" 10,	Brigantine.	"	Maria Teresa	M. Uriarte	360	"	Sailed again November 23.
" 17,	Schooner	"	Amalia	J. Vergel	200	Trinidad	Sailed again October 30.
" 18,	"	"	Nra Sra del Buen Viage	Ville	213	"	Boarded by Commander Kellett about August, 1838.
" 17,	Brig	"	Escorpion	G ^o Salgade	269	"	Once the Volador.
" 18,	Schooner	"	Maria Segunda	J. Portorico	216	Guanimar	Sailed again December 21.
" 6,	"	"	Sevea	M. Barea	143	Puerto de Guano	Sailed again December 7.
" 13,	"	"	El Trueno	J. Marques	528	Maríel	
" 9,	Brigantine.	"	Amelia	Mesquita	510	Cabañas	Once the Caballo Marino.
Dec. 13,	Ship	"	Dichosa	Ramon	220	Guanimar	
January 4, 1839	Schooner	"	Duquesa de Braganza	Callet	841	Bañes	Formerly American Ship Venus.
" 6,	Ship	"	Josefina	Rodriguez	227	Guanimar	Sailed again March 12.
" 7,	Schooner	"	Brillante	Sanchez	223	Near Santiago	Since cleared for Porto Rico.
" 17,	"	"	Segunda Union	Oliva	172	Guanimar	Said to be since captured.
" 30,	Brig	"	Havre	Gubarosa	540	Near Guanimar.	This vessel was wrecked; originally French Brig Havre.
" 2,	"	"	Felicidad	Jozé Paldosneves	447	Guanimar	Probably once the Jacinto.
Feb. 2,	"	"	Matilde	García Adoa	296	Cojimar	Sailed again April 12.
" 3,	"	"	Primogenito	P. Rodriguez	467	Santa Cruz	Once Spanish Brig Terrible.
" 14,	"	Oriental	Labandeira	Rosa	229	Camarioca	Same vessel that arrived in September.
" 21,	Schooner	Portuguese.	Eliza	A. Rodriguez	116	Trinidad	Sailed again April 22.
" 25,	"	"	Constituçao	A. Rodriguez	213	Camimar	Once American Schooner Dolphin.
March 3,	"	"	Josefina	A. José	235	Camarioca	
" 7,	"	"	Maria Segunda	A. Batalla	553	Maríel	Once Spanish Ship Socorro.
" 11,	Ship	"	Libertad	A. Santos	257	Trinidad	Once Spanish Brig Negro.
" 22,	Brig	"	Sin Igual	Matorel	335	Guanimar	Same vessel that arrived in October.
April 15,	Schooner	"	Ligera	Suret	233	Santa Cruz	Went out as an American.
May 3,	"	"	Maximo	Silva	360	Guanimar	Once Spanish Brig Irena.
" 10,	Brig	"	Victoria	Santaris	263	"	Despatched September 29.
" 14,	"	"	Dos Amigos	Jozé Silva	413	"	Went out an American.
June 29,	Schooner	"	Josephina	Ant ^o Rodriguez	240	Camarioca	Once the Spanish Schooner Gallega.
" 14,	"	"	Astrea	Sabino	440	Guanimar	Fitted out at Bahia.
" 20,	"	"	Magdalena	J ^a Moradillo	184	Bañes	Formerly American Schooner Joseph Legget.
July 3,	"	"	Fortuna	A ^o Barbosa	347	"	Once the Lobregat.
" 19,	Brig	"	Casualidad	J. Flores	489	Guanimar	Went out as American Brig Morris Cooper.
August 1,	"	"	Amable Salomé	A ^o Sanchez	318	Cuba	An old trader.
" 10,	Schooner	"					

Total 41 vessels, with 13,076 slaves.

* The names of the Masters in the above List are probably often incorrect.

Second Enclosure in No. 66.

CALCULATION of the Number of Slaves introduced into Ports adjacent to Havana, between 1830 and 1838 inclusive, formed on the Returns of Her Majesty's Commissioners.

	Ships.	Brigs.	Schooners.		Slaves.
1830	..	13	23	Calculated to have brought	9,800
1831	1	14	21	Ditto	10,400
1832	..	14	13	Ditto	8,200
1833	..	18	9	Ditto	9,000
1834	1	22	10	Ditto	11,400
1835	1	22	27	Ditto	14,800
1836	4	20	19	Ditto	14,200
1837	4	17	30	Ditto	15,200
To 31st Aug. 1838	2	16	15	Ditto	10,600
Subsequently 1838	..	4	10	Reported	3,838

Third Enclosure in No. 66.
 List of Vessels, classified according to the Ports to which they were bound or belonged, condemned between the 1st of January and 31st December, 1834, by the Courts of Mixed Commission at Sierra Leone, Havana, Rio de Janeiro, and Surinam.

Date of Seizure.	Flag.	Bound or belonging to												Where condemned.
		Havana and Matanzas.		Trinidad and Nuevitas.		St. Jago de Cuba.		Porto Rico.		Brazil and Monte Video.		Portuguese Islands in Africa.		
		Name of Vessel.	Slaves Captured.	Name of Vessel.	Slaves Captured.	Name of Vessel.	Slaves Captured.	Name of Vessel.	Slaves Captured.	Name of Vessel.	Slaves Captured.	Name of Vessel.	Slaves Captured.	
8 January, 1834	Spanish	Vengador	405	..	..	..	..	..	..	..	..	..	..	S. Leone.
16 February, "	"	Carolina	353	..	..	..	..	..	..	..	..	..	..	"
27 April, "	"	La Pantica	317	..	..	..	..	..	..	..	..	..	..	"
5 August, "	"	..	..	M ^a . Isabel	146	..	..	..	..	..	..	..	..	"
17 "	"	..	..	..	..	..	..	..	..	..	..	..	..	"
31 October, "	"	Indagadora	373	..	..	..	..	..	..	..	..	..	..	"
3 November, "	"	Clemente	417	..	..	..	..	..	..	..	..	..	..	"
27 December, 1833	Portuguese	..	..	..	..	..	..	..	..	..	..	..	..	"
28 "	"	..	..	..	..	..	..	..	..	..	..	..	..	"
14 June, 1834	"	Tamega	442	..	..	..	..	..	..	..	..	..	..	"
26 May, "	"	Despique	215	..	..	..	..	..	..	..	..	..	..	"
18 August, "	"	..	..	Felicidad	164	..	..	..	..	..	..	..	..	"
15 June, "	Brazilian	..	..	..	..	..	..	..	..	Duqueza de Braganza	277	..	..	Rio de Janeiro.
25 December, 1833	Spanish	..	..	Rosa	292	..	..	..	..	..	..	..	..	Havana.
30 October, 1834	"	Carlota.	346	..	..	..	..	..	..	..	..	..	..	"
		8 Vessels.	2868	..	..	3 Vessels	602	1 Vessel.	336	1 Vessel	277	2 Vessels	108	

Resumen.
 Bound or belonging to Havana and Matanzas 8 vessels 2868 negroes.
 Trinidad and Nuevitas
 Santiago 3 " 602 " "
 Brazil and Monte Video 1 " 277 " "
 Porto Rico 1 " 336 " "
 Portuguese Islands 2 " 108 " "
 Total . . . 15 " 4191 " "

Fourth Enclosure in No. 66.
List of VESSELS, classified according to the Ports to which they were bound or belonged, condemned between the 1st January and 31st December, 1835, by the Courts of Mixed Commission at Sierra Leone, Havana, Rio de Janeiro, and Surinam.

Date of Seizure.	Flag.	Bound or belonging to.												Where Condemned.		
		Havana and Matanzas.		Trinidad and Nuevitas.		Santiago de Cuba.		Porto Rico.		Brazil and Monte Video.		Portuguese Island on the Coast of Africa.				
		Name of Vessel.	Slaves Captured.	Name of Vessel.	Slaves Captured.	Name of Vessel.	Slaves Captured.	Name of Vessel.	Slaves Captured.	Name of Vessel.	Slaves Captured.	Name of Vessel.	Slaves Captured.	Name of Vessel.	Slaves Captured.	
18 December, 1834	Spanish .	Sutil . . .	307	..	..	..	..	..	..	..	..	..	..	..	..	Sierra Leone.
17 "	"	Formidable	712	..	..	..	..	..	..	..	..	..	..	..	..	"
15 January, 1835	"	Minerva .	650	..	..	..	..	..	..	..	..	..	..	..	..	"
2 February, "	"	Iberia . .	313	..	..	..	..	..	..	..	..	..	..	..	..	"
23 "	"	Manuel . .	387	..	..	..	..	..	..	..	..	..	..	..	..	"
28 March, "	"	Bienvenida	430	..	..	..	..	..	..	..	..	..	..	..	..	"
15 June, 1833	"	..	..	..	..	..	..	..	..	..	..	..	..	..	..	"
15 "	"	..	..	..	..	..	..	..	..	..	..	..	..	..	..	"
29 July, "	"	Valador .	487	..	..	..	..	..	..	..	..	..	..	..	..	"
2 September, "	"	Semiramis .	477	..	..	..	..	..	..	..	..	..	..	..	..	"
11 October, "	"	Argos . .	429	..	..	..	..	..	..	..	..	..	..	..	..	"
18 "	"	Conde de los Andes.	262	..	..	..	..	..	..	..	..	..	..	..	..	"
27 December, 1834	Portuguese	..	..	..	..	..	..	..	..	..	..	..	..	..	..	"
3 January, 1835	"	..	..	..	..	..	..	..	..	..	..	..	..	..	..	"
20 March, "	"	..	..	..	..	..	..	..	..	..	..	..	..	..	..	"
16 November, "	"	..	..	..	..	..	..	..	..	..	..	..	..	..	..	"
14 January, "	Spanish	..	..	..	..	..	..	..	..	..	..	..	..	..	..	"
22 "	"	Maria . .	346	..	..	..	..	..	..	..	..	..	..	..	..	Havana
14 March, "	"	Julita . .	348	..	..	..	..	..	..	..	..	..	..	..	..	"
27 "	"	Chubasco .	253	..	..	..	..	..	..	..	..	..	..	..	..	"
17 April, "	"	Joven Reyna	254	..	..	..	..	..	..	..	..	..	..	..	..	"
17 April, "	"	Marte . .	442	..	..	..	..	..	..	..	..	..	..	..	..	"
29 June, "	"	Tita . . .	394	..	..	..	..	..	..	..	..	..	..	..	..	"
7 October, "	"	..	..	..	..	..	..	..	..	..	..	..	..	..	..	"
7 December, "	"	..	..	..	..	..	..	..	..	..	..	..	..	..	..	"
28 November, 1834	Brazilian	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Rio de Janeiro.
		16 Vessels.	6506	2 Vessels.	331	2 Vessels.	154	4 Vessels	1421	1 Vessel.	48					

Resumen.
Bound or belonging to Havana and Matanzas 16 Vessels 6506 negroes.
Trinidad and Nuevitas 2 " 331 "
Santiago 2 " 154 "
Porto Rico 4 " 1421 "
Brazil and Monte Video 1 " 48 "
Portuguese Islands 25 " 8460 "

Fifth Enclosure in No. 66.

List of VESSELS, classified according to the Ports to which they were bound or belonged, condemned between the 1st January and 31st December, 1836, by the Courts of Mixed Commission at Sierra Leone, Havana, Rio de Janeiro, and Surinam.

Date of Seizure.	Flag.	Bound or belonging to												Where Condemned.		
		Havana and Matanzas.		Trinidad and Nuevitas.		Santiago de Cuba.		Porto Rico.		Brazil and Monte Video.		Portuguese Islands in Africa.				
		Name of Vessel.	Slaves Captured.	Name of Vessel.	Slaves Captured.	Name of Vessel.	Slaves Captured.	Name of Vessel.	Slaves Captured.	Name of Vessel.	Slaves Captured.	Name of Vessel.	Slaves Captured.	Name of Vessel.	Slaves Captured.	
2 December, 1835	Spanish	Norma	234													Sierra Leone.
24 "	"	"	"			Ligera	198									"
28 "	"	"	"			Segunda Iberia	260									"
22 "	"	"	"			Isabella 2nd	347									"
21 January, 1836	"	"	"			Vandélero	377									"
8 February, "	"	6 Hermanos	189			"	"									"
14 January, "	"	Gaceta	225			"	"									"
19 December, 1835	"	3 Tomasés	"			"	"									"
2 January, 1836	"	Rosarito	"			"	"									"
25 "	"	"	"			Atafa 1°	"									"
"	"	"	"			"	"			Zema	"					"
25 February, "	"	Matilde	"			"	"			"	"					"
2 July, "	"	Felicia	395			"	"			"	"					"
29 January, "	"	Explorador	"			"	"			"	"					"
9 February, "	"	"	"			Golondrina	"			"	"					"
11 "	"	"	"			"	"			"	"					"
19 "	"	"	"			Tridente	"			Luisa	"					"
6 "	"	Cazador Satbo	"			"	"			"	"					"
"	"	Mosca	"			"	"			"	"					"
"	"	Felix Vascongada	"			"	"			"	"					"
30 January, "	"	Diligencia	"			"	"			"	"					"
"	"	"	"			"	"			"	"					"

Seventh Enclosure in No. 66.
List of Vessels classified according to the Ports to which they were bound or belonged, Condemned between the 1st January and 31st December, 1838, by the Courts of Mixed Commission of Sierra Leone, Havana, Rio de Janeiro, and Surinam.

Date of Seizure.	Flag.	Havana and Matanzas.		Trinidad and Nuevitas.		Found or belonging to				Brazil and Monte Video.		Portuguese Islands on the Coast of Africa.		Where Condemned.
		Name of Vessel.	Slaves Captured.	Name of Vessel.	Slaves Captured.	St. Jago de Cuba.		Porto Rico.		Name of Vessel.	Slaves Captured.	Name of Vessel.	Slaves Captured.	
						Name of Vessel.	Slaves Captured.	Name of Vessel.	Slaves Captured.					
25 April, 1838	Spanish	Opposicao	..	..	..	..	..	..	..	..	..	..	..	Sierra Leone.
15 August, "	"	Diligente	..	..	..	..	..	..	..	..	..	..	..	"
16 "	"	Ligera	..	..	..	..	..	..	..	..	..	..	..	"
21 "	"	Constituicao.	..	..	..	..	..	..	..	..	..	..	..	"
24 September, "	"	Eliza	..	..	..	..	..	..	..	..	..	..	..	"
30 "	"	Constituicao.	..	..	..	..	..	..	..	..	..	..	..	"
17 October, "	"	Josefina	..	..	..	..	..	..	..	..	..	..	..	"
8 November, "	"	Maria	..	..	..	..	..	..	..	..	..	..	..	"
17 "	"	Veloz	..	..	..	..	..	..	..	..	..	..	..	"
18 "	"	Veterano	..	..	..	..	..	..	..	..	..	..	..	"
17 "	"	Sirse	..	..	..	..	..	..	..	..	..	..	..	"
29 December, 1837	Portuguese.	..	..	..	..	..	..	..	..	..	..	..	..	"
20 November, "	"	..	..	..	..	..	..	..	..	..	..	..	..	"
23 December, "	"	..	..	..	..	..	..	..	..	..	..	..	..	"
23 September, "	"	..	..	..	..	..	..	..	..	..	..	..	..	"
5 December, "	"	Isabelita	160	..	..	..	..	..	..	..	..	..	..	"
23 November, "	"	Arrogante	407	..	..	..	..	..	..	..	..	..	..	"
8 March, 1838	"	Felicidades.	559	..	..	..	..	..	..	..	..	..	..	"
2 April, "	"	Dos Irmados	305	..	..	..	..	..	..	..	..	..	..	"
3 July, "	"	Prova	225	..	..	..	..	..	..	..	..	..	..	"
24 April, "	"	Diligente	480	..	..	..	..	..	..	..	..	..	..	"
30 "	"	Camoens	572	..	..	..	..	..	..	..	..	..	..	"
13 July, "	"	Paq ^{te} Feliz.	195	..	..	..	..	..	..	..	..	..	..	"
5 February, "	"	Feliz	326	..	..	..	..	..	..	..	..	..	..	"
12 September, 1837	"	Ingemane	82	..	..	..	..	..	..	..	..	..	..	"
9 October, 1838	"	*Prova	326	..	..	..	..	..	..	..	..	..	..	"
31 "	"	*Dulcinea	253	..	..	..	..	..	..	..	..	..	..	"
1 November, "	"	*Liberal.	591	..	..	..	..	..	..	..	..	..	..	"
27 "	"	..	..	..	..	..	..	..	*Emprendedor	458	..	..	..	"
13 April, "	Brazilian.	..	..	..	..	..	..	..	..	..	..	..	..	"
13 May, "	"	..	..	..	..	..	..	..	..	..	..	..	..	"
		24 vessels.	4,481	..	..	1 vessel.	458	..	..	6 vessels.	1,336	..	..	Rio de Janeiro.

Resumen.

Vessels bound or belonging to Havana and Matanzas	..	24	with 4,481 negroes.
St. Jago de Cuba	..	1	458
Brazil and Montevideo.	..	6	1,336
		<u>31</u>	<u>6,275</u>

Note.—The cases of the Vessels marked * not being reported in the printed papers 1838-39, their classification is made on conjecture, but as the Prova, Dulcinea, and Liberal cleared from Havana, and the Emprendedor is a name well known at Santiago de Cuba they are probably placed in their right columns.

Eighth Enclosure in No. 66.

LIST showing the NUMBER of SLAVES introduced into parts adjacent to Havana in each month of the Years 1829 to 1838 inclusive, formed on the Returns of Her Majesty's Commissioners.

	1829.	1830.	1831.	1832.	1833.	1834.	1835.	1836.	1837.	1838.	Average.
January . .	400	1,000	2,600	200	1,800	1,600	1,400	1,800	4,600	1,000	1,640
February . .	400	1,800	200	1,000	..	800	1,000	4,000	1,600	200	1,100
March . . .	600	1,000	1,400	800	600	400	800	1,000	..	2,000	860
April . . .	600	400	200	800	400	600	1,800	2,400	2,200	1,600	1,100
May	400	400	200	600	400	600	2,000	400	600	800	640
June	200	1,400	1,400	200	600	400	1,200	1,800	1,600	2,000	1,080
July	1,600	1,200	400	600	1,400	400	600	..	200	1,000	740
August . . .	1,200	..	600	800	800	2,000	1,000	..	200	2,000	860
September .	1,200	200	600	400	600	400	800	400	600	1,456	666
October . . .	600	800	1,200	600	400	400	600	200	400	1,495	669
November . .	800	200	1,000	400	1,200	1,800	1,800	400	1,200	359	916
December . .	600	1,400	600	2,000	800	2,000	1,800	1,800	2,000	528	1,353
Total . . .	8,600	9,800	10,400	8,400	9,000	11,400	14,800	14,200	15,200	14,438	11,624

Ninth Enclosure in No. 66.

ACCOUNT of the NUMBER of VESSELS despatched from Havana for the Coast of Africa in the Years 1829 to 1838 inclusive, arranged according to the Classes to which they belong, formed on the Returns of Her Majesty's Commissioners.

	Total Number			Making	Per Cent.		
	Ships.	Brigs.	Schooners and other Small Craft.		Ships.	Brigs.	Schooners and other Small Craft.
1829	..	10	35	about	..	22	78
1830	1	9	19	..	3½	31	65½
1831	..	7	24	..	..	22½	77½
1832	..	9	23	..	..	28	72
1833	..	17	21	..	..	46	54
1834	1	29	31	..	1½	47½	51
1835	3	32	45	..	3¾	40	56½
1836	3	17	18	..	8	44½	47½
1837	3	20	49	..	4½	27½	68
1838	3	23	45	..	4½	32½	63½
Total . . .	14	173	310		8½	34½	62½

Tenth Enclosure in No. 66.
 List of the Chief Vessels, of which the Tonnage is mentioned in the Reports, and which had Slaves on board, that were Condemned by the several Courts of Mixed Commission, from the beginning of 1834 to the end of 1838, classified according to their burthen.

Date of Capture.	Nation and Rig.	Names of Vessels.	Of 120 Tons and less.		121 to 200 Tons.		201 to 250 Tons.		250 to 300 Tons.		Larger.	
			Tons.	Slaves on board.	Tons.	Slaves on board.	Tons.	Slaves on board.	Tons.	Slaves on board.	Tons.	Slaves on board.
8 January, 1834 .	Spanish Brig . . .	Vengador . . .	..	..	160	405						
16 February, ..	Brigantine . . .	Carolina (a) . . .	78	353								
27 April, ..	Schooner . . .	La Pantica (a) . . .	73	317								
5 August, ..	" . . .	Maria Isabel . . .	74½	146								
17 " . . .	" . . .	Arrogante Mayaguensa . . .	96	336								
31 October, ..	" . . .	Indagadora . . .	..	..	125	373						
3 November, ..	Brigantine . . .	Clemente . . .	109	417								
14 June, ..	Portuguese Brig . . .	Tamega . . .	64	442								
18 December, ..	Spanish Schooner . . .	Sutil . . .	77	307								
17 " . . .	Brig . . .	Formidable . . .	..	..	180	712						
15 January, 1835 .	Barque . . .	Minerva . . .	..	..	158	650						
2 February, ..	Schooner . . .	Iberia . . .	94	313								
27 March, ..	Brigantine . . .	El Manuel . . .	120	387								
28 " . . .	Schooner . . .	Bienvenida . . .	71	430								
15 June, ..	" . . .	Numero dos . . .	40	154								
29 July, ..	" . . .	Volador . . .	..	..	165	487						
2 September, ..	Brigantine . . .	Semiramis (a) . . .	105	477								
11 October, ..	Schooner . . .	Argos (a) . . .	100	429								
27 December, 1834 .	Brig . . .	Atrevido . . .	..	..	150	487						
20 March, 1835 .	Portuguese Brig . . .	Legitimo Africano . . .	60	190								
16 November, ..	" . . .	Teresa . . .	80	214								
14 March, ..	" . . .	Chubasco . . .	83½	253								
27 November, ..	Spanish Schooner . . .	Norma . . .	75	234								
24 December, ..	" . . .	Ligera . . .	64	198								
28 " . . .	" . . .	Segunda Iberia . . .	54	260								
22 " . . .	" . . .	Isabel Segunda . . .	107	347								
21 February, 1836 .	Brigantine . . .	Seis Hermanos . . .	..	..	132	189						
		Carried forward . . .	1,625	6,204	1,070	3,303						

Tenth Enclosure—continued.

List of the Chief Vessels, of which the Tonnage is mentioned in the Reports, and which had Slaves on board, that were Condemned by the several Courts of Mixed Commission, from the beginning of 1834 to the end of 1838, classified according to their burthen—continued.

Date of Capture.	Nation and Register.	Names of Vessels.	Of 120 Tons and less.		121 to 200 Tons.		201 to 250 Tons.		250 to 300 Tons.		Larger.	
			Tons.	Slaves on board.	Tons.	Slaves on board.	Tons.	Slaves on board.	Tons.	Slaves on board.	Tons.	Slaves on board.
14 January, 1836 .	Spanish Schooner .	Brought forward .	1,625	6,204	1,070	3,308						
2 July, " .	" Brigantine .	Gaceta (a) .	41	225								
4 May, " .	Portuguese Brigantine .	Felicita .	..	..	126	395						
18 September, " .	" Brig .	Mindelo .	..	..	163	266						
3 October, " .	" Brig .	Felix .	..	..	154	557						
8 March, " .	" Brigantine .	Esperanza .	..	248	..	..	210	434				
19 October, " .	" Ship .	Vigilante .	91	..	200	478						
28 " .	" Schooner .	Quarto de Aboil .	120	282	..	..				
14 November, " .	" Brig .	Olimpia .	..	..	179	484						
28 September, " .	" " .	Veloz .	..	..	..	..		
20 " .	Spanish Schooner .	Fenix .	75	336	..	..				
27 December, " .	" " .	Negrinha (a) .	40	49	182	576						
5 " .	" " .	Lechugano .	32	111	140	349						
19 April, " .	" " .	Gata (a) .	107	313	..	..				
11 January, 1837 .	Portuguese Brig .	Dolores .	..	..	..	..		
20 January, " .	" Schooner .	Paquete de Cabo Verde .	..	..	182	576						
10 February, " .	" Brigantine .	Temerario .	120	350	140	349						
4 February, " .	" " .	Josefina .	..	..	126	204						
1 December, 1836 .	" " .	Latona .	80	162	184	448						
11 May, " .	" " .	Carlota .	..	..	..	..		
27 " .	" " .	Lafayette .	110	162	..	..				
3 April " .	" " .	Cobra de Africa .	110	417	..	..				
1 June, " .	" " .	Flor de Tejo .	60	198	200	359						
6 " .	" " .	Providencia .	58	182	..	..				
25 September, " .	" " .	Amelia .	..	..	..	..		
23 December, " .	Brazilian Ship .	Primorosa .	100	272	..	..				
28 September, " .	Portuguese Schooner .	Incomprehensivel .	..	..	..	..		
25 April, " .	" Brig .	Vibora de Cabo Verde .	..	..	178	448						
18 May, " .	" Schooner .	Don Francisco .	88	280	150	337						
14 " .	" Brigantine .	Felicidades .	..	..	..	..		
11 June, " .	" Schooner .	Tragamillas .	87	283	..	..				
										538		696

Eleventh Enclosure in No. 66.

LIST of the principal VESSELS laden with African Negroes, condemned by the Courts of Mixed Commission, from 1834 to 1838, inclusive, with the Names of the Places at which they Loaded, extracted from the Reports of the Commissioners.

Vessel's Names.	Places of Loading.	Vessel's Names.	Places of Loading.
1834.			
Vengador.	Bonny.	Esperanza, (b)	Bonny.
Carolina.	Lagos.	Victoria.	New Calabar.
Pautica.	Old Calabar.	Vigilante.	Bonny.
Maria Isabel.	Benin.	Quarta de Abril.	Lagos.
Apta.	S. Tomé.	Olimpia.	Bimbia.
S. Rosario.	Princes' Island.	Serea.	New Calabar.
Tamega.	Lagos.	Ricomar.	Whydah.
Despique.	Ambriz.	Ninfa.	Bimbia.
Rosa.	Whydah.	Preciosa.	Rio Congo.
ArroganteMayaguensa.	Loanga.	Empresa.	Rio Pongo.
Indagadora.	New Calabar.	Atalaya.	Bonny.
Clemente.	Bonny.	Veloz.	Whydah and Lagos.
Felicidad, (a)	Bissao.	Fenix.	Little Popo.
Carlota, (a)	Gallinas.	Negrinha.	Gallinas.
Duqueza de Braganza.	{ Benguela.	1837.	
	{ Loanda.	Lechuguino.	Rio Pongo.
	{ Novo Rendondo.	Gata.	Bonny.
1835.			
Sutil.	Old Calabar.	Dolores.	Calabar.
Formidable.	"	Paquete de Cabo Verde.	Bonny.
Minerva.	"	Temerario.	"
Iberia.	Bonny.	Esperanza, (c)	"
Manuel.	"	Josefina.	Lagos.
Bienvenida.	Gaboon.	Latona.	Whydah.
Numero Dos.	Bonny.	Lafayette.	Lagos.
Conchita.	Old Calabar.	Cobra de Africa.	Bimbia.
Volador.	Bonny.	Carlota, (b)	Whydah.
Semiramis.	"	Flor de Tejo.	Gallinas.
Argos.	"	Primorosa.	Bonny.
Conde de les Andes.	Rio Bras or Nun.	Vibora de Cabo Verde.	Bimbia.
Atrevido.	Whydah.	Don Francisco.	Whydah.
Maria, (a)	Mayamba.	Felicidad, (b)	Bonny.
Legitimo Africano.	Whydah.	Tragamillas.	Sherbro'.
Teresa.	Lagos.	Ligera, (b)	Rio Bras or Nun.
Maria, (b)	Bonny.	Providencia.	Lagos.
Julita.	Whydah.	Amelia.	"
Joven Reyna.	Ambriz and Congo.	Antonica.	Rio Congo.
Chubasco.	Pongo.	Matilde.	Ambriz.
Marte.	Loango.	Incomprehensivel.	Mozambique.
Tita.	Whydah.	1838.	
1836.			
Norma.	Bonny.	Primera Africana.	Sherbro'.
Ligera, (a)	Bras or Nun.	Deixa Falar.	Lagos.
Isabel Segunda.	Bonny.	Gratidao.	"
Segunda Iberia.	Bras or Nun.	Isabelita.	Gallinas.
Vandolero.	New Calabar.	Arrogante.	"
Seis Hermanos.	"	Felicidad, (a)	Old Calabar.
Gaceta.	New Sestos.	Dous Hermanos.	Bonny.
Felicia.	Bonny.	Prova.	Calabar.
Mindello.	{ Gaboon and Cape	Diligente.	Lagos.
	{ Lopez. .	Camoens.	Benin.
	{ Gran Basse and Cape	Paquete Feliz.	Bonny.
	{ Mount.	Felix (a)	Gallinas.
Criolo.	Old Calabar.	Ingemane.	Rio Nunez.
Joven Carolina.	Bonny.	Total . . 100.	
Felix, (a)	"		
Esperanza, (a)	"		

Twelfth Enclosure in No. 66.

LIST of VESSELS condemned by the Courts of Mixed Commission, with the Number of Males and Females on Board of them at the time of Capture, extracted from the Parliamentary Papers.

Date of Capture.	Names of Vessels.	Males.	Females.	Total.
May 13, 1838	Brillante	185	22	207
April 2, 1838	Dous Irmaos.	222	84	306
March 8, 1838	Felicidades	395	164	559
December 5, 1837	Isabelita	99	61	160
November 23, 1837	Arrogante	245	161	406
April 30, 1838	Camoos	89	49	138
June 7, 1837	Antonica	152	33	185
September 28, 1836	Negrinha	252	83	335
September 28, 1836	Fenix	316	168	484
March 8, 1836	Vigilante	123	108	231
September 23, 1836	Empresa	387	47	434
July 13, 1836	Preciosa	219	68	287
	Total	2,684*	1,048*	3,732

* Or 71² males, 28⁰⁸ females per 100.

Note.—As the number of each sex is seldom given in the Reports of the Sierra Leone Commissioners, this List could not be made so extensive as desirable.

Thirteenth Enclosure in No. 66.

List of AMERICAN VESSELS which have been advertised for Sale at Havana, from the 1st January to the 31st August, 1839, in the Paper called the "Mercantile Weekly Report," and Remarks thereon.

Date of Advertisement.	Name of Vessel.	Masters' Names.	Tonnage.	Date of Arrival.	Whence from.	Remarks.
January 12	A. E.	Driscott	96	November 6, 1838	New Orleans	Sailed February 1, 1839, for Tampico.
12	Rebecca	Neil	141	December 5, 1838	Baltimore	January 23, 1839, for Gallinas.
12	Eclipse	Phillips	92	January	Savannah	
19	Mary Barnard	Richardson	160	" 10, 1839	Ditto	January 16, 1839, for Savannah.
19	William Bayard	Hubbard	76	December 22, 1838	S. José	February 8, 1839, for Africa.
19	George A Crook	Moore	76	January 12, 1839	Nassau	
26	Swift	Ryan	66	December 17, 1838	New Orleans	
26	Sabina	Moore	98	January 17, 1839	Ditto	
February 2	Haaseker	Knicht	98	" 28, 1839	Portland	February 8, 1839, for Charleston.
9	Periy Spencer	Niguel	79	" 17, 1839	Mobile	March 3, 1839, for Charleson and Portland.
9	Volant	Cunningham	79	February 8, 1839	Apalichicola	February 21, 1839, for Gallinas.
16	Joseph Legget	Johnson	99	" 8, 1839	New York	February 23, 1839, for Apalichicola.
16	Wyoming	Christopher	99	January 2, 1839	Ditto	16, 1839, for New York.
23	Rolia	Formato	130	December 23, 1838	Pensacola	March 6, 1839, for Africa.
23	Mary	Snowden	63	" 23, 1838	Ditto	
23	Histeran	Bareham	114	" 23, 1838	Ditto	June 20, 1839, for Gallinas.
23	Encantadora	Salvi	114	" 23, 1838	New Orleans	These and some Spanish and Portuguese vessels were put under the American flag, but the United States Consul refusing to clear them, they resumed their old colours.
23	Tragamillas	Den	114	" 23, 1838	Ditto	
March 23	Virginia	Hooper	114	February 13, 1839	Mobile	Sailed March 2, 1839, for Mobile.
23	Comet	Mosse	114	" 19, 1839	New Orleans	8, 1839, for New Orleans.
23	Alice	Jenkins	114	" 19, 1839	S. José	3, 1839, for S. José.
March 2	Jack Wilding	Tyler	114	" 26, 1839	Mobile	21, 1839, for Cape de Verds.
16	Edgar	Schneider	57	" 28, 1839	New Orleans	Bought for a coaster.
23	Junius	Flanders	67	March 11, 1839	Key West	Sailed March 26, 1839, for New Orleans.
23	Colonel Fannin	Vrie	67	" 7, 1839	Mobile	
23	Joseph Legget	Johnson	67	" 13, 1839	New Orleans	Sailed March 26, 1839, for Africa.
23	Mary Ann	Young	37	February 13, 1839	Key West	
23	Hope	Griffith	37	March 21, 1839	Ditto	Sailed March 27, 1839, for Charleston.
23	Victory	Kelly	37	" 21, 1839	Ditto	April 5, 1839, for Key West.
30	Hound	Comer	186	" 25, 1839	Nassau	June 17, 1839, for Lagos.
April 20	Charles Edmonston	Richardson	200	" 26, 1839	New Orleans	July 17, 1839, for New Orleans.
20	Ganicleft	Delesdemer	200	" 29, 1839	Ditto	
20	Jane Wallace	Campbell	200	April 9, 1839	Pensacola	Sailed May 10, 1839, for Apalichicola.
20	Wilmington	Woodside	133	March 3, 1839	Tabasco	
20	Neptune	Galt	133	April 12, 1839	Nassau	
27	Urban	Horse	61	" 15, 1839	Key West	
27	Courtenay	Hollingshead	95	" 22, 1839	Baltimore	Sailed June 2, 1839, for New Orleans.
6	Wasp	Williams	125	May 6, 1839	Ditto	28, 1839, for Baltimore.
11	John Bell	Hopnan	71	April 30, 1839	New Orleans	Sold to the Spanish Government.
11	Junius	Flanders	50	May 2, 1839	Ditto	
18	Ridgway	Young	50	" 15, 1839	Baltimore	Sailed May 30, 1839, for Baltimore.
1	Catherine	Wedge	50	" 25, 1839	Ditto	June 15, 1839, for Princes Island.
1	Lark	Moore	94	" 30, 1839	Matanzas	
1	Citizen	Walker	94	" 30, 1839	Key West	
8	Emblem	Russell	82	" 29, 1839	New Orleans	
15	Lafayette	Ellork	82	June 8, 1839	New York	Sailed for New York.
22	Sarah Ann	Duckwater	88	" 24, 1839	Nassau	
29	Audubon	Savater	127	" 20, 1839	New Orleans	
29	R. Lanthicum	Andrews	75	" 24, 1839	Baltimore	
29	Sarah Ann	Galt	67	" 16, 1839	Nassau	
6	Abigail	Vincent	68	" 20, 1839	Neuvas	
27	John	Seymour	173	" 18, 1839	New Orleans	Sailed August 19, 1838, for New Orleans.
10	De la Rue	John	126	August 5, 1839	Baltimore	Fitting for Africa.
10	Campbell	Dorsey	57	" 5, 1839	New Orleans	

Fourteenth Enclosure in No. 66.

Form of Charter Party, used for Vessels engaged to take Cargo to the Coast of Africa.

THIS Charter-party, concluded and agreed upon this day of , in the year one thousand eight hundred and , between , of the , called the , of the burthen of tons, or thereabouts, whereof is Master, now lying in the Port of Havana, of the first part, and of the second part, witnesseth that the said party of the first part, for and in consideration of the covenants and agreements hereinafter mentioned on the part of the said party of the second part, to be kept and performed, has granted and to freight letten, and by these presents does grant and to freight let under the said party of the second part, the whole tonnage of the said vessel, except so much thereof as may be necessary for the accommodation of the officers and crew and the stowage of provisions, water, and fuel for the same, for freighting voyage from Havana to port or ports on the Coast of Africa, or wherever the charterer may direct, for the term of six calendar months, commencing on the ; and the said party of the first part does hereby covenant and agree, to and with the said party of the second part, that the said vessel, in and during the said voyage, shall be made and kept to the best of all endeavours, and at his own proper cost and charges, tight, staunch, and strong, and sufficiently provided, tackled, and apparelled with all things necessary for such a voyage; and that the said vessel shall be ready to receive cargo on the instant, which shall be received and delivered at the expense of the charterer.

And the said party of the second part, for and in consideration of the covenants and agreements aforesaid, does hereby covenant and agree to, and with the said party of the first part, to charter and hire the said vessel for the voyage aforesaid, and to furnish and provide provisions, pay the officers and crew, and all port charges, as well as all other charges appertaining to the vessel, except wear and tear, and shall find ballast or cargo sufficient to make her safe at sea; and should he or his agent on the Coast of Africa decide to purchase the vessel, they shall give timely notice to the Captain, who will be governed by his instructions. And that the said party of the second part will well and truly pay, or cause to be paid, unto the said party of the first part, for the charter or freight of the said vessel for the voyage aforesaid, 300 dollars per month for the term of six calendar months, commencing on the instant; and should the vessel be at sea at the expiration of said term, this Charter shall continue until she arrives and is discharged.

And it is hereby further agreed, by and between the parties to these presents, that if the said vessel shall be detained by the said party of the second part, their factors or agents, for any longer time than is hereinbefore allowed and agreed upon, that then the said party of the second part agree to pay, or cause to be paid, unto the said party of the first part, for demurrage, the sum of 30 dollars per day for each and every day the said vessel shall be so detained; and for the true and faithful performance of all and singular the covenants and agreements hereinbefore specified, the said parties hereby respectively bind themselves each unto the other, and also the said vessel and cargo, in the penal sum of 1,500 dollars.

In witness whereof the parties to these presents have hereunto interchangeably set their signature the day and year first above written.

Signed and delivered in the presence of

No. 67.

Mr. Tolmé to Viscount Palmerston.

British Consulate, Havana, October 5, 1839.

(Received November 26.)

MY LORD,

I HAD the honour, under date of the 17th ultimo, to present your Lordship with a report upon the Slave Trade of this place, for the year ending on the 31st of August last, and now take leave to add the September Lists of vessels which have been despatched for Africa and the Cape Verd, and those which have entered this port after landing slaves on the coast.

Of the vessels despatched, the "*Lavandeira*" is the same schooner that arrived from Africa in February, 1839. She has since made a voyage to Vera Cruz. The

CLASS B.

"*Lark*" came from Matanzas on the 29th of March last, and was sold here; the "*Hound*" and "*Campbell*" from Baltimore on the 7th September and 5th August, and were likewise immediately disposed of.

The last has since been to New Orleans, with a view of procuring a new register in the name of a Mr. Sanchez, who owns her on behalf of Mr. Pedro Blanco; but the Collector of the Customs refused to grant this document, on the plea of Sanchez not being a resident citizen of the United States, and she is, consequently, navigated under a mere Bill of Sale. I have no particulars about the "*Mercedita*."

The only arrival is the Portuguese schooner "*Formosa*" (I am not sure that this is exactly the name), formerly the American schooner "*Elvina*," despatched from hence on the 26th May last.

This vessel has had an unprecedently quick passage, having been only 93 days out; she remained at Gallinas, the place of loading, but four days, and was navigated out and home by one Wade, her former Mate, who boasts that the wages and gratification which he received for the trip exceed 800 dollars. The "*Elvina*" measured, by register, 122 tons, and having brought 330 negroes, had, consequently, on board 270 for every 100 tons American.

The intelligence which has just reached this place of the detention of the schooners "*Sin Ygual*," "*Constituçiao*," "*Josefina Segunda*," "*Union*," and the brigs "*Matilde*," "*Restaurador*," and "*Vigilante*," on the Coast of Africa, and of the passing of the Slave Trade Suppression Bill through the British Parliament, has caused much excitement and damped the ardour of adventurers. The Portuguese flag they will now, probably, give up; their last hopes rest on the American.

I have, &c.

(Signed)

C. D. TOLME'.

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

First Enclosure in No. 67.

List of Vessels despatched from Havana in September 1839, bound to Africa or the Cape de Verd.

1839.			
September 1.	Portuguese schooner	" <i>Lavandeira</i> "	Oliver, for S. Tomé.
" 11.	American schooner	" <i>Lark</i> " . .	Salomen, for Princes' Island.
" 20.	" "	" <i>Hound</i> " . .	Mastellan, for Cape Mesurado and Gallinas.
" 20.	Spanish schooner	" <i>Mercedita</i> " .	Aldecoa, for Cape Lopez.
" 24.	American schooner	" <i>Campbell</i> " .	Gill, for Cape de Verd.

Second Enclosure in No. 67.

Vessels entered in the Port of Havana, in the month of September, 1839, after having landed, it is said, Negroes on the adjacent Coast.

1839.	
Sept. 28.	Portuguese schooner " <i>Formosa</i> ," Betman, Master, 330 Africans.

No. 68.

Mr. Tolmé to Viscount Palmerston.

British Consulate, Havana, October 7, 1839.

MY LORD,

(Received November 26.)

I HAVE recently been shown by the brother of a person, who declares that he had it from the hands of Souza himself, a letter, purporting to have been addressed to the latter by a certain C. J. Hoitingh, dated from Dutch Accra, the 3d of March, 1837, offering to purchase 1,000 slaves for soldiers.

This letter has been circulated among the slave traders here, who, not knowing or not choosing to know, of the correspondence between the British and the Netherlands Government on the subject of General Verveer's mission, believe, or pretend to believe, that England has been privy to and tolerated a wholesale slave-trading transaction on the part of the Dutch Authorities.

I send your Lordship a copy of the letter ; not that I suppose that it can be longer of any practical use unless to show, if genuine, that the representations of Her Majesty's Government to the King of Holland, respecting the enlistment of soldiers in Africa were not without ground ; and, if a forgery, to prove the shifts to which the slave-traders here will resort, in order to prejudice, in the eyes of the public, the philanthropic views of Great Britain.

I have, &c.
(Signed) C. D. TOLME'.

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

Enclosure in No. 68.

*Literal Copy of a Letter addressed to F. Fellis De Souza, Esq., &c. &c. &c.,
Whydah.*

SIR,

I HAS inform you these few lines to say that I arrive here for buying about 100 or one thousand Slaves for Soldiers, which I send you this letter to let you know, and if you got any to sell and send by Land, which I paid 2 oz. 4 dl. pr. each Slave in gold or guns or powder, lead, bars or cloth any you requires.

I am, Sir, yours truly,
Dutch Accra, 3 March, 1837. E. G. HOITINGH, Comdt.

No. 69.

Mr. Tolmé to Viscount Palmerston.

British Consulate, Havana, November 6, 1839.

(Received December 14.)

MY LORD,

I HAVE the honour to wait on your Lordship with Lists of the vessels despatched from hence to the Coast of Africa in the month of October, and of those which have, during the same time, arrived here, after discharging negroes on the adjacent coast.

Among the departures, the "*Nymph*" is a vessel from Baltimore, stated in the commercial report of the 21st September as sold here ; the "*John*" is an American barque, entered last June from Montevideo with beef, and probably employed only to take out a cargo ; the "*Astrea*" is the same schooner that came on the 20th of June with 440 slaves.

Among the arrivals, the "*Recurso*" has been seven or eight months on her voyage, she sailed as an American ; the "*Montanesa*" was cleared from hence on the 9th of February ; the "*Felicidad*" on the 9th of July ; and the "*Frutosa*" is an old trader.

From these returns, compared with those of the corresponding month of 1838, it will be observed that a check has been given to the Slave Trade of this island. In October, 1838, 1,495 Africans were landed ; in October, 1839, only 845. In October, 1838, five vessels were despatched ; in October, 1839, only three. And the prospect, I am happy to say, is of a continued diminution ; and why not, my Lord, because there is less demand for negroes, not because their price is lower, it has in fact advanced, but because the success of our cruizers has been greater, because vessels under Portuguese colours, owned here, have been condemned, and others, under American, detained, and especially because the slave-traders are convinced, since the passing of the Act of the 2d and 3d of Victoria, cap. 73, that Her Majesty's Government will leave no stone unturned for effecting the entire extinction of the traffic.

I have, &c.
(Signed) C. D. TOLME'.

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

First Enclosure in No. 69.

List of Vessels despatched from Havana in the Month of October, 1839, for the Coast of Africa.

- October 15, American schooner "Nymph," Wallace, Master, for Rio Bras, or Nun.
 October 28, American barque "John," Seymour, Master, for the Gold Coast.
 October 29, Portuguese schooner "Astrea," J. Sabino, Master, for Loanda.

Second Enclosure in No. 69.

List of Vessels which have entered the Port of Havana in October, 1839, after landing, it is said, Negroes on the adjacent Coast.

- October 4, Portuguese schooner . "Recurso," M. Rivas, Master, after landing at Guanimar about 200 slaves.
 October 5, Portuguese schooner . "Montanesea," Bianca, Master, after landing at Guanimar about 243 slaves.
 October 7, Portuguese schooner brig "Felicidad," José Silva, Master, after landing at Mariel about 287 slaves.
 October 13, Portuguese schooner . "Frutosa," Juan Salgeyro, Master, after landing at Arcos de Canesi about 115 slaves.

SPAIN. (*Consular.*)—*St. Jago de Cuba.*

No. 70.

Viscount Palmerston to Mr. Hardy.

Foreign Office, June 29, 1839.

Circular transmitting Papers presented to Parliament.

(See No. 1, page 1.)

No. 71.

Mr. Wright to Viscount Palmerston.

St. Jago de Cuba, June 17, 1839.

(Received July 22.)

My LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 23d February, addressed to Mr. Consul Hardy, with its two Enclosures, acquainting me that the Spanish Government had acceded to an application from Her Majesty's Government for the liberation of the negro boy named Wellington, referred to in Mr. Consul Hardy's Letter to Sir Lionel Smith, dated 20th October, 1838.

I have now the satisfaction of informing your Lordship, that not only the boy Wellington, but the two other negro lads, referred to in the said Letter of Mr. Consul Hardy to Sir Lionel Smith, as having been kidnapped by a man of the name of Garcia, have been delivered over to me on the 14th instant, in virtue of orders received from the Superior Authority at the Havana, and that I shall send them back to Jamaica in Her Majesty's steamer "Tartarus," Lieutenant Smith, Commander, now daily expected from St. Thomas and Porto Rico with the 15th May mail.

I have, &c.

(Signed) JAMES WRIGHT, *Acting Consul.*

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

&c.

&c.

&c.

No. 72.

Viscount Palmerston to Her Majesty's Consul.

Foreign Office, August 25, 1839.

Circular transmitting Address of the House of Peers.

(See No. 7, page 7.)

No. 73.

Viscount Palmerston to Her Majesty's Consul.

Foreign Office, September 3, 1839.

Circular transmitting Act for the Suppression of Slave Trade.

(See No. 11, page 10.)

No. 74.

Mr. Wright to Viscount Palmerston.

British Consulate, St. Jago de Cuba, August 12, 1839.

(Received September 25.)

My LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, dated 29th June, marked "Slave Trade," transmitting to me, for my information, a Copy of two series of papers relating to the Slave Trade.

I have, &c.

(Signed) JAMES J. WRIGHT, *Pro Consul.*

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

&c.

&c.

&c.

No. 75.

*Viscount Palmerston to Her Majesty's Consul.**Foreign Office, October 12, 1839.**Circular—Instructions to cause Lord Howard's two Notes reprinted and circulated.*(See No. 61, page 44.)

No. 76.

*Viscount Palmerston to Her Majesty's Consul.**Foreign Office, October 12, 1839.**Circular on Negotiations with Portugal.*(See No. 15, page 13.)

No. 77.

*Viscount Palmerston to Her Majesty's Consul.**Foreign Office, November 2, 1839.**Circular, communicating Orders issued under the Act for the Suppression of the Slave Trade.*(See No. 18, page 16.)

No. 79.

*Lord Howard de Walden to Viscount Palmerston.**Lisbon, June 2, 1839.**(Received June 10.)*

MY LORD,

IN a conversation which I had a short time ago with the Baron da Ribeira de Sabrosa, I offered his Excellency every information respecting the course which the late negotiations, to which I had been a party, for the suppression of the Slave Trade, had taken with the various Plenipotentiaries with whom it had fallen to my lot to treat on the subject. With this view I have drawn up a short Memorandum, taking for basis the position in which Portugal now stands towards England on this question.

I have recapitulated many important points, which tend to represent the true spirit in which the late Portuguese Ministers have conducted their negotiations.

I enclose a copy of my note, transmitting the same to the Baron da Rabeira de Sabrosa.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

&c.

&c.

&c.

Enclosure in No. 79.

Lord Howard de Walden to Baron de Sabrosa.

MONSIEUR LE BARON,

Lisbon, June 1, 1839.

HAVING in my note of the 26th ultimo, and in my interview with your Excellency subsequently, offered to contribute, in any way in my power, to enable your Excellency to understand the course of the late long pending negotiations for the suppression of the Slave Trade under the Portuguese flag, on which I had treated with so many successive Plenipotentiaries of Her Most Faithful Majesty, I have drawn up a Memorandum on the subject, being a succinct statement of facts, which I trust will convince your Excellency of the patience and perseverance with which the British Government have pursued the object they have had in view to obtain, viz., the fulfilment by the Portuguese Government of the obligations of existing Treaties; and will render manifest, at the same time, the reluctance with which, after so many years of expectation, Great Britain, disappointed in not obtaining the co-operation of the Portuguese Government, now proceeds single handed to undertake, as far as she may be able to do, thus unaided, the protection and rescue of the human race of Africa from the piratical outrages and horrors daily perpetrated under the abuse of the Portuguese flag.

I now most earnestly invoke your Excellency's calm and dispassionate reconsideration of the real state of this Slave Trade question; praying that the result may be such as may bring about the co-operation of Portugal, under your Excellency's auspices, as a partner in the glorious task devolving upon Great Britain, and may thus tend, at the same time, to cement the ties of interest and sympathy, which have so long contributed to give strength and value to the ancient alliance between our two countries.

I have, &c.

(Signed)

HOWARD DE WALDEN.

His Excellency Baron da Ribeira de Sabrosa,

&c.

&c.

&c.

Sub-Enclosure in No. 79.

Memorandum on Slave Trade Negotiations between Portugal and Great Britain.

WHAT is to be the course which the Portuguese Government will adopt? is a question which at once suggests itself to the mind, on considering Lord Palmerston's Declaration in the House of Commons, that owing to the negotiations, in which Great Britain had been engaged with Portugal for nearly four years, not having been successful, it was the intention of the British Government to propose to Parliament a legislative measure for the purpose of giving to their cruizers and Commissioners the same power and authority with regard to slave-trading ships, south of the Line, which they now exercise with regard to Portuguese slave-

trading ships north of the Line; and that of Lord Minto, in the House of Lords, repeating that it was the intention of the Secretary of State for Foreign Affairs, to lay some Papers on the Table of the House of Commons, connected with the Slave Trade, as carried on under the Portuguese flag, and to found upon those Papers a measure of a vigorous character, calculated to enforce the Treaty, which Portugal had not thought proper to observe.

In treating this most important matter, we must commence by an investigation of the spirit of the engagements, under which the late negotiations between Portugal and Great Britain for the suppression of the Slave Trade, were opened in 1834, have since been conducted by different Ministers, and have finally been broken off,

With this view, we shall proceed to recapitulate what the course pursued by Portugal has been in regard to the Slave Trade, since any laws have been passed for the regulation of that unnatural traffic.

It appears that, so far back as the last century, Portugal stood so high in moral worth and character, as to take the lead among European nations in promulgating laws, with a view to regulate the traffic in slaves, to restrict it to its original object, and to mitigate the sufferings of those unfortunate beings, with whom it was the policy of all nations, possessing colonies in the western hemisphere, to people the new discovered countries, more fertile in soil and more genial in climate than Africa.

In 1751 and 1761 laws were passed to this effect:—

The first, an Alvará, dated October 14, 1751, prohibited the transport of negroes to territories not in the Portuguese dominions.

By the second, dated September 19, 1761, it was decreed, that it should not be lawful to embark or to disembark, in the kingdoms of Portugal and the Algarves any black, male or female.

On the 24th of November, 1813, an Alvará was published in Brazil, by the Prince Regent of Portugal, for the regulation of the Slave Trade to the Portuguese Colonies; in the preamble of which the *temporary* character of the Slave Trade and its object is distinctly laid down, stating that, as the number of inhabitants was *not yet* proportionable to the vast extent of his dominions of South America, and was insufficient for the realization and completion of works already undertaken, the urgent necessity of still permitting the expedient of conveying and exporting from the ports of Africa, hands to aid and promote the increase of agriculture and industry, had been made manifest to him; but bearing in mind the cruel and inhuman treatment which the negroes experience on their passage from the ports of Africa to those of Brazil, he was pleased to enact certain regulations with respect to the treatment of the slaves, and the number to be embarked according to the tonnage of vessels.

In 1815 a Treaty was entered into by Portugal with Great Britain, by which the latter agrees to remit the residue still due on the loan of £600,000, made in London for the service of Portugal in 1809, and Portugal engages 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, declaring, that, until that period it shall not be lawful for the subjects of Portugal to carry on the Slave Trade, or to permit their flag to be used *except for the purpose of supplying the Transatlantic possessions belonging to the Crown of Portugal.*

In 1817, in consideration of the payment by Great Britain to Portugal of the sum of £300,000, indemnification for losses sustained by the proprietors of certain Portuguese slave-vessels which had already been captured by British cruizers, an additional Convention was concluded, forming a code of regulations, under which the engagements of the previous Treaty were to be carried into effect, and the true spirit of the ancient laws, prohibiting all Slave Trade, except for the supply of the possessions of the Crown of Portugal, was enforced, as regarded the reserved part of the Coast of Africa, where the traffic in slaves from Portuguese ports was *still for a time to be allowed.*

Portugal having contracted a specific engagement prospectively, by Article 4 of the Treaty of January 22, 1815, as to the future entire abolition of the Slave Trade, reserved thus *temporarily* south of the Line; and her Plenipotentiary having even stated the price at which she would consent to it it was deemed expedient to provide at once for that much desired contingency; and accordingly a separate Article was agreed to by the Plenipotentiaries of Portugal and Great

Britain, under the date of September 11, 1817, by which the additional Convention was to be adopted, in default of other arrangements, and to be acted upon in extenso without reservation, whenever the right to carry on the Slave Trade, as stipulated for in the Treaty of 1815 (*i. e.* for the supply of the Transatlantic Colonies of Portugal), ceased to be maintained by Portugal.

Spain simultaneously contracted similar engagements; and in Article 2 of the Instructions to Cruizers in the Treaty of 1817, the *reservation* as to the detention of merchantmen or slave-ships south of the Equator, was *limited to the period during which the traffic was to remain lawful.*

On the 17th of February, 1817, a Royal Order was issued by the King of Portugal, to prohibit to his subjects the trading for slaves in all the ports of the Coast of Africa, on the Equator, and in others southward of the Line, where the Crown of the United Kingdom *had no dominion or right*; and on the 26th of January, 1818, an Alvará for carrying into effect the Convention of 1817 was published, which declares illegal all traffic in slaves carried on by Portuguese subjects, with certain exceptions, but which no longer have weight, now that the Brazils have ceased to form a portion of the Portuguese monarchy.

In 1824, on negotiations being opened by Sir Edward Thornton, for the conclusion of a Treaty for the total abolition of the Slave Trade, the Duke of Palmella declared that in the uncertainty then existing with regard to the future relations between Portugal and the Brazils, it was desired by the Portuguese Government not to agitate any question in relation to the Slave Trade Commissions; that if there existed any one point, which he was almost willing to except, it would be that of consenting at once to the total abolition of the Slave Trade, in which Portugal could have no interest *in case of the independence of the Brazils*, and the cessation of which might enable her to turn her African Colonies to some other account; but gave as a reason for not concluding the desired Treaty at that moment, that "it would have a bad appearance if both the contracting parties were to discuss, under such circumstances, so important an affair, *and which affects the interests of Brazil alone.*"

In 1826 the King Dom John VI., having created in South America a new empire, comprehending the Brazils and all the Transatlantic possessions of Portugal, under the sovereignty of his eldest son, Dom Pedro of Braganza, the reserved right, so often alluded to for the supply of the Brazils, *ipso facto* ceased.

The Brazilian Government, as inheriting this reserved right, at once treated for the surrender of it, stipulating for its continuance only for the term of three years, in order that opportunity might be afforded to prepare the way for the cessation of this extraordinary source of population, on which the completion of many valuable enterprises so mainly depended, as already referred to in the Alvará of 1813.

On the expiration of all legitimate Slave Trade, negotiations were re-opened with Portugal, the result of which, however, was confined to a written pledge from Dom Francisco d'Almeida, the Secretary of State for Foreign Affairs, under the regency of the Infanta Isabel Maria, to Sir William A'Court the British ambassador, declaring that the Portuguese Government acknowledged, that the moment was come to put an end to the inhuman traffic in slaves, and that it would have no objection to insert in a Treaty, then contemplated, "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 co-operate* with Her Britannic Majesty for the total extinction of so barbarous a traffic in the countries where it unfortunately still exists."

The usurpation of Don Miguel, and the consequent interruption of diplomatic relations with the Court of Portugal, put an end to the negotiations which had been opened with the Portuguese Government under the regency of the Infanta Isabel Maria, and they were not resumed till the restoration of Donna Maria II. to the throne of her ancestors.

In 1834, negotiations were re-opened under the administration of the Duke of Palmella.

After considerable delay, owing to frequent Ministerial changes and other causes not well apparent, the Duke of Palmella, at last, in a note addressed to Lord Howard de Walden on the 10th of July, 1835, enters fairly into an exposition of the question, giving up on the part of Portugal all right, and renouncing all intention to tolerate the continuance of the Slave Trade.

In this note the Duke of Palmella, in reply to reproaches made to him for the

delay in passing the law required by Treaty, declares that there ought to exist no just cause for surprise, that the Chambers should not have had time to discuss the project of law, which the Portuguese Government had prepared for inflicting severe penalties on Portuguese subjects guilty of the odious traffic in slaves.

That, at the same time, it must be remembered that the Convention of 1817, concluded between Portugal and Great Britain, was still in force, in which it was stipulated "that the cruisers of both nations, duly authorized to that effect, could capture on the high seas vessels of the said two nations, suspected of being engaged in illicit Slave Trade; that since the Convention the separation of Brazil from Portugal had taken place, and therefore the only hypothesis, under which the said traffic could be reputed lawful, had ceased for Portuguese vessels; that the said *Convention was still in force, and consequently with a degree of latitude much more extensive than it possessed before*; which fact was so well known, that British cruisers had continually made captures of Portuguese vessels, suspected or convicted of illicit Slave Trade, upon the mere stipulations, as it would appear, of the existing Convention."

The Duke of Palmella then further proceeded to state, that the observations above-mentioned serve to prove, that the delay complained of in answering the proposals made by the British Government was not of so prejudicial a nature as might have been supposed, "if there *had not already existed between the two Governments a Treaty containing the most essential stipulations of the new Convention*, which it was desired to conclude, since all traffic in slaves in Portuguese vessels must already be considered illicit, and the cruisers of the royal navies of both nations are already authorized to suppress it, and do act in conformity to this authority; that these considerations, which he is called upon to make in order to place the affair in question in its true point of view, will not prevent the Government of Her Most Faithful Majesty from immediately opening negotiations on the proposed new Treaty, *which is to serve only to declare more clearly and explicitly*, that the Slave Trade of the Portuguese African Colonies is already abolished, and to take the new measures to authorize the cruisers of both nations to consider as illicit the traffic in slaves between those Colonies and the Brazils, which no longer form part of the Portuguese monarchy, giving thus *the genuine interpretation* to what was stipulated in the Convention of 1817."

In November, 1835, a change of Government having taken place in Portugal, the continuance of the negotiations for the suppression of the Slave Trade devolved upon the Marquis of Loulé.

During this period, repeated efforts having been made by the British Plenipotentiary to induce the Portuguese Government to promulgate a law assimilating its provisions, as near as possible, to those of Great Britain against the Slave Trade, the Marquis of Loulé appeared to meet the desire of the British Government, and declared to Lord Howard de Walden, on the 5th of January, 1835, that it was the intention of the Portuguese Government at an early period to propose several new laws to the Cortes, "among which would be one declaring Slave Trade to be piracy;" and stated that Annex C. of the proposed Treaty for the suppression of the Slave Trade was in the hands of the Minister of the Interior, for the examination of its various details; but appeared to apprehend no difficulty respecting its ultimate adoption.

Subsequently a project of law for the suppression of the Slave Trade was presented to the Cortes, on the 26th of March, 1836, by the Viscount de Sá da Bandeira, on whom, as Minister for the Marine and Colonies, this duty appeared to devolve. This law, although a very imperfect one, and not containing the clause promised by the Marquis of Loulé, was hailed by the British Government, as an earnest of the sincerity with which the Portuguese Government was then animated, in treating on the basis of co-operation for the effectual suppression of the degrading traffic in human flesh.

This law, however, "for the abolition of the Slave Trade in the Portuguese dominions," after having been introduced into the House of Peers of the 26th of March, 1836, was suffered to linger in its progress, and the prorogation of the Cortes took place without its having been adopted or even discussed.

In April, when the Treaty under discussion was on the point of being brought to a satisfactory conclusion, a change of Government took place, the Marquis of Loulé

gave up the Portfolio of the Foreign Department, which was transferred to Count Villa Real.

The pending negotiations for the suppression of the Slave Trade were, however, followed up by the Count Villa Real; but with regard to the law presented by the Viscount de Sá da Bandeira, it was discovered, on the new Government desiring to proceed with it in the new session of the Cortes (all measures introduced by the Government being allowed to stand over from one session to another to be taken up at the stage at which they were left at the prorogation), that the Viscount had presented this law in his individual capacity of Peer, and not in that of a Minister.

The Cortes having been dissolved almost immediately afterwards, no progress could be made as regarded this law.

The negotiations in the mean while for the Slave Trade Treaty advanced, and were on the point of being concluded, when the revolution of September overthrew the Charter, the Cortes, and the Government.

At this epoch a striking change appears to have come over the spirit of the Portuguese Government of the revolution, but more especially over the Viscount de Sá da Bandeira, on whom devolved the Portfolio of the Foreign Office, who had been the Marquis of Loulé's colleague only a few months before, and had been consulted throughout by his Excellency, in his negotiations with Lord Howard de Walden.

In December, under the dictatorship of Senhor Manoel Passos and the Viscount de Sá, a Decree was published abolishing the Slave Trade, and containing many well conceived enactments; valuable, if honestly enforced; but no step was made towards co-operation with Great Britain, nor does it appear that, in any one instance, this Decree has been acted upon.

In May, 1837, however, the Viscount de Sá da Bandeira at last presented to the British Plenipotentiary a counter-project, at direct variance with all the principles of existing Treaties, and which was accompanied by observations, denoting a spirit so clearly intractable as to cordial and *bonâ fide* co-operation, that it fell with him in June, 1837, on his leaving office.

By the Viscount de Sá, the Marquis of Aracaty was appointed Governor of Mozambique, and his subsequent public refusal to execute the law of the 10th of December, 1836, and the impunity attending his conduct, are not unimportant features, when forming an estimate of the spirit in which the Portuguese Government has since been disposed to treat.

Slave-vessels were equipped in the Tagus, notwithstanding the remonstrances of Lord Howard de Walden; the law of Portugal, under the very eyes of the Government, being allowed to be evaded, what was to be expected from the Governor of a Colony?

In June, 1837, Senhor Manoel de Castro Pereira was named as successor to the Viscount de Sá. During his administration of the Foreign Office, nothing could be done, nor was anything expected, owing to the hostile character of his policy towards Great Britain.

In March, 1838, on Lord Howard communicating to the Viscount de Sá the resolution of the House of Commons that, "Adverting to the obligation contracted towards Great Britain by Portugal, finally and generally to abolish its Slave Trade, and recollecting, moreover, the ample pecuniary compensation made by Great Britain, as a consideration for that engagement, the House was of opinion that the Government of Portugal was bound in good faith to consent without further delay to such additional stipulations, as might be found necessary for the complete fulfilment of its said engagement," the Viscount consented to receive a new project of Treaty, which became a basis of renewed negotiations.

From the labours of Lord Howard de Walden and the Viscount de Sá, resulted a counter-project, of a character infinitely more creditable to Portugal than his Excellency's original counter-project of ephemeral existence; but still containing various alterations, omissions, and insertions, in many respects objectionable. Such Treaty, the Viscount expressed his willingness to sign, reserving, however, for himself a loop-hole by which to fly off (in the event even of these objectionable propositions, affecting the real efficiency of the Treaty, being accepted as for better or for worse), by annexing a stipulation as to a detailed guarantee by Great Britain of the Portuguese Colonies, such as had already been distinctly declared totally

inadmissible by the British Plenipotentiary, as the *sine quâ non* condition of ratification.

The Viscount de Sá's proceeding in regard to the negotiation of a Slave Trade Treaty with France was exactly similar; requiring as a *sine quâ non* condition of the signature of a Treaty, unobjectionable to him in all its bearings, the acknowledgment of a right to disputed territory, which question had nothing whatever to do with the Slave Trade question, but which, as Viscount de Sá distinctly declared, was to be the price which Portugal required should be paid by France, for the Treaty abolishing the Slave Trade.

It could not but strike the British Government, bearing in mind the Viscount de Sá's extraordinary proceeding respecting the Slave Trade Law, and what occurred in regard to France, that this statesman was not negotiating in the spirit of cordial and active co-operation.

It would have been justified in at once breaking off all further negotiations; but no, the British Government determined, from consideration for a country towards which it is impossible for Great Britain not to entertain feelings of sympathy and friendship, notwithstanding the hostile policy, which had been manifested towards it by its temporary rulers subsequent to the revolution of September, to make a last attempt, and to put indisputably to the test, before the world, the sincerity and good faith of the Ministry of Portugal.

A new draft was accordingly prepared, embodying every amendment proposed by Viscount de Sá, which was not positively mischievous in its operation, and was laid before the Portuguese Government, as the deliberate ultimatum of the British Government, the acceptance or rejection of which would decide the satisfactory conclusion, or the unfriendly rupture of the negotiations for the effectual suppression of the Slave Trade under the Portuguese flag.

The latter has been the course adopted by the Portuguese Government, as, from what had passed, had almost been anticipated by the British Government.

Great Britain, in the full exercise of her rights, and in fulfilment of the true spirit of the engagements of existing Treaties, abandoning at last all hope of co-operation from the Government of Portugal, must proceed alone single-handed to carry into effect the suppression of all Slave Trade under the Portuguese flag, which banner has hitherto been respected solely in the delusive hope of obtaining at last, in compensation for humanity, through combined and effectual co-operation, the though tardy but more complete attainment of the object of existing Treaties.

In Portugal, the public spirit is worked upon by the designing under the old clap-trap of the clubs, "National Honour and Independence." The grossest misstatements are made and allowed to remain uncontradicted. Threats are uttered (in whispers it is true) for the purpose of intimidation.

It must not be concealed that the consequences may be highly embarrassing and injurious to the political relations of Portugal with Great Britain. Party spirit when once excited is not easily controlled; the stone once set rolling is to be arrested in its course only by a strong hand.

Misrepresentation may do its work with the ignorant and reckless; the enlightened and the honest will be the sufferers.

The alternative to which the British Government has recourse is the only one which could be tolerated by the British Parliament, after the immense sacrifices which have been made by the nation in carrying out the principle of the abolition of Slave Trade and of slavery. The British Government will act upon the true interpretation of the Treaties existing between Portugal and Great Britain, as confirmed by the very Plenipotentiary who negotiated and signed on the part of Portugal the Treaty of 1815, and the Additional Convention, and Separate Article of 1817. No national interests of Portugal will be injured thereby; no commercial enterprise sanctioned by law will be in any way sacrificed.

The only sufferers will be those who transgress the very law of Portugal; those who prostitute the Portuguese flag in pursuing their iniquitous and revolting traffic; those who outrage humanity and insult civilized Europe by piratical atrocities, invoking the protection of the Portuguese Government, under the mockery of every principle of national honour.

The Portuguese Government, in the face of declarations made, and engagements contracted before civilized Europe, cannot allow Portugal to become the champion and protectress of the Slave Trade. Under her own laws of the last and the

present century, all Slave Trade has become illegal since the separation of Brazil from Portugal. The very principle under which it was only tolerated of late, that of peopling the richer possessions of Portugal, is now inverted. The depopulation of the Portuguese Colonies, encouraged by the sordid avarice of the very authorities of the Crown, is making rapid strides for the benefit of foreign adventurers; and anarchy is the constant visitor of the African possessions of Portugal, the natural result to be expected from the debasing system, under which the laws of the mother country are set at nought.

It is but too evident to all reflecting persons, that for the interest even of Portugal, the Slave Trade must be put down in the Portuguese Colonies, and this effectually, or these possessions will inevitably, before long, be lost to the country for ever.

It is to be hoped, however, that the time is not far distant, when, on a dispassionate consideration of the course that national honour and interests require at the hands of the Portuguese Government, the late opposition, coeval with the revolution of September, will be understood: that a more honourable and less selfish policy may direct the Councils of Her Most Faithful Majesty, and that the just and disinterested, though firm, policy of Great Britain may ultimately find its reward, in the gratitude of the truly enlightened, honest, and philanthropic of the Portuguese nation.

June 1, 1839.

No. 80.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, June 11, 1839.

I HEREWITH transmit to your Lordship a copy of a Despatch which I have recently received from Her Majesty's Chargé d'Affaires at Rio de Janeiro, containing some details, beyond those which I have already furnished to your Lordship, as to the facilities which Mr. Moreira, the Portuguese Consul-General and Chargé d'Affaires at Rio, is in the habit of giving to slave-traders, by furnishing Portuguese papers to vessels which are evidently intended for the Slave Trade, and which, in many cases, are not entitled by the Portuguese law to the protection of the Portuguese flag. I have to desire, that your Lordship will communicate in a note to the Portuguese Government the substance of the information contained in the enclosed Despatch. Your Lordship will in that note remind the Portuguese Government, that so long ago, as in the year 1833, the Portuguese Government, in answer to the accusations which had then been preferred against M. Moreira, for having given Portuguese documents to Brazilian vessels employed in Slave Trade, notified formally to His Majesty's Envoy at Lisbon, that M. Moreira had been dismissed from the situation which he held under the Portuguese Government.

I am, &c.

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

(Signed) PALMERSTON.

Enclosure in No. 80.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, March, 23, 1839.

(See Papers of 1839, Class B, Further Series, No. 86, page 142.)

No. 81.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, June 9 1839.

MY LORD,

(Received June 17.)

I HEREWITH transmit copies of two notes, which I have received from the Baron da Ribeira de Sabrosa, in reply to my communication to his Excellency relative to several slave-vessels, either fitting out in this port, or which had lately left the Tagus, as I reported to your Lordship in my Despatch, marked "Slave Trade," of the 27th ultimo.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

&c.

&c.

&c.

First Enclosure in No. 81.

(Translation.)

Baron de Sabrosa to Lord Howard de Walden.

MY LORD,

Foreign Department, May 27, 1839.

IN acknowledging the receipt of the note, which your Lordship was pleased to address me on the 26th instant, relative to the vessel "Columbia," and the brig "Joven Mathilde," which, according to what your Lordship communicates to me, are supposed to be fitting out in the port of Lisbon for the Slave Trade, I have the honour to inform your Lordship, that I will, with the least possible delay, cause the necessary inquiries to be made on that head, appreciating fully what your Lordship informs me respecting the other vessels, which have previously left this port.

I take advantage, &c.

(Signed) B. DA R. DE SABROSA.

Lord Howard de Walden,

&c.

&c.

&c.

Second Enclosure in No. 81.

Baron de Sabrosa to Lord Howard de Walden.

(Translation.)

MY LORD,

Office of Foreign Affairs, June 1, 1839.

IN addition to the note I addressed to your Lordship on the 27th of last month, I have the honour to transmit the enclosed copy of the information, forwarded from the Great Custom-house of this capital to the Marine Department, respecting the ships "Flor do Tejo," formerly "D. Pedro," "Oriente," formerly "Colombia," and "Jovem Mathilde," anchored within the district of the Custom-house; also the "Bella Angela," formerly "Niger," "Hercules," "Maria," "Corintho," anchored before the Ribeira Nova; two of which were mentioned by your Lordship's note of the 26th of the same month, as being destined for the Slave Trade. Your Lordship will see by the said information from the Custom-house, that notwithstanding the minute examination made respecting those vessels, no suspicion could be established, to allow any foundation for the informations given to your Lordship with regard to the above-mentioned vessels, which can in no way be equipped for the said traffic in this harbour, owing to their being closely watched by the authorities of the same.

I renew, &c.

(Signed) B. DA R. DE SABROSA.

Lord Howard de Walden,

&c.

&c.

&c.

Sub-Enclosure in No. 81.

(Translation.)

REPORT.

MADAM,

Office of Foreign Affairs, June 1, 1839.

IN consequence of the Royal Decree, communicated to us by the competent departments, in which it was mentioned that Her Britannic Majesty's Minister at

this Court stated that he had been informed of several vessels having lately left this harbour destined for the Slave Trade, and that others were preparing for the same end, pointing out the vessels "*Colombia*" and "*Jovem Mathilde*" as being amongst them, they order us to proceed to the necessary examination, in order to take every convenient measure, and thereby enable the Government of Your Majesty to answer the said Minister upon the object referred to. We proceeded on board the vessels "*Flor do Tejo*," formerly "*D. Pedro*," "*Oriente*," formerly "*Colombia*," and "*Jovem Mathilde*," anchored within the district of the Custom-house, and of the "*Bella Angela*," formerly "*Niger*," "*Hercules*," "*Maria*," "*Corintho*," anchored before the Ribeira Nova, these vessels being suspected of being intended for the Slave Trade; and after proceeding to the most minute examination, both in the holds and in the cabins, we are of opinion that no appearance positively exists on this occasion of their preparing for, or being destined to, this traffic; being also persuaded that, should they intend to proceed to the Coast of Africa, it will not be at Lisbon, where they are constantly watched, that they will equip themselves; and the measures to be taken according to our opinion are fully described in the Law of the 10th of December, 1837, and principally in the Articles 6, 7, and 9.

May God preserve Your Majesty, &c.

Lisbon, 28 May, 1839.

(Signed)

JOAO DA COSTA CARVALHO.
JOZE MANOEL LEITAO,
Administrator of the 3d District.
HENRIQUE D. WENCK,
Guarda Mor. of the Custom-house.

Office of Foreign Affairs, June 1, 1839.

A true Copy.

In the absence of the Chief Clerk,

(Signed)

ANTONIO JOAQUIM GOMEZ DE OLIVEIRA.

No. 82.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, June 18, 1839.

I HEREWITH transmit to your Lordship the copy of a communication which has been received at this office from the Admiralty, containing an account of the detention of a Portuguese vessel, the "*Passos*," with 88 slaves on board, bound from Old Calabar to Princes' Island.

I have to desire, that your Lordship will communicate these papers to the Portuguese Government, and that you will call their attention to the Report of the Officers of Her Majesty's ship "*Wolverine*," who surveyed the "*Passos*," and who state that she was so unseaworthy, that it was a flagrant act of inhumanity on the part of her Owner or his Agent to send her on such a voyage.

I am, &c.

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

(Signed) PALMERSTON.

Enclosure in No. 82.

Sir John Barrow to Mr. Strangways.

SIR,

Admiralty, June 12, 1839.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Viscount Palmerston, the enclosed copy of a letter dated the 12th of April last, which Commander Tucker of the "*Wolverine*" has addressed to the Commander-in-Chief of the Cape of Good Hope and African station, relative to the "*Passos*," Portuguese slave-vessel, captured by that sloop on the 8th of that month, together with the accompanying copy of a Report of Survey on the "*Passos*."

I am, &c.

(Signed) JOHN BARROW.

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

First Sub-Enclosure in No. 82.

Wolverine at sea, 17 April, 1839, Lat. 00° 51' N. Long. 7° 22' E.

SIR,

I HAVE the honour to inform you that I captured on the 8th instant, in Lat. 1° 45' N., Long. 7° 43' E., Diamond Rock, Princes' W. N. W. 12 miles, the "*Passos*" brigantine, belonging to Princes' Island, under Portuguese colours, with a cargo of 88 slaves on board, bound from Old Calabar to Princes' Island, so very leaky, apparently unseaworthy, and incapable of being repaired, as to render her unfit for the voyage to Sierra Leone. I therefore towed her off West Bay that night, but was prevented getting in by calms, and being obliged to cast her off to chase until the 10th instant, when I ordered her to be surveyed; and being condemned, as per accompanying Report, I ordered the *Dolphin*, which arrived on the 9th instant, to take the slaves on board, her documents, papers, Master, Cook, and stores, and proceed with them to Sierra Leone for adjudication.

I beg to call your serious attention to the Report of the Surveying Officers as to the state of the vessel, and to which I beg to add my opinion, that, during the many years I have been acquainted with the Slave Trade, I never captured or boarded a vessel so unseaworthy, or so badly fitted and found; and that so gross an act of inhumanity on the part of the Owner and inhabitant of Princes, deserves the severest punishment the laws of Portugal can inflict upon him.

The Master of the "*Passos*," Jozé Antonio Roiz, declared that the Governor of Princes' will not allow any slaves to be landed in the harbour of Port Antonio, but that he permitted them, and they were landed in North Bay, and other places on the island.

I have, &c.

(Signed)

WILLIAM TUCKER,

Commander.

Rear Admiral, the Hon. George Elliot,
Commander-in-Chief.

Second Sub-Enclosure in No. 82.

Pursuant to an Order from William Tucker, Esq., Commander of Her Majesty's sloop "*Wolverine*," and Senior Officer of Her Majesty's Vessels employed on the West Coast of Africa.

WE, whose names are hereunto subscribed, have been on board the detained slave-vessel "*Passos*" (reported by the Carpenter of Her Majesty's ship "*Wolverine*" to be unseaworthy), and have taken a strict and careful survey on the said vessel, and find her perfectly rotten, totally unseaworthy, and irreparable, consequently unfit to proceed to Sierra Leone, therefore we recommend that she should be taken into deep water and burnt. And we further feel it our duty to declare, that we consider the conduct of the person or persons who sent her on her present voyage, in the state she must have been for some time past, highly reprehensible, and guilty of the most flagrant act of inhumanity; it appearing to us almost a miracle that she floated so long.

And we further declare, that we have taken this survey with such care and equity, that we are ready, if required, to make oath to the impartiality and correctness of our proceedings.

Given under our hands, on board the detained slave-vessel "*Passos*," at West Bay, Princes' Island, this 10th April, 1839.

(Signed)

L. L. CASTLE,

H. G. SHUTE, *Senior Lieutenant*,

J. PALMER, *Carpenter*,

J. C. BARBER, *Master*,

Her Majesty's sloop "*Pylades*."

D. DUNCAN, *Master*,

SAMUEL GRANT, *Carpenter*,

Her Majesty's sloop "*Wolverine*."

No. 83.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, June 27, 1839.

I HEREWITH transmit to your Lordship a copy of a Dispatch, and of its Enclosures, which I have received from Her Majesty's Commissioners at Sierra Leone, containing an account of the case of the brig "*Emprededor*," Francisco G. Veiga, Master, captured when under Portuguese colours, on the 27th November, 1838, off the Gallinas, with 467 slaves on board, by Her Majesty's brigantine "*Buzzard*," Lieutenant Charles Fitzgerald commanding, and condemned on 11th December, 1838, in the Mixed British and Foreign Court of Commission at Sierra Leone, as good and lawful prize.

Upon a perusal of these Papers, your Lordship will perceive that the Portuguese flag was wrongfully assumed by the "*Emprededor*," and that M. Machado, the Portuguese Consul-General at Cadiz, lent himself to the fraudulent assumption of that flag, by permitting the Bill of Sale, the Provisional Passport, and the Muster-roll of the vessel, to be prepared in his office, and to be falsely dated about 22 months before the time when those Papers were actually drawn up.

Your Lordship will communicate to the Portuguese Government, in a note, the substance of the statement which the Report, from the Commissioners at Sierra Leone contains respecting this vessel; and you will express the hope of Her Majesty's Government, that the Government of Her Most Faithful Majesty will not suffer M. Machado to escape the censure, which he deserves for his conduct on this occasion.

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

I am, &c.
(Signed) PALMERSTON.

Enclosure in No. 83.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, December 15, 1838.*

(See Class A., No. 61, page 91.)

No. 84.

*Viscount Palmerston to Lord Howard de Walden.**Foreign Office, June 29, 1839.**Circular transmitting Papers presented to Parliament.*

(See No. 1, page 1.)

No. 85.

*Lord Howard de Walden to Viscount Palmerston.**Lisbon, July 8, 1839.*

MY LORD,

(Received July 15.)

I herewith enclose the *Diario do Governo* of the 2d instant, in which appears a leading Article on the Slave Trade question as between Portugal and Great Britain. I have considered the contents and spirit of this Article published in a newspaper exclusively directed by official persons, as worthy of notice solely as manifesting the system of gross misrepresentation, with which it is attempted to delude the public, not only with regard to the ineffectual efforts of the British Govern-

ment to induce Portugal to fulfil the solemn engagements of Treaties, but also with respect to the tone and proceedings of Great Britain in regard to the Slave Trade, as carried on under any other flag but that of Portugal.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

Enclosure in No. 85.

(Translation.)

From the "Diario do Governo."

Lisbon, July 2, 1839.

AN attempt has been made in England to cause it to be believed that the Portuguese nation and its Government are not sincerely inclined to abolish the Slave Trade, and that its flag is perhaps the only one under whose protection this barbarous violation of the rights of humanity is committed; and in order to give currency to this opinion, the facts in opposition to it have either been concealed or distorted. The truth, however, is, that if some daring adventurers have availed themselves of the Portuguese flag, in vessels destined to this nefarious traffic, other flags have likewise been employed for the same purpose, and that in vessels of other nations encountered by the cruisers cargoes of slaves have been found. This sufficiently notorious truth is assuredly known to the British Government and Parliament, of whose dignity it can never be supposed that they would adopt a measure of *exception* solely against Portugal. Were it possible for such a measure to have any foundation in justice, England would not have recourse to the strange proceeding of carrying it into effect against the Portuguese nation, her most ancient ally, without at least extending it, for a similar motive, and in the same manner, to other nations.

We have copied from the *Times* of the 17th ultimo, the Article which has furnished occasion for the above short but weighty reflections.

No. 86.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, July 8, 1839.

MY LORD,

(Received July 15.)

I HEREWITH enclose a copy of a note, which I have addressed to the Baron da Ribeira de Sabrosa, in communicating, according to your Lordship's instructions, papers relative to the capture of the "*Passos*" slaver, in illustration of the inhuman character of the Slave Trade carried on under the Portuguese flag.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

Enclosure in No. 86.

Lord Howard de Walden to Baron de Sabrosa.

Lisbon, July 1, 1839.

THE Undersigned, &c., has the honour to transmit to the Baron da Ribeira de Sabrosa, &c., copies of a communication which has been received by Viscount Palmerston, &c. from the Admiralty, containing an account of the detention of a Portuguese vessel, the "*Passos*," with 88 slaves on board, bound from Old Calabar to Princes' Island.

The Undersigned, in communicating these papers to your Excellency, is instructed specially to call the attention of the Portuguese Government to the Report of the Officers of Her Majesty's ship "*Wolverine*" and "*Pylades*," who surveyed the "*Passos*," as showing to what extent the horrors of the Slave Trade were aggra-

vated by the flagrant act of inhumanity on the part of her Owner in sending her on such a voyage with her cargo of human beings.

The Undersigned, &c.

(Signed) HOWARD DE WALDEN.

His Excellency Baron da Ribeira de Sabrosa,
&c. &c. &c.

No. 87.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, July 8, 1839.

MY LORD,

(Received July 15.)

I ENCLOSE a copy of a note which I have addressed to the Baron da Ribeira de Sabrosa relative to the conduct of Senhor Moreira, Her Most Faithful Majesty's Chargé d'Affaires and Consul-General at Rio de Janeiro, in affording, in direct contravention of the law, and in open disregard of his public instructions, the protection of the Portuguese flag to foreign vessels notoriously destined for the Slave Trade.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

Enclosure in No. 87.

Lord Howard de Walden to Baron da Ribeira de Sabrosa.

Lisbon, June 29, 1839.

WITH reference to previous communications on the subject of the encouragement to the Slave Trade under the Portuguese flag, the Undersigned, &c. has been instructed to make known to the Baron da Ribeira de Sabrosa, &c., that Her Majesty's Government have been informed, that the Portuguese Consul-General at Rio de Janeiro (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.

It is notorious that most of the vessels thus furnished with a pretext for claiming the protection of the flag of Portugal, are employed in the Slave Trade; there were in the month of March last, in the harbour of Rio de Janeiro, 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 contravention of the spirit and letter of the laws of Portugal, and in defiance of the ostensible instructions and publicly declared intentions of the Government.

In exemplification of Senhor Moreira's proceedings, it will be sufficient for the Undersigned to adduce 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 Rio de Janeiro. Notwithstanding that 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, Senhor Moreira furnished Portuguese Papers to this vessel, with which she 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 despatched on a slave-trading voyage to the Coast of Africa.

The Undersigned has further to state that Her Majesty's Government are aware that it is asserted most publicly and generally at Rio de Janeiro, that Senhor Moreira's chief 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.

In making the above representation to the Baron da Ribeira de Sabrosa, the Undersigned is directed to remind his Excellency, that so long ago as the year 1833, the Portuguese Government, in answer to the accusations which had then been preferred against Senhor Moreira for having given Portuguese Documents to Brazilian vessels employed in Slave Trade, notified formally to His Majesty's Envoy at Lisbon, that Senhor Moreira had been dismissed from the situation which he held under the Portuguese Government.

The Undersigned, &c.

(Signed) HOWARD DE WALDEN.

His Excellency Baron da Ribeira de Sabrosa.

&c. &c. &c.

No. 88.

Lord Howard de Walden to Viscount Palmerston.

(Extract.)

Lisbon, July 8, 1839.

(Received July 15.)

I ENCLOSE a copy of a note which I have received from the Baron da Ribeira de Sabrosa, informing me that security had been exacted from two suspected vessels, (the "*Flor de Tejo*," and the "*Joven Mathilde*,") that they were not to be employed in the Slave Trade.

I have the satisfaction of being able to report, that now for the first time since the Baron da Ribeira de Sabrosa has been Minister, has any real activity appeared, or been employed, by any subordinate authority at Lisbon against the Slave Trade. The Major-General Interino of the Arsenal and the Director-General of Customs are now avowedly opposed to the Slave Trade.

Enclosure in No. 88.

(Translation.)

Baron de Sabrosa to Lord Howard de Walden.

MY LORD,

Foreign Office, July 1, 1839.

IN addition to my notes of the 27th of May and 1st of May, and 1st of June last, I have the honour to inform your Lordship that the Minister of Finance communicated to me on the 25th of last month, that the security required by the decree of the 10th of December, 1836, had been exacted of the vessels "*Flor do Tejo*" and "*Joven Mathilde*," by the Councillor Administrator General of the Great Custom of Lisbon, owing to their being suspected of fitting out for the Slave Trade, although nothing was found indicating their intention of being employed in that inhuman traffic.

I avail myself, &c.

(Signed) B. DA RIBEIRA DE SABROSA.

The Lord Howard de Walden,

&c. &c. &c.

No. 89.

Mr. Strangways to Lord Howard de Walden.

MY LORD,

Foreign Office, July 18, 1839.

I AM directed by Viscount Palmerston to send to your Lordship, for circu-

lation in Portugal, 12 copies of the two series of Slave Trade Papers, presented in this Session by Her Majesty's Command to both Houses of Parliament.

I am, &c.

(Signed)

W. FOX STRANGWAYS.

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

No. 90.

Viscount Palmerston to Baron de Moncorvo.

Foreign Office, July 19, 1839.

VISCOUNT Palmerston presents his compliments to Baron de Moncorvo, and transmits herewith to the Baron copy of all the Papers upon Slave Trade, which have been presented from this office to Parliament during the present session.

No. 91.

Viscount Palmerston to Lord Howard de Walden.

Foreign Office, July 20, 1839.

MY LORD,

I TRANSMIT herewith to your Lordship a copy of a Despatch from Mr. Ouseley, Her Majesty's Chargé d'Affaires at Rio de Janeiro, reporting that the Brazilian Government has withdrawn its exequatur from M. Moreira, as Portuguese Consul-General in Brazil, on the ground that it was incompatible with the dignity of the Imperial Government to continue to hold any official communication whatever with that person.

Your Lordship has already been instructed to make pressing representations to the Portuguese Government upon the improper conduct of M. Moreira, in abetting and supporting the Slave Trade, which his own Government has formally abolished, and in making use of most unbecoming language against British functionaries, because they have followed honourably the line of their duty in putting down that trade.

I am glad to find, that almost immediately after the Brazilian Government had refused to recognise M. Moreira any longer in the character of Portuguese Consul-General, he was superseded in his functions as Chargé d'Affaires by the arrival of a Portuguese Minister at Rio de Janeiro.

The Portuguese Government is, therefore, now free to select another person to perform the official duties, which formerly devolved upon M. Moreira, and I wish your Lordship to take the opportunity of representing urgently to the Portuguese Government, that by choosing for Consul-General in the room of M. Moreira a person who shall be known to be unfavourable to Slave Trade, they may show to the world that it was not with their sanction and approval, that M. Moreira drew opprobrium upon the Portuguese name, by the open and notorious protection which he gave to slave-traders.

I am, &c.

(Signed)

PALMERSTON.

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

Enclosure in No. 91.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, May 7, 1839.

(See No. 173.)

No. 92.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, July 15, 1839.

(Received July 22.)

MY LORD,

I HAVE the honour to enclose a copy of a note, which I have addressed to the Baron da Ribeira de Sabrosa in transmitting to his Excellency the report of Her Majesty's Commissioners at Sierra Leone on the case of the "*Emprendedor*," by which the flagrant misconduct of the Portuguese Consul-General at Cadiz, in regard to the Slave Trade, is rendered manifest and indisputable.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

&c.

&c.

&c.

Enclosure in No. 92.

Lord Howard de Walden to Baron de Sabrosa.

Lisbon, July 10, 1839.

THE Undersigned, &c., has received instructions from Her Majesty's Government to communicate to the Baron da Ribeira de Sabrosa, &c., a copy of a Despatch from Her Majesty's Commissioners at Sierra Leone on the case of the brig "*Emprendedor*," Francisco G. Veiga, Master, captured when under Portuguese colours on the 27th of November, 1838, off the Gallinas, with 467 slaves on board, by Her Majesty's brigantine "*Buzzard*," Lieutenant Charles Fitzgerald commanding, and condemned on the 11th of December, 1838, in the Mixed British and Foreign Court of Commission, at Sierra Leone, as good and lawful prize.

Upon a perusal of these papers, his Excellency will perceive that the Portuguese flag had been illegally assumed by the "*Emprendedor*," and that M. Machado, the Portuguese Consul-General at Cadiz, had lent himself to the fraudulent assumption of that flag, by permitting the Bill of Sale, the Provisional Passport, and the Muster-roll of the vessel, to be prepared in his office, and to be falsely dated about 22 months before the time when those papers were actually drawn up!

In bringing these facts to the knowledge of the Portuguese Government, the Undersigned is further desired to express the hope of Her Majesty's Government, "that the Government of Her most Faithful Majesty will not suffer M. Machado to escape the censure he deserves for his conduct on this occasion."

The Undersigned, &c.

(Signed)

HOWARD DE WALDEN.

His Excellency Baron da Ribeira de Sabrosa,

&c.

&c.

&c.

No. 93.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, July 20, 1839.

(Received July 28.)

MY LORD,

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, in reply to the one which I addressed to his Excellency, in communicating to him, by your Lordship's instructions, the circumstances connected with the capture of the Portuguese brigantine slaver "*Passos*."

I have, &c.

(Signed)

HOWARD DE WALDEN,

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

&c.

&c.

&c.

Enclosure in No. 93.

*Baron de Sabrosa to Lord Howard de Walden.**Office of Foreign Affairs, July 16, 1839.*

THE Undersigned, &c., has the honour to acknowledge the receipt of the note addressed to him by Lord Howard de Walden, &c., under the date of the 1st instant, accompanying the copy of two statements respecting the capture and unnavigable state of the Portuguese ship "*Passos*," which was taken by Her Britannic Majesty's sloop of war "*Wolverine*," having on board, from old Calabar to Princes' Island, 88 African slaves; in answer to which, the Undersigned feels it his duty to state to his Lordship, that copies of the said note of his Lordship, and of the documents to which it refers, were forwarded, under yesterday's date, to the Marine Department, in order that, at the sight of their contents, orders may be issued through the said department, for the strictest examination to be made at Princes' Island into the case of the captured brig; and, if what has been stated regarding this vessel be found to be true, proceedings may be instituted against the Owner, and other persons concerned in that illicit traffic, according to law.

The Governor of the said island, to whom the commander of the "*Wolverine*" alludes, is already returned to Portugal, suffering from mental alienation; and a provisional Government was appointed in his absence, which is about to be replaced by a new Governor, on the point of sailing for that island, to whom will be recommended, under his own responsibility, the full execution of the Decree of the 10th of December, 1836.

The Undersigned, &c.

(Signed)

B. DA RIBEIRA DE SABROSA.

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

No. 94.

*Baron Moncorvo to Viscount Palmerston.**Londres, le 1 Août, 1839.**(Received August 3.)*

LE Soussigné, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Très-Fidèle près Sa Majesté Britannique, est chargé, par ordre exprès de son Gouvernement, d'avoir l'honneur de faire connaître à son Excellence Monsieur le Vicomte Palmerston, Principal Secrétaire d'Etat de Sa Majesté Britannique au Département des Affaires Etrangères, que le Gouvernement Portugais apprend avec le plus profond regret, et avec une surprise, que le Soussigné ne sait suffisamment désigner, que le Ministère Britannique venait de proposer au Parlement qu'on passât un Acte, dont le titre paraît être "Acte pour la Suppression de la Traite des Nègres faite sous le Pavillon Portugais."

Il serait fort déplacé de recommencer dans cette note une discussion qui a été tellement approfondie dans toutes les communications par écrit, aussi bien que dans tant de conférences de la part du Gouvernement Portugais, ou de ses Agents Diplomatiques, avec son Excellence Monsieur le Vicomte Palmerston, ou avec les Agents Diplomatiques de Sa Majesté Britannique, accrédités à la Cour de Lisbonne. Il suffit seulement de dire, que sans se refuser jamais à un arrangement convenable, où l'honneur de la Couronne de Sa Majesté Très-Fidèle, autant que les intérêts et les propriétés de ses sujets fussent dûment respectés, le Gouvernement Portugais s'est montré constamment disposé, non seulement à négocier, mais également prêt à faire les concessions qu'il croyait pouvoir accorder, et que dans sa juste opinion auraient pour résultat le même but, sans avoir besoin de recourir à toutes les mesures contenues dans les propositions faites de la part du Gouvernement Britannique, dont quelques unes amèneraient la ruine totale des Possessions Portugaises en Afrique.

Tel est pourtant l'esprit qui a présidé aux décisions du Cabinet de Sa Majesté Très-Fidèle, laquelle ayant le pouvoir, qui de droit appartient à tous les Souverains libres et indépendants, de refuser ce qui nuit, et d'accepter ce qui convient aux intérêts de ses sujets, le Gouvernement Portugais s'est néanmoins montré conciliant dans ses déclarations, et toujours disposé à faire des concessions qui fussent d'accord avec le bien-être du pays; et qui prouvaient en même temps tous ses égards envers un ancien ami et allié. Partageant par là cette aversion naturelle contre un trafic si déshonorant à l'humanité.

Le Soussigné ne se fera charge de contraster ici la conduite de son Gouvernement avec tous les procédés du Gouvernement Britannique. Car le langage, souvent offensant, des pièces officielles ; la conduite illégale et repréhensible de la plus grande partie des officiers de la Marine Britannique, contre le pavillon et dans le territoire Portugais, lorsqu'ils commandaient des bâtimens de guerre en croisière contre la Traite des Nègres, et enfin la présentation au Parlement d'un Bill contre le Portugal, et la demande faite au même Parlement qu'il passe une loi qui doit soumettre les Portugais à son exécution, sans égard à l'indépendance d'une nation tout aussi libre que l'Angleterre, tout ceci prouvera bien à l'Europe entière, que si la modération et l'esprit de conciliation ont été le partage du Gouvernement de Sa Majesté Très Fidèle, le Ministère Britannique, n'ayant de sa part que la supériorité de ses forces, l'étendue de son territoire, et la grandeur de ses ressources, méconnaît et méprise le droit des gens envers une nation toute aussi libre et indépendante, et prétend de force et par violence obliger le Portugal, à lui accorder ce qu'il ne doit obtenir que par le moyen des négociations.

Le Soussigné aurait pu offrir à la considération de son Excellence Milord Palmerston quelques remarques sur les différentes dispositions de l'Acte proposé au Parlement par les Ministres de Sa Majesté Britannique. Mais quand le Soussigné voit, que l'idée qui paraît dominer leurs Excellences est uniquement celle, que l'Angleterre a l'autorité et le droit d'exiger, qu'une autre nation lui accorde sans phrase ce qu'elle exige, par ce que cette nation lui est inférieure en forces et en ressources, et qu'on ne doit respecter envers elle ni le droit des gens, ni tant d'autres convenances politiques, qui le doivent être presque autant que le même droit des gens ; il est donc inutile d'entrer dans un récit d'observations, qui seraient traitées de même que tout ce que le Gouvernement Portugais a déjà représenté de son côté sur ce même objet.

Il y a cependant un seul sujet que le Soussigné ne peut laisser en silence, de crainte que ce silence ne soit interprété comme une reconnaissance de la part du Portugal du droit que la Grande Bretagne veut s'arroger dans ce moment.

Le grand fondement sur lequel le Gouvernement Britannique prétend baser tous les procédés hostiles contre le Portugal, contenus dans l'Acte proposé au Parlement, paraît être, que le Portugal reçut, à de différentes époques, des fortes sommes d'argent pour s'engager à l'abolition totale de la Traite des Nègres dans un temps fixé, et par la forme que bon plaira à la Grande Bretagne de l'ordonner. Contre une assertion pareille le Soussigné prend la liberté d'opposer la négative la plus positive ; laquelle le Soussigné ne soutiendra pas, ni par des raisonnemens, ni par des argumens, mais seulement par le témoignage des Plénipotentiaires encore vivants, qui assistèrent au Congrès de Vienne ; et plus encore par le témoignage impérissable des Traités qui y furent signés, et par lesquels Traités ces sommes furent rendues au Portugal pour d'autres causes. Car à moins d'une herméneutique forcée, jamais et de bonne foi pourra-t-on déduire des paroles de ces Traités les engagements qu'on veut maintenant leur prêter.

En conclusion, il est de toute évidence que dans cette affaire malencontreuse, tant de souvenirs d'alliance et d'amitié intime, et tant de récordations de gloire commune pour le Portugal et pour la Grande Bretagne, paraissent perdues à jamais ; et la sauvegarde sous laquelle le droit des gens place les nations d'un second rang contre les empiètemens et les violations, de la part de celles du premier rang, ne vaut de rien au Portugal, une fois que le Gouvernement Britannique veut sévir contre son plus ancien allié.

Il ne reste donc au Soussigné dans ces circonstances d'une si haute importance, que le devoir d'exécuter fidèlement les instructions qui lui furent ordonnées par son Gouvernement, d'après lesquelles il proteste, au nom de ce même Gouvernement, de la manière la plus formelle et la plus solennelle, contre toute Loi, Acte, ou quelque autre disposition du Parlement Britannique, aussi bien que contre tous les procédés de fait ou mesure du Gouvernement de Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et Irlande, qui, directe ou indirectement, puisse attaquer les prérogatives de Sa Majesté Très Fidèle, les droits de sa Couronne, ou l'indépendance du Royaume de Portugal et des Algarves, aussi bien que contre les propriétés des sujets Portugais.

Le Soussigné prie donc son Excellence Monsieur le Vicomte Palmerston de vouloir bien porter à la haute connaissance de son Auguste Souveraine cette protestation, que le Soussigné a l'honneur de lui adresser.

Le Soussigné, &c.

(Signé) LE BARON DA TORRE DE MONCORVO.

A son Excellence Monsieur le Vicomte Palmerston, G.C.B.,

&c.

&c.

&c.

(Translation.)

THE Undersigned, &c., is charged, by express order of his Government, to have the honour to make known to his Excellency, Viscount Palmerston, &c., that the Portuguese Government learned with the most profound regret, and with a degree of surprise which the Undersigned knows not how to signify sufficiently, that the British Ministry had recently proposed to Parliament to pass an Act, of which the title appears to be "Act for the Suppression of the Slave Trade, carried on under the Portuguese flag."

It would be very much out of place to recommence in this note a discussion which has been entered into so deeply in all the written communications, as well as in so many conferences on the part of the Portuguese Government, or its Diplomatic Agents, with Viscount Palmerston, or with the Diplomatic Agents of Her Britannic Majesty, accredited to the Court of Lisbon. It suffices to say only, that without ever refusing to concur in a proper arrangement, in which the honour of the Crown of Her Most Faithful Majesty, as well as the interests and property of her subjects, were duly respected, the Portuguese Government has shown itself constantly disposed, not only to negotiate, but equally ready to make those concessions which it thought it could accord; and which, in its just opinion, would have for result, the same end, without having need to have recourse to all the measures contained in the propositions made on the part of the British Government, of which some would bring on the total ruin of the Portuguese Possessions in Africa.

Such, however, is the spirit which has presided over the Decisions of the Cabinet of Her Most Faithful Majesty, who having the power, which of right belongs to all free and independent Sovereigns to refuse that which injures, and to accept that which suits the interests of her subjects; the Portuguese Government has nevertheless shown itself conciliatory in its declarations, and always disposed to make such concessions as might accord with the well-being of the country, and which proved at the same time all its regard for an ancient Friend and Ally; thus partaking that natural aversion to a traffic so dishonouring to humanity.

The Undersigned will not undertake here to contrast the conduct of his Government with all the proceedings of the British Government. For the language, often offensive, of the official papers; the illegal and reprehensible conduct of the greater part of the officers of the British Navy, with respect to the flag, and within the territory of Portugal, while commanding vessels of war cruising against the Slave Trade; and lastly, the presentation to Parliament of a Bill against Portugal, and the demand made to Parliament to pass a law, submitting Portuguese subjects to its execution, without regard to the independence of a nation quite as free as England; all this will well prove to all Europe, that if moderation and a spirit of conciliation has been the share of the Government of Her Most Faithful Majesty, the British Ministry having on their side only the superiority of its forces, and the extent of its territory, and the greatness of its resources, contemned and despised the law of nations in regard to a nation equally free and independent, and pretends by force and violence to oblige Portugal to grant that which ought not to be obtained but by means of negotiations.

The Undersigned could have offered to the consideration of his Excellency Lord Palmerston, some remarks on the different provisions of the Act proposed to Parliament by the Ministers of Her Britannic Majesty. But when the Undersigned sees that the idea which appears to rule their Excellencies is solely this, that England has the authority and the right to require, that another nation should grant to her, without hesitation, what she demands, because that nation is inferior to her in force and resources, and that there is no necessity for respecting towards her either the right of nations, or so many other forms usually observed in politics, which ought to be observed almost as much as the said law of nations; it is therefore useless to enter upon a recital of observations, which would be treated in the same manner as all which the Portuguese Government has already represented on its part on this same subject.

There is nevertheless one single point which the Undersigned cannot leave in silence, for fear lest such silence should be interpreted as an acknowledgment on the part of Portugal of the right which Great Britain wishes to arrogate to herself at this moment.

The principal ground on which the British Government pretend to trace all the hostile proceedings against Portugal, contained in the Act proposed to Parliament, appears to be, that Portugal received at different epochs considerable sums of money

to engage herself to the total Abolition of the Slave Trade within a fixed period, and in the fashion which it may please Great Britain to order.

Against such an assertion, the Undersigned takes the liberty to oppose the most positive contradiction, which the Undersigned will not back, either by reasoning or by arguments, but only by the testimony of the plenipotentiaries who are still living, who took part in the Congress of Vienna; and still more by the imperishable testimony of the Treaties which were signed there, and according to which Treaties these sums were paid to Portugal for other causes. For without a forced interpretation it will never be possible with good faith to deduce from the words of these Treaties the engagements which it is now wished to ascribe to them.

In conclusion, it is clear that in this unfortunate affair, so many recollections of alliance and intimate friendship, and so many records of glory, common both to Portugal and Great Britain, appear for ever lost, and the safeguard under which the law of nations places nations of second rank against the invasions and violations on the part of those of the first rank, is of no value to Portugal, when once the British Government wishes to quarrel with its most ancient ally.

There only remains, therefore, to the Undersigned, under these highly important circumstances, the duty of executing faithfully the instructions given him by his Government; according to which he protests, in the name of his Government, in the most formal and most solemn manner, against every Law, Act, or other order of the British Parliament, as well as against all the acts or measures of the Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, which, directly or indirectly, may attack the prerogatives of Her Most Faithful Majesty, the rights of her Crown, or the independence of the kingdom of Portugal and the Algarves, as well as against the property of Portuguese subjects.

The Undersigned therefore prays his Excellency Viscount Palmerston to be so good as to bring to the knowledge of his August Sovereign the protest which the Undersigned has the honour to address to him.

The Undersigned seizes this occasion, &c.

(Signed)

LE BARON DA TORRE DE MONCORVO.

His Excellency Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 95.

Mr. Craven to Viscount Palmerston.

Lisbon, July 29, 1839.

(Received August 4.)

MY LORD,

I TAKE the liberty of enclosing yesterday's "Diario," not having time to transmit it to Lord Howard for that purpose. It contains an article, rendered more curious still, from the fact that the Ministers only returned from Cintra last night, where a Cabinet Council was held yesterday (Sunday); with reference to Baron Moncorvo's Reports received the day before; and the tone made use of in it may convey some idea of the tone taken in the Council with regard to the "Bill." It agrees also with a rumour I find here very prevalent, but which I think premature, that this day's packet conveys instructions to Baron Moncorvo to ask for his Passports.

I have, &c.

(Signed)

A. CRAVEN.

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

&c.

&c.

&c.

Enclosure in No. 95.

(Translation.)—*From the Diario do Governo.*

Lisbon, July 28, 1839.

AN important political event has, contrary to every moral probability, begun to be realized. The Government of an enlightened and powerful nation has proposed a measure, extremely offensive to the law of nations, against another country, its most faithful and most ancient ally. From accounts arrived by the last packet we learn, with profound grief, that Lord Palmerston had actually brought into Parliament a bill by which the Portuguese navigation is placed at the mercy of, and made dependent on, the mere pleasure of English cruisers, who are invested

with the absolute authorization of visiting any Portuguese ships presumed to carry on, or which may carry on, the Slave Trade. Such a measure, which ought only to have been adopted by concert between the two nations, inasmuch as its object cannot be regulated by the internal public law of one nation alone, but according to the principles of the international law, is an extraordinary occurrence in modern Europe.

Whatever may have been the circumstances that induced the British Government to make an exception by this procedure, ancient relations, always faithfully maintained, gave Portugal the right to hope, at least, that the exception would never prove unfavourable to it.

The Portuguese Government has constantly evinced a sincere desire of the abolition of slavery, and has not failed to employ the means at its power for carrying that desire into effect. All the charges to the contrary brought against it are disproved by consecutive and authentic facts. In the Tagus it has caused to be set on foot the most rigorous surveillance for preventing the fitting-out in the river any vessels for this barbarous traffic. Its vessels are cruising in the directions most proper to prevent it. All the authorities that became suspected of protecting it, or of being less active in repressing it, have been removed; and the official documents of their dismissal attest that the Government has been inexorable; and, finally, if a definitive Treaty in this respect has not been concluded and signed between Portugal and Great Britain, it is because the latter, refusing to sign what had been agreed upon, was desirous of inserting into it conditions both inadmissible and incompatible with the dignity of the Portuguese nation. The British Government, nevertheless, imagines to have reasons authorising the proceeding in question, because, by putting a gratuitous construction on the treaties and stipulations which relate to this subject, it insists that it has purchased the right of compelling us to whatever it chooses we should do towards putting an end to slavery in the ultramarine provinces of Portugal. The price which the English Government asserts to have given for this right is the sum of £900,000, which Portugal had received. The documents, however, which have reference to the application and receipt of the different portions of this sum prove sufficiently that it was given for other motives.

In January, 1815, two Treaties were concluded at Vienna; by the first, of the 21st of that month, £300,000 were stipulated as an indemnity for Portuguese ships, the greater part of them belonging to the port of Bahia, improperly captured by British cruisers up to the 1st of January, 1814; by the second, the remainder of £600,000, the proceeds of a loan contracted on the 2d of April, 1809, by the Portuguese Government, for the purchase of ammunition while we were combating by the side of the allied forces in the Peninsula, and of which sum Portugal had already paid up nearly a fourth in supplies furnished, was adjudicated to it by way of compensation for Guiana ceded to the French, and with the condition of the progressive abolition of the traffic north of the Equator, a condition demonstrated to have been fulfilled.

Thus disappears the first and strongest ground on which the British Government is willing to establish the proposed measure, the flagrant injustice of which, in all its bearings, we might now set forth at large, if it were not our intention to return to this important subject; on which, however, we cannot refrain from making a few brief remarks.

As to the British Government intending to subject the Portuguese navigation, in derision of its flag, to the caprice of British cruisers, who would at the same time be parties to, and judges of, the prize, why does it not, towards the same end, direct visits to be made on board ships of other nations—of France, of Russia, and of the United States? To say that it will prevent the abuse is irrelevant, inasmuch as the offence lies essentially in the principle. There is in one of the English ports a Russian ship, captured with slaves; American ships from the United States were lately taken for the same motive, and sent to New York. Why does England, under circumstances exactly the same, not proceed now in the same manner? Is it, perhaps, because Portugal has not an army of 200,000 men, and 80 ships of the line? We cannot give credit to a reason so injurious to the generous character of Great Britain. But, unfortunately, facts show that this our ancient ally harbours, in regard to us, intentions different from those which her long friendship warranted us to hope for. At several points of our ultramarine provinces the Portuguese flag has been affronted by the English forces: at Bolama the latter presented themselves in open hostility. In some points of India they strive to lower and bring into discredit the name of the nation whose achievements in that part of the world

were so glorious, and by so many years anterior to the British dominion, towards which Portugal certainly showed the way.

Is this proceeding, perhaps, intended as a disclosure, or rather as a confirmation, of the scheme to obtain the exclusive dominion of the Indies? We cannot bring ourselves to believe that a nation which prides itself to be at the head of civilization, should be willing thus to tread under foot sacred rights, with the view of aggrandizing its power and advancing its interests. England, who is so eminently enlightened, can, for this very reason, not be ignorant that no supremacy is lasting unless founded on justice; and she who was principally instrumental in annihilating the colossal power of Bonaparte cannot forget the lessons which the prisoner of St. Helena gave to the world.

The Government of Her Most Faithful Majesty might have long ago published the documents relative to the negotiations respecting the Slave Trade, and might have vindicated itself. It has refrained from it out of deference to the British, under an impression that it ought not to throw down the gauntlet, but (as is its intention) to take it up. The documents alluded to are on the point of publication. The Government of the Queen desires to be judged by them: it appeals to the discernment and to the generous character of the British nation; but it appeals also to the judgment of Europe, whose opinion is the supreme jury in the contests of nations.

No. 96.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, August 5, 1839.

(Received August 12.)

MY LORD,

THE Portuguese schooner of war, "*Fayal*," entered this port on the 31st ultimo, having in charge as a prize the Portuguese slave brig, "*Maria Virginia*," from the Brazils, bound to the Coast of Africa, with a cargo of gunpowder, rum, beads, dry goods, and bar iron.

She was taken on the 15th of March last, in latitude 31° 4', longitude 9 east of Lisbon, by the "*Algarve*" schooner of war.

It appears that the captor deceived this slaver by hoisting a signal of distress, when the "*Maria Virginia*" coming up to afford him assistance, she was taken possession of by the Portuguese man-of-war.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

&c.

&c.

&c.

No. 97.

Baron Moncorvo to Viscount Palmerston.

Londres, 14 Août, 1839.

(Received August 15, 1839.)

LE Soussigné, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Très Fidèle près Sa Majesté Britannique, a reçu l'ordre de transmettre à son Excellence M. Le Vicomte Palmerston, Principal Secrétaire d'Etat de Sa Majesté Britannique au Département des Affaires Etrangères, la copie ci-jointe de la lettre circulaire, adressée par ordre exprès de Sa Majesté Très Fidèle, par Son Ministre Secrétaire d'Etat des Affaires Etrangères, aux Ministres des Affaires Etrangères des Puissances qui prirent part au Congrès de Vienne, et furent signataires des Traités et des Conventions qui y eurent lieu.

Ayant donc l'honneur de porter à la connaissance de son Excellence un Document d'une si haute importance, pour qu'elle veuille bien en faire part à Sa Majesté la Reine, son Auguste Souveraine, le Soussigné ne peut guères rien ajouter qui puisse mettre plus en évidence les justes motifs qui ont forcé le Gouvernement de Sa Majesté Très Fidèle à une pareille démarche; et non plus peut le Soussigné ajouter des arguments plus forts, à ceux qui se contiennent déjà dans le dit document, pour prouver combien la conduite du Gouvernement Britannique envers celui de Portugal est injuste et offensante, et combien le même Gouvernement Britannique empiète ces droits qu'une nation indépendante doit

respecter envers les autres, s'il se croit autorisé à faire des loix, qui doivent régir d'autres sujets que les siens.

Il n'est que trop vrai que la lettre, dont le Soussigné a l'honneur d'envoyer la copie ci-jointe à son Excellence, fut écrite sous l'impression du premier Bill proposé par son Excellence à la Chambre des Communes, et par elle approuvé; mais qui plus tard fut rejeté par la Chambre des Pairs. Cependant malgré le rejet d'une telle mesure, non seulement à son Excellence proposé déjà un autre Bill, tout aussi injurieux et offensant pour le Portugal que l'était son premier Bill; mais l'esprit qui a dicté ses mesures et le principe de droit des gens qu'elles attaquent et violent, demandent sans doute autant d'attention au Gouvernement Portugais que les mesures de soi-même. Puisque sans la protestation la plus solennelle et la plus formelle de la part du Portugal, et sans cet appel dirigé aux Puissances signataires du Congrès de Vienne, ce grand principe paraîtra accordé par le Portugal à la Grande Bretagne; accordé qu'il le soit, ce serait céder son indépendance, et devenir le Portugal une province de la monarchie Britannique. Pourtant c'est bien malgré lui, et forcé seulement par les circonstances, que le Gouvernement de Sa Majesté très Fidèle se voit obligé à recourir à cette démarche, dans laquelle non seulement remplit il des devoirs inaliénables envers la nation Portugaise; mais il rend un service éminent aux autres nations de son rang, en protestant, comme il le fait, contre une mesure, dont le seul appui est la force brute, employée envers une nation qui en a bien moins.

Cet emploi de force est d'autant plus repréhensible, quand, envers les nations qui ont les moyens de résister, et qui sont tout aussi décidées à employer la force en opposition à la force, la Grande Bretagne n'épargne pas toute espèce d'égards et de ménagements; et malgré tous ces égards, de reste extrêmement louables entre des nations libres et puissantes, l'Angleterre n'obtient pas toujours ce qu'elle désire dans ses projets pour l'abolition de la traite des nègres.

Le Soussigné ne désespère aucunement que le Gouvernement Britannique, qui a la direction des affaires d'une nation si grande et si éclairée, où l'administration de la justice est basée sur l'exécution la plus stricte des loix, qu'il dirigera également ses relations avec les autres nations, et nommément avec le Portugal, d'après ces principes immuables de justice et de vérité éternelle, rendant non seulement ce que le Portugal peut s'attendre de ses relations politiques avec la Grande Bretagne, mais ce qui lui est dû par le droit des gens, comme à une nation libre et indépendante.

Le Soussigné a l'honneur de réitérer à son Excellence M. le Vicomte Palmerston, l'assurance de son plus grand respect, et de sa considération fort distinguée.

(Signed)

LE BARON DA TORRE DE MONCORVO.

A son Excellence Monsieur le Vicomte Palmerston,

&c.

&c.

&c.

(Translation.)

London, August 14, 1839.

THE Undersigned, &c., has received orders to transmit to his Excellency Viscount Palmerston, &c., the accompanying copy of a circular letter addressed, at the express order of Her Most Faithful Majesty, by her Minister, Secretary of State for Foreign Affairs, to the Ministers for Foreign Affairs of the Powers who took part in the Congress of Vienna, and signed the Treaties which were then concluded.

Having therefore the honour to bring to his Excellency's knowledge a document of such high importance, in order that he may have the kindness to communicate it to Her Majesty the Queen, his August Sovereign, the Undersigned can scarcely add anything which can make more evident the just motives, which have forced the Government of Her Most Faithful Majesty to take such a step; neither can the Undersigned add any arguments stronger than those which are already contained in the said document, to prove how much the conduct of the British Government towards that of Portugal is unjust and offensive, and how much the British Government invades those rights, which one independent nation ought to respect in others, if it believes itself authorized to make laws to govern other subjects than its own.

It is but too true that the letter, of which the Undersigned has the honour to send the accompanying copy to his Excellency, was written under the impressio

of the first Bill proposed by his Excellency to the House of Commons, and approved by it; but which was afterwards rejected by the House of Lords. Nevertheless, in spite of the rejection of this measure, not only has his Excellency already proposed another Bill, quite as injurious and offensive to Portugal as his first Bill, but the spirit which has dictated these measures, and the principle of the law of nations which they attack and violate, demand without doubt as much attention from the Portuguese Government as the measures themselves. Since, without the most solemn and most formal protest on the part of Portugal, and without this appeal to the Powers who signed at the Congress of Vienna, this great principle will appear to be accorded by Portugal to Great Britain; if it were accorded it would be to give up her independence, and become Portugal a province of the British monarchy. However, it is against its will, and only forced by circumstances that the Government of Her Most Faithful Majesty finds itself obliged to have recourse to this measure, by which not only does it fulfil its inalienable duties towards the Portuguese nation; but it renders eminent service to the other nations of its own rank, inasmuch as it does it against a measure of which the sole support is brute force, employed with respect to a nation which has much less of it.

This employment of force is all the more reprehensible, because towards nations which have the means of resisting, and which are quite as decided to employ force in opposition to force, Great Britain spares no kind of respect and gentleness; and in spite of all this cautious treatment, which is extremely praiseworthy between free and independent nations, England does not always obtain what she desires in her projects for the abolition of the Slave Trade.

The Undersigned by no means despairs that the British Government, which has the direction of the affairs of a nation so great and so enlightened, and in which the administration of justice is based on the strictest execution of the laws, will direct its relations with other nations, and especially with Portugal, according to these immutable principles of justice and eternal truth, giving not only what Portugal may expect from her political relations with Great Britain, but that which is due to her by the law of nations as a free and independent nation,

The Undersigned has the honour, &c.

LE BARON DA TORRE DE MONCORVO.

(Signed)

His Excellency Viscount Palmerston,

&c.

&c.

&c.

Enclosure in No. 97.

LETTRE CIRCULAIRE.

MONSIEUR,

Lisbonne, le 4 Août, 1839.

SA Majesté Très Fidèle la Reine de Portugal, mon Auguste Souveraine, vient d'apprendre avec la plus profonde douleur et surprise, que le Gouvernement Britannique a effectivement réalisé la menace, faite au Gouvernement Portugais par Lord Palmerston, le 8 Mars dernier, dans la Chambre des Communes, de présenter au Parlement Britannique un Bill qui autorisât son Gouvernement à faire capturer par les croiseurs de sa nation, et à confisquer, tous les bâtimens marchands Portugais, employés à la Traite des Nègres, ou soupçonnés de l'être, qui seraient rencontrés au sud de l'Equateur.

La Convention Additionnelle de Londres, signée le 28 Juillet, 1817, prohibe expressément la détention des navires au sud de l'Equateur (Article 4me des Instructions). L'Article séparé du 11 Septembre de la même année dit, que cette Convention demeurera en vigueur pendant l'espace de quinze ans, à compter du jour où la Traite des Nègres serait complètement abolie par Sa Majesté Très Fidèle, dans le cas que les deux Couronnes ne pussent se mettre d'accord sur un nouveau Traité.

Le Décret par lequel Sa Majesté a spontanément aboli la Traite dans tous les Etats Portugais, ayant été publiée le 10 Décembre, 1836, il est évident que la Convention doit continuer en vigueur jusqu'au 10 Décembre, 1851, puis que le Traité convenu entre M. le Vicomte de Sá da Bandeira, Ministre des Affaires Etrangères de Sa Majesté Très Fidèle, et Lord Howard de Walden, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Britannique, n'a pu être signé par ces Plénipotentiaires, à cause du départ de ce dernier lord pour Londres, le 22 Mai, 1838.

La mesure proposée au Parlement par le Gouvernement Britannique est non seulement contraire à la stipulation citée de la Convention Additionnelle, mais

l'aveu le plus solennel de ce que le Gouvernement Britannique ne se considère pas autorisé par les Traités à pouvoir faire les prises au sud de l'Equateur, c'est aussi par conséquence un témoignage public de l'illégalité avec laquelle ces prises ont été faites jusqu'ici par ses croiseurs.

Cette mesure est d'autant plus injuste, qu'elle est prise précisément à l'époque où le Gouvernement Portugais, pour faire cesser la traite dans toutes ses provinces d'Afrique, vient de mettre en exécution les ordres les plus rigoureux dont la vigueur a été reconnue par le Ministre des Affaires Etrangères du Brésil dans son dernier Rapport aux Chambres, et se prouve maintenant évidemment par les prises qui ont été déjà faites par les croiseurs Portugais, dont l'une, le brick "*Maria Virginia*," capturé par la goëlette de guerre de Sa Majesté Très Fidèle "*Fayal*," vient d'entrer dans le Tage.

Une telle mesure doit être de la plus haute transcendance aux yeux de tous les Gouvernemens des deux mondes, puisqu'elle est la violation la plus flagrante du droit des gens, et l'attaque la plus directe à la souveraineté et aux droits imprescriptibles de la couronne d'un monarque indépendant; le défaut de son consentement dans un Traité quelconque ne pouvant être jamais suppléé par la décision du corps législatif d'une nation étrangère.

En attendant que le temps permette au Gouvernement Portugais de présenter avec précision et clarté l'étendue de cette agression injuste, et non provoquée, du Gouvernement Britannique, contre laquelle la Reine a ordonné à son Ministre à Londres de protester de la manière la plus formelle, Sa Majesté, forte de ses droits, qu'elle est résolue à maintenir, ainsi que la dignité de sa couronne, croit devoir s'adresser aux Souverains des Puissances signataires du Congrès de Vienne, comme les fermes soutiens de l'équilibre Européen, et comme les garans de la déclaration solennelle faite au même Congrès, que la détermination de l'époque où la Traite des Nègres devrait cesser universellement serait un objet de négociation entre les Puissances, ce qui exclue toute idée de ce que l'on puisse jamais permettre qu'on l'obtienne par coaction.

C'est donc sous ces considérations que Sa Majesté la Reine, confiant en l'esprit de justice et d'impartialité qui dirige le Gouvernement de Sa Majesté, m'ordonne de réclamer son attention la plus bienveillante sur ce procédé offensant et inoui du Gouvernement Britannique, considérant les conséquences qui peuvent se suivre pour le Portugal et l'Europe entière de cet extraordinaire et nouvel exemple du plus grand abus de la force envers une Souveraine et une nation indépendantes, amis, et toujours fidèles à une alliance non interrompue de plus de quatre siècles.

J'ai l'honneur, &c.

(Signé) LE BARON DA RIBIERA DE SABROSA.

Copie conforme,

(Signé)

MONCORVO.

(Translation.)

SIR,

London, August 4, 1839.

HER Most Faithful Majesty, the Queen of Portugal, my August Sovereign has just learned with the most profound grief and surprise that the British Government has effectually realized the threat made to the Portuguese Government by Lord Palmerston on the 8th of March last in the House of Commons, of presenting to the British Parliament a Bill which should authorize his Government to cause all Portuguese merchant vessels, employed or suspected of being employed in the Slave Trade which may be met with to the south of the Equator, to be captured by cruizers of his nation, and to be confiscated.

The Additional Convention of London, signed July 28, 1817, expressly prohibits the detention of vessels to the south of the Equator (Article 4 of the Instructions) The Separate Article of the 11th September of the same year, says that this Convention shall remain in force during the space of 15 years, counting from the day on which the Slave Trade shall be completely abolished by Her Most Faithful Majesty "*in case the two Crowns cannot agree on a new Treaty.*"

The Decree by which Her Majesty has spontaneously abolished the trade in all Portuguese States, having been published December 10, 1836, it is evident that the Convention ought to continue in force till the 10th of December, 1851, since the Treaty agreed upon between the Viscount de Sá da Bandiera, Her Most

Faithful Majesty's Minister for Foreign Affairs, and Lord Howard de Walden, Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty, could not be signed by these Plenipotentiaries on account of the departure of the last named nobleman for London, on the 22d of May, 1838.

The measure proposed to Parliament by the British Government is not only contrary to the stipulation quoted from the additional Convention, but is a most solemn avowal that the British Government does consider itself authorized by Treaty to take prizes to the south of the Equator; it is, consequently, also a public testimony of the illegality with which these prizes have hitherto been taken by its cruisers.

This measure is all the more unjust, as it is taken precisely at the time when the Portuguese Government, in order to put an end to the trade in all its African provinces, has just put into execution the most rigorous orders, the vigour of which has been recognized by the Brazilian Minister for Foreign Affairs in his last Report to the Chambers, and which is now evidently proved by the prizes which have been already taken by the Portuguese cruisers, of which one, the brig "*Maria Virginia*," captured by Her Most Faithful Majesty's sloop of war "*Fayal*," has just entered the Tagus.

Such a measure must be of the highest importance in the eyes of all the Governments of the two worlds, since it is a most flagrant violation of the law of nations, and a most direct attack on the sovereignty, and on the imprescriptible rights of the Crown of an independent Monarch, it being impossible to supply the defect of his consent to a Treaty by a decision of the legislative body of a foreign nation.

While time permits the Portuguese Government to expose with exactness and clearness the extent of this unjust and unprovoked aggression on the part of the British Government, against which the Queen has ordered her Minister in London to protest in the most formal manner, Her Majesty, strong in her rights, which she is resolved to maintain, together with the dignity of her Crown, thinks it right to address herself to the Sovereigns of signing Powers of the Congress of Vienna, as the firm supporters of the balance of Europe, and as the guaranties of the solemn declaration made at that Congress, that the fixing of the time when the Slave Trade should cease universally should be a subject for negotiation between the Powers, which excludes all idea of any Power venturing to obtain it by coercion.

It is then on these considerations that Her Majesty the Queen, confiding in the spirit of justice and impartiality which directs the Government of Her Majesty, orders me to call his most benevolent attention to this offensive and unheard-of proceeding of the British Government; considering the consequences which may ensue for Portugal and the whole of Europe, from this extraordinary and new example of the greatest abuse of force towards an independent Sovereign and nation, friends, and always faithful to an alliance uninterrupted for more than four centuries.

I have the honour to be, with the highest esteem, and the most distinguished consideration, Sir, your Excellency's most obedient humble Servant,

(Signed)

LE BARON DA RIBEIRA DE SABROSA.

A true Copy,

(Signed)

MONCORVO.

No. 98.

Baron Moncorvo to Viscount Palmerston.

Londres, le 9 Août, 1839.

(Received August 19.)

LE Soussigné, Envoyé Extraordinaire et Ministre Plenipotentiaire de Sa Majesté Très Fidèle près Sa Majesté Britannique a l'honneur de porter à la connaissance de son Excellence Monsieur le Vicomte Palmerston, Principal Secrétaire d'Etat de Sa Majesté Britannique au Département des Affaires Etrangères, un rapport (accompagné de douze documents) des évènements que se sont passés dans une des possessions de la Couronne de Portugal en Afrique; où la conduite du Lieutenant Arthur Kellet, Commandant le brick de guerre "*Brisk*," de la marine royale Britannique, a outrepassé tout ce que serait permis même à un conquérant, après une victoire remportée à la suite d'un combat acharné, avec un ennemi contre qui la guerre serai d'avance déclarée.

Le Soussigné ne se fait pas illusion qu'il est presque impossible que le Gouverne-

ment de Sa Majesté Très Fidèle puisse s'attendre à obtenir une satisfaction quelconque à tant de torts, aussi long tems que le Gouvernement de Sa Majesté Britannique paraisse décidé à envisager les plaintes que lui sont adressées à l'occasion de pareils évènements de la manière dont il le fait. Car loin d'y prêter la moindre attention, le Gouvernement Britannique se montre déterminé à louer et à récompenser les Officiers, quand même en contravention manifeste du droit des gens, et en dépit des traités existants, les dits Officiers insultent le pavillon Portugais, envahissent le territoire de cette nation, maltraitent ses sujets, et saisissent leurs propriétés, si avec de tels procédés ils disent seulement que "c'est pour empêcher la Traite des Nègres." Voilà donc le grand objet auquel il paraît que doivent céder, non seulement les convenances politiques, et les égards d'amitié et d'alliance entre deux nations liées depuis des siècles, mais encore ce que le droit des gens prescrit comme dû de nation à nation.

Cependant ni le Gouvernement de Sa Majesté Très Fidèle, ni le Soussigné comme son organe, et en exécutant les ordres que lui sont transmises, ne peuvent laisser passer sans remarque des procédés qui, quoique pénible qu'il le soit, il faut pourtant avouer, paraissent indiquer un ferme propos du Gouvernement Britannique de rompre tous les liens d'amitié et de bonne intelligence avec le Portugal, et de provoquer une nation, qui lui est inférieure en forces et en étendue de territoire, à se porter à des mesures telles qui puissent servir de prétexte aux combinaisons secrètes, qu'on peut entretenir contre ce reste de possessions d'outremer que le Portugal encore possède.

Le rapport que le Soussigné a reçu l'ordre de présenter à son Excellence est ce qui ce suit. Le Brigadier Général Joaquim Pereira Marinho, Gouverneur Général des Isles de Cap Verd, écrivit à son Gouvernement, en date du 9 Juin dernier, lui envoyant copie d'une dépêche du Lieutenant-Colonel Honorio Pereira Barreto, Gouverneur de la Guinée Portugais, dans laquelle cet Officier rend compte que le Lieutenant Arthur Kellet, Commandant le brick de guerre de la marine Britannique nommé "Brisk," se rendit le 9 Decembre dernier à l'isle Portugaise de Bolama, et y prit, à l'entrée de la barre du port, le bâtiment Portugais "*Aurelia Feliz*," avec un chargement de sel, qui se dirigeait à Rio Nunes, (ce bâtiment fut envoyé à Sierra Leone, où il fut jugé mauvaise prise, et relâché avec une indemnité insignifiante). Le Lieutenant Kellet s'embarqua à bord de sa prise, et arriva à l'isle de Bolama à l'aube du jour suivant, où il débarqua, accompagné de 19 personnes armées. Se rendant de suite à l'habitation du Major de la place de Bissáo, Caetano Joze Nozolini, (que se trouvait absent,) il s'empara de 212 esclaves, qui formaient la plus grande partie de la propriété du Major, lui laissant toute la récolte sur les champs, sans un seul ouvrier pour la faire rentrer, et qui par conséquence fut entièrement détruite. De même pratiqua le Lieutenant Kellet avec les esclaves domestiques d'une propriétaire nommée *Aurelia Correa*, et avec ceux de plusieurs autres habitants. Il se rendit plus tard avec ses gens armés au poste militaire de l'isle, où il ordonna que le mât du pavillon Royal Portugais fut coupé, et le même pavillon arraché des mains d'un soldat Portugais, et traité avec toutes les marques de mépris, et d'insultes les plus offensantes. Ne pouvant pas rencontrer le Major Nozolini, Monsieur Kellet fit prisonnier son commis, nommé Sebastiao Maria Escarlata, et avec sa troupe pratiqua toute espèce d'excès, n'épargnant pas même le sexe féminin, vis à vis de qui on se porta avec une violence honteuse, (Document No. 1.) En quittant l'isle le Lieutenant Kellet fit publier un placard (Document No. 2.) dans le quel il annonçait que cette isle était possession Britannique, et qu'il y était venu pour délivrer ces Africains, à qui, cependant, il fit embarquer par force et à coups de crosse, les emmenant comme bonne prise.

Le 14 du même mois le dit Lieutenant Kellet arrêta et s'empara du bâtiment Portugais "*Liberal*," dans lequel se transportaient les colons Portugais Manoel Corrêa de Souza, Bernardo Joze de Oliveira, Crispim Moniz, Antonio Lopez, et Jozé Gonçalves; lesquels, avec des esclaves leurs domestiques, se passaient de Bissáo aux isles de Cap Verd, où ils allaient s'établir, étant munis de passeports en règle, et ayant donné les cautions selon ce qui se trouve ordonné dans la loi du 10 Decembre, 1836, qui abolit la Traite des Nègres. Mais indépendamment de cette loi, Monsieur Kellet n'avait aucune droit de les arrêter; parceque l'Article 1er. des Instructions de la Convention Additionnelle du 18 Juillet, 1817, qui est encore en vigueur, le défend, et selon cet Article ni les domestiques, ni les matelots qui naviguent un bâtiment, quoique nègres, ne peuvent être pris, ni le vaisseau retenu à cause de les contenir à son bord. Or l'habillement des Africains à bord du "*Liberal*," leur pleine liberté, y faisant le service, prouaient à l'evidence l'objet pour lequel ils

s'y trouvaient. Mais M. Kellet ne fit attention à rien ; son but était visiblement de grossir le nombre des Africains prisonniers, puisqu'il grossissait par là le prix que lui serait payé, n'importe quelle fut la manière dont il s'en empara. Par conséquence il prit le bâtiment, et se dirigea vers Bolama, où il jeta à terre les colons Portugais, leur accordant seulement les habits qu'ils portaient, et jetant dans la mer tous les autres effets qui leur appartenaient, après avoir enlevés leurs esclaves. (Document No. 3.) De la même manière s'est M. Kellet conduit envers un autre colon de l'isle de Bolama, nommé Antonio Ezequiel de Carvalho, quand il y débarqua de nouveau le 15 de ce mois (Document, No. 4.) Ayant alors trente hommes armés M. Kellet ordonna encore une fois, qu'on coupa le mât du pavillon qu'avait été remis à sa place ; il fit casser tout l'armement du détachement des troupes, qu'y était en garnison, et qui étant fort inférieur en nombre à l'équipage du Brisk ne pouvait lui faire aucune résistance. Les casernes militaires, bâties à tant de frais, furent brûlées par ordre de M. Kellet ; la maison du Major Nozolini fut saccagée, et tous les objets d'aucun prix y furent saisis, on lui enleva en or monnoié 2,300 onces, et ses papiers furent déchirés, lui donnant une perte de plus de douze mille piastres dans les documents détruits, et quelques esclaves domestiques qui s'y trouvaient encore furent violemment obligé de s'embarquer, (Document, No. 5.) M. Kellet n'eut la moindre attention avec qui que ce soit ; et par conséquence il se refusa à laisser débarquer et à recevoir un officier, porteur d'un lettre que lui adressait le Gouverneur de la Guinée Portugaise, (Document, No. 6,) dans laquelle il faisait mention de la lettre écrite au Gouverneur de Sierra Leone (Document, No. 7), et invitait M. Kellet à passer à Bissáo, pour lui montrer en quoi se fondait le droit de la Couronne de Portugal à l'isle de Bolama. Dans sa réponse M. Kellet avoua lui même (Document No. 8) qu'il avait ordonné la destruction du mât du pavillon Portugais, et le désarmement des troupes en garnison à Bolama ; alleguant comme prétexte à de tels ordres, que ces troupes protégeaient la Traite des Nègres. Ce qui n'était nullement vrai, mais quand même ce fut le cas, cela ne pouvait jamais donner le droit, ni servir de prétexte à M. Kellet, et à sa troupe, pour se conduire de la manière qu'ils ont fait ; et qui porte de soi même un caractère tel, au point de dispenser au Soussigné le devoir de ladésigner.

La preuve la plus sûr de la manière arbitraire et illégale dont le Lieutenant Kellet s'est conduit, aussi bien que de sa mauvaise foi, se prouve dans l'incertitude où il paraît être à l'égard des droits de la Couronne Britannique à l'isle de Bolama. Parce qu'en même tems que c'était sur ces droits qu'il appuait des violences si déshonorantes à la marine Britannique, il ajoutait après, que la question de la souveraineté de l'isle devait être décidée par les deux Gouvernements. Mais de cette idée il ne voulut pas se rappeler, quand il ordonna tout ce que le Soussigné vient de rapporter.

Non content M. Kellet de déclarer Bolama une possession Britannique, il fit dire verbalement au Gouverneur Portugais de la Guinée, que tout l'Archipel de Bissagoz serait également considéré comme appartenant à la Grande Bretagne ; et qu'il défendait aux Portugais d'y naviguer et d'y faire aucun commerce, quand il savait bien que c'était de cet Archipel que Bissáo tirait toutes ses provisions.

Il est donc evident que le prétexte qui a appuyé à tant de reprises des attentats, accompagnés d'une violence si reprehensible, paraît être la supposition mal fondée que l'isle de Bolama appartient à la Grande Bretagne ; et on prétend prouver cette possession par un simulacre de renouvellement de cession de l'isle, faite en 1827 par le Roi Biafada de la Grande Rivière à l'ancien Gouverneur de Sierra Leone Sir Neil Campbell (Document, No. 9) ; ce fut alors qu'on voulut aussi comprendre dans cette soidisante cession de l'isle, celle de l'Archipel des Bissagoz, quand il est bien connu que cette nation sauvage, et dont les usages et les habitudes sont entièrement différents, est tout à fait indépendante des petits rois de Biafadas de la Grande Rivière, ou de quelque autre partie du continent de la Guinée, malgré que les isles qu'ils habitent ne distent que de trente milles de l'embouchère de cette rivière. Par conséquence ni l'isle de Bolama, ni les autres de cet Archipel pouvaient être cedées ou vendues (ni possédées plus tard de bonne foi), par une cession qui fut faite par un roi ou chef voisin de ces isles, où il ne possédait rien ; quand les vrais chefs et propriétaires sont les Bissagoz, qui en étaient les seigneurs légitimes, et qui étaient parfaitement indépendants de Biafada.

Mais voulant même accorder que la Grande Bretagne avait un titre légal et légitime à l'isle de Bolama, le Gouvernement Britannique l'avait abandonnée ; et il savait très bien que le Portugal l'occupait et y tenait une petite garnison ; cependant il ne fit jamais aucune démarche contre cette possession. Si le Portugal n'eut

d'autres titres à posséder Bolama, celui là lui suffirait ; de même que la Grande Bretagne n'a d'autres droits à ses possessions actuelles et à ses établissements de Sierra Leone et de la Rivière Gambia, que jadis appartenaient au Portugal, que l'abandon total de ces contrées par la Couronne de Portugal. Pourtant si la Grande Bretagne veut se prévaloir de son droit à l'isle de Bolama, par la cession du Roi Biafada de la Grande Rivière, et si elle prétend que le Portugal l'abandonne, par la même raison et par de pareils argumens doit l'Angleterre donner l'exemple, et retirer ses établissements de Sierra Leone et de la Gambia, parce que par un pareil droit ces pays appartiennent au Portugal. L'isle de Bolama fut cédée au Portugal par un contrat solennel fait le 12 Juillet, 1828 (Document No. 10), entre le Colonel Joaquim Antonio de Mattos, ancien Gouverneur de Bissáo, et Damien, Roi de Bissagoz de Canhabaca, seigneur légitime de l'isle, et à cet contrat se trouvait présent le Roi Biafada Fabien de la Grande Rivière, comme roi voisin, et de la frontière, qui reconnut dès lors cette possession comme Portugaise.

Cet acte de cession publique et légitime de l'isle de Bolama fut de nouveau ratifié le 9 Mai, 1830, (Document, No. 11) par le Portugal (étant représenté par le Colonel Joaquim Antonio de Mattos, Gouverneur de Bissao) et par le même Roi de Bissagoz de l'isle de Canhabaca, et Seigneur de Bolama, en son nom, et pour tous ses fils et parents ; y étant présents les Envoyés du Roi Biafada de la Grande Rivière, son fils et les grands seigneurs du pays : la ratification de la possession de l'isle au nom de Sa Majesté Très Fidele eut lieu en 1837 (Document, No. 12.)

On ne peut donc opposer à tous ces titres solennels, accompagnés de la légalité nécessaire, une cession ou une vente insoutenable, faite par un souverain voisin qui n'a jamais eu ni possession ni droit à l'isle ; une cession que fut faite à l'insu du vrai souverain et possesseur de l'isle.

Il était donc connu aux établissements Britanniques de Sierra Leone et de Gambia, qu'il y avait plus de huit ans que les Portugais avait fait cet établissement à l'isle de Bolama, où un fort fut bâti sur lequel le pavillon Royal Portuguis flottait constamment ; et ce pavillon était vu et reconnu par tous les bâtiments de guerre de Sa Majesté Britannique, lesquels en y passant ou en jetant l'ancre vis à vis, arboraient aussi son pavillon comme temoignage d'attention reçu parmi toutes les nations.

Si les autorités Anglaises en Afrique auraient jamais douté du droit que la Couronne de Portugal avait à l'isle de Bolama, rien ne serait plus naturel que de s'adresser au Gouverneur du District, et au Commandant du Poste dans l'isle pour les prier de l'évacuer ; si elle était réellement une possession Britannique ce serait sans contredit la manière légale et reçue parmi des autorités confinantes, appartenantes à des nations amies et alliées. Mais le contraste entre des procédés d'ordre et de légalité, et la conduite du Lieutenant Kellet, et de l'équipage sous ses ordres, est frappant !

Il s'empare de vive force d'un poste faiblement garni par quelques soldats qui ne lui offrirent la moindre résistance ; il les desarme, et fait briser l'armement ; brule les casernes, jette par terre le pavillon d'une souveraine amie et alliée de la sienne ; et insulta ce même pavillon qui pendant quatre siècles avait flotté à côté de l'étandard Britannique, et qui dans tants de crises avait contribué aux victoires remportées sur un ennemi commun. Non content cependant d'insulter le Gouvernement d'une nation avec qui l'Angleterre n'était pas en guerre, M. Kellet et sa troupe se porte à toute espèce d'excès contre les habitans paisibles de cette nation, et ce qui est plus, qui étaient depourvus de tout moyen de résistance. Tous ces actes qui ne sont pas souvent pratiqués par des flibustiers eux-mêmes le furent néanmoins par un officier et par l'équipage d'un bâtiment de guerre de la marine d'une nation fort civilisée et dans le siècle actuel !

L'honneur du Gouvernement Britannique et la réputation de sa marine exigent qu'une satisfaction prompte et éclatante soit donnée au Portugal, qui est en paix avec l'Angleterre, et dont les relations politiques sont celles d'une puissance amie et alliée ; mais qui dans cette occasion se trouve hautement offensée par la conduite outrageante du Lieutenant Kellet.

Ces forfaits paraissent excéder tout ce que le Portugal aurait pu s'attendre de la part de son plus grand ennemi ; et cependant ils furent commis quand les victimes de tels crimes tranquillement comptaient de bonne foi avec la sainteté des traités et des alliances ; et n'étaient pas préparés comme elles le seraient pour un ennemi déclaré. Le Gouvernement de Sa Majesté Très Fidèle réclame donc du Gouvernement de Sa Majesté Britannique une pleine satisfaction, et la juste et fort méritée punition du Lieutenant Kellet, avec une indemnité complète pour les bâtiments

pris ou détenus, et pour la valeur des esclaves et de tous les effets dont le Lieutenant Kellet s'empara. Le Soussigné a pourtant reçu l'ordre de son Gouvernement de renouveler à son Excellence Monsieur le Vicomte Palmerston, la déclaration déjà faite à Milord Howard de Walden, dans la Note que lui fut adressée le 22 Mai de l'année dernière par le Ministre des Affaires Etrangères de Sa Majesté Très Fidèle, et de protester solennellement, que le Portugal n'accordera jamais à la Grande Bretagne aucune avantage politique ou commerciale, à moins de recevoir d'avance la satisfaction pleine, et l'indemnité, que le Portugal réclame dans cette occasion.

Le Soussigné prie son Excellence Monsieur le Vicomte Palmerston d'agréer l'assurance de son respect et de sa considération fort distinguée.

(Signé) LE BARON DA TORRE DE MONCORVO.

Londres, 9 Août, 1839.

A son Excellence M. Le Vicomte Palmerston, G.C.B.
 &c. &c. &c.

(Translation.)

London, August 9, 1839.

THE Undersigned, &c., has the honour to communicate to his Excellency Viscount Palmerston, &c., a Report (accompanied by 12 documents) of events which have occurred in one of the possessions of the Portuguese Crown in Africa, where the conduct of Lieutenant Arthur Kellet, commanding the brig of war "Brisk," of the British Royal Navy, has exceeded all that would have been allowable even in a conqueror on a victory gained after a bloody combat with an enemy, against whom war had been already declared.

The Undersigned does not deceive himself in thinking, that it is almost impossible that the Government of Her Most Faithful Majesty can expect to obtain any satisfaction whatever for so many wrongs, as long as the Government of Her Britannic Majesty appears decided to view the complaints, which are addressed to it on the occasion of like events, in the manner in which it does. For far from lending the least attention thereto the British Government shows itself determined to praise and reward its Officers, when even in manifest contravention of the law of nations, and in spite of existing Treaties, the said Officers insult the Portuguese flag, invade the territories of that nation, maltreat its subjects, and seize their property, if they only say that these proceedings are "to prevent the trade in slaves." This, then, is the great object, to which it appears that not only political convenience and the relations of amity and alliance between two nations, which have been united for centuries, but also that which is prescribed by the law of nations as due between nation and nation, must give place.

Nevertheless, neither the Government of Her Most Faithful Majesty, nor the Undersigned as its organ, and in execution of the orders transmitted to him, can allow to pass without remark proceedings which, painful as it may be, it must be avowed appear to indicate a firm intention of the British Government to break all ties of friendship and good understanding with Portugal, and to provoke a nation inferior to itself in power, and in extent of territory, to have recourse to such measures, as may serve as a pretext to the secret combinations which may be entertained against those remaining transmarine possessions, which Portugal still retains.

The report which the Undersigned has received orders to present to his Excellency, is as follows:—Brigadier-General Joaquim Pereira Marinho, Governor-General of the Cape Verd Islands, wrote to his Government under date of the 9th of June last, sending copy of a Despatch from Lieutenant-Colonel Honorio Pereira Barreto, Governor of Portuguese Guinea, in which that Officer states, that Lieutenant Arthur Kellet commanding a brig of war of the British navy, named the "Brisk," went on the 9th of December last to the Portuguese Island of Bolama, and there took, at the entry of the bar of the port, the Portuguese vessel "*Aurelia Felix*," with a cargo of salt, bound to Rio Nunez. This vessel was sent to Sierra Leone, where she was adjudged bad prize, and released with an insignificant indemnification. Lieutenant Kellet embarked on board his prize, and on the morning of the next day arrived at the Island of Bolama, where he

disembarked, accompanied by 19 armed persons. Going immediately to the house of the major of the place, Caetano Joze Nozolini (who was absent); he took possession of 212 slaves, who formed the greatest part of the Major's property, leaving him all the harvest on the fields, without a single labourer to get it in, so that it was entirely destroyed.

Lieutenant Kellet did the same by the domestic slaves of a proprietress named Aurelia Correa, and with those of several other inhabitants. He afterwards went with his armed people to the military post of the island, where, by his order, the staff of the royal flag of Portugal was cut down, and the said flag snatched from the hands of a Portuguese soldier, and treated with all the marks of contempt, and with the most offensive insults. Not being able to find Major Nozolini, Mr. Kellet took prisoner his clerk, named Sebastião Maria Escarlata, and with his troop committed all sorts of excesses, not sparing even the female sex, which was treated with shameful violence. (Document, No. 1.)

On quitting the island Lieutenant Kellet caused a placard to be published (Document, No. 2), in which he announced, that this island was a British possession, and that he came there to deliver those Africans, who, however, he embarked by force and with blows; taking them away as good prize.

On the 14th of the same month the said Lieutenant Kellet detained and took possession of the Portuguese vessel "*Liberal*," having on board the Portuguese colonists, Manoel Corrêa de Souza, Bernardo Joze de Oliveira, Crispim Moniz, Antonio Lopez, and Joze Gonçalvez, who, with slaves, their domestics, were going from Bissao to the Cape Verd Islands, where they were about to establish themselves; being furnished with passports in due form, and having entered into the securities required by the law of December 10, 1836, which abolishes the Slave Trade. But independently of this law, Mr. Kellet had no right to detain them, because the 1st Article of the Instructions of the Additional Convention of July 28, 1817, which is still in force, forbids it; and according to this Article neither domestics, nor the sailors who navigate a vessel, although negroes, can be taken, nor can the vessel be detained on account of having them on board. Now the dress of the Africans on board the "*Liberal*," then being entirely at liberty, and doing duty, evidently proved the object for which they were there. But Mr. Kellet paid no attention to anything; his object plainly was to increase the number of African prisoners, since he thereby increased the price which would be paid to him; no matter in what manner he obtained possession of them. Consequently he took the vessel and steered for Bolama, where he cast on shore the Portuguese colonists, giving them only the clothes they wore, and throwing into the sea everything else belonging to them, after having taken away their slaves. (Document, No. 3.)

Mr. Kellet conducted himself in the same manner towards another colonist of the Island of Bolama, named Antonio Ezequiel de Carvalho, when he again landed there on the 15th of this month (Document, No. 4). Having on that occasion 30 armed men, Mr. Kellet again ordered the flag-staff, which had been replaced, to be cut down; he caused all the arms of the detachment of troops in garrison there to be broken, and they being far inferior in number to the crew of the "*Brisk*" could not offer any resistance to him. The military barracks, built at such expense, were burned by order of Mr. Kellet; the house of Major Nozolini was sacked, and everything of any value was seized. There was taken from him in coined gold 2,300 ounces; his papers were torn up, causing him a loss of more than 12,000,000 piasters in the documents destroyed; and some domestic slaves, who were still there, were forcibly obliged to embark. (Document, No. 5.)

Mr. Kellet paid not the slightest attention to any one whatever; and consequently he refused to allow to land, and to receive, an Officer, the bearer of a letter addressed to him by the Governor of Portuguese Guinea (Document, No. 6), in which he mentioned the letter written to the Governor of Sierra Leone (Document, No. 7), and invited Mr. Kellet to come to Bissao in order to show him on what the right of the Crown of Portugal to the Island of Bolama was founded.

In his answer (Document, No. 8), Mr. Kellet himself avowed that he had ordered the destruction of the Portuguese flag-staff, and the disarming of the troops in garrison at Bolama; alleging as a pretext for such orders, that these troops protected the Slave Trade, which was by no means true. But even if this were the case, it could never give a right, nor serve as a pretext, to Mr. Kellet and his troop to conduct themselves as they did, in a manner which of itself bears such a character, that the Undersigned may dispense with the duty of designating it.

The surest proof of the arbitrary and illegal manner in which Lieutenant Kellet has conducted himself, as well as of his bad faith, is proved by the uncertainty in which he appears to be in regard to the rights of the British Crown to the Island of Bolama. Because at the same time that it was on these rights that he grounded acts of violence so dishonouring to the British navy, he added afterwards, that the question of the sovereignty of the island ought to be decided by the two Governments! But he would not call to mind this notion when he ordered all that the Undersigned has just related.

Mr. Kellet, not content with declaring Bolama to be a British possession, caused the Portuguese Governor to be told verbally, that all the Archipelago of Bissagoz should equally be considered as belonging to Great Britain; and that he forbid the Portuguese to navigate therein, and to carry on any trade there, when he well knew that it was from this Archipelago that Bissao drew all its provisions.

It is then evident, that the pretext which has supported so many renewed attacks, accompanied with such reprehensible violence, appears to be an ill founded supposition, that the Island of Bolama belongs to Great Britain; and it is pretended to prove this possession by a feigned renewal of cession of the island, made in 1827 by the King Biafada of the Rio Grande, to a former Governor of Sierra Leone, Sir Neil Campbell (Document, No. 9.) It was then that it was wished to comprehend in this so called cession of the island, the cession of the Archipelago of Bissagoz. When it is well known that this savage nation, the usages and habits of which are entirely different, is altogether independent of the petty kings of Biafada of the Rio Grande, and of any other part of the Continent of Guinea, although the islands which they inhabit are only 30 miles from the mouth of the river. Consequently neither the Island of Bolama, nor the other islands of this archipelago, could be ceded or sold (nor afterwards possessed with good faith) by a cession which was made by a king or chief in the neighbourhood of these islands, where he possessed nothing, when the true chiefs and proprietors are the Bissagoz, who were the lawful lords thereof, and who were perfectly independent of Biafada.

But even allowing that Great Britain had a legal and legitimate title to the Island of Bolama, the British Government had abandoned it, and it knew very well that Portugal occupied it, and had a small garrison on it. Nevertheless, it never took any steps against this possession. If Portugal had no other titles to possess Bolama this last would suffice; in the same manner that Great Britain has no other rights to her existing possessions, and to her establishments at Sierra Leone, and on the River Gambia, which formerly belonged to Portugal, except the total abandonment of these countries by the Crown of Portugal.

However, if Great Britain wishes to avail herself of her right to the Island of Bolama by the cession made by King Biafada of the Rio Grande, and if she pretends that Portugal abandons it, by the same reasoning, and by like arguments England should set the example, and withdraw her establishments from Sierra Leone and the Gambia, because by like right these countries belong to Portugal.

The Island of Bolama was ceded to Portugal by a solemn contract made the 12th July, 1828 (Document, No. 10), between Colonel Joaquim Antonio de Mattos, formerly Governor of Bissao, and Damien, King of Bissagoz of Canhabaca, lawful lord of the island; and at this contract were present, the King of Biafada, Fabien of the Rio Grande, as King of the neighbourhood, and of the frontier, who thenceforward recognized this possession as Portuguese.

This public and lawful act of cession of the Island of Bolama, was ratified anew on the 9th May, 1830, (Document, No. 11) by Portugal (represented by Colonel Joaquim Antonio de Mattos, Governor of Bissao), and by the same King of Bissagoz of the island of Canhabaca, and Lord of Bolama, in his name, and for all his sons and relations; there being present the envoys of the King Biafada of the Rio Grande, his son and the great lords of the country; the ratification of the possession of the island in the name of Her Most Faithful Majesty, took place in 1837. (Document, No. 12.)

There cannot then be set up against all these solemn titles, accompanied with the necessary legality, a cession or a sale which cannot be maintained, made by a neighbouring Sovereign, who has never had either possession of, or right to, the island; a cession which was made without the knowledge of the true Sovereign and possessor of the island.

It was, then, known at the British establishments of Sierra Leone and the

Gambia, that more than eight years had passed since the Portuguese had formed this establishment on the Island of Bolama, where a fort was built on which the royal flag of Portugal was constantly hoisted; and this flag was seen and recognized by all the ships of war of Her Britannic Majesty, which in passing or on casting anchor off the spot hoisted their flag, the received token of attention among all nations.

If the English authorities in Africa had ever doubted the right of the Crown of Portugal to the Island of Bolama, nothing would be more natural than to address themselves to the Governor of the district, and to the Governor of the (military) post in the island, to beg them to evacuate it, if it were really a British possession. This would have been, without contradiction, a legal and received method between neighbouring authorities belonging to friendly and allied nations. But the contrast between such orderly and legal proceedings, and the conduct of Lieutenant Kellet, and of the crew under his orders, is striking!

He takes by actual force a post, weakly furnished by some few soldiers, who did not offer the least resistance; he disarms them, and breaks their arms, burns the barracks, casts to the ground the flag of a Sovereign, the friend and ally of his own, and insults the said flag, which for four centuries had floated by the side of the British standard, and which, in all critical moments, had contributed to the victories gained over their common enemy. Not content, nevertheless, with insulting the Government of a nation with which England was not at war, Mr. Kellet and his troop commit all sorts of excesses against the peaceable inhabitants of that nation; who, moreover, were deprived of all means of resistance. All these acts, which are not often practised by pirates themselves, were nevertheless done by an Officer and by the crew of a ship of war of a very civilized nation, and in the present century!

The honour of the British Government, and the reputation of her navy require that a prompt and signal satisfaction should be given to Portugal, who is at peace with England, and whose political relations are those of a friendly and allied power; but who, on this occasion, is highly offended by the outrageous conduct of Lieutenant Kellet.

These offences appear to exceed all that Portugal could have expected from her greatest enemy, and, nevertheless, they were committed when the victims of such crimes tranquilly, and with good faith, counted upon the sanctity of Treaties, and were not prepared, as they would have been for a declared enemy.

The Government of Her Most Faithful Majesty demands then from the Government of Her Britannic Majesty full satisfaction, and the just and much merited punishment of Lieutenant Kellet, with complete indemnity for the vessels taken or detained, and for the value of the slaves, and of all the effects of which Lieutenant Kellet took possession.

The Undersigned has received orders from his Government to renew to Viscount Palmerston the declaration already made to Lord Howard de Walden, in the note which was addressed to him, May 22, of last year, by the Minister for Foreign Affairs of Her Most Faithful Majesty, and to protest solemnly that Portugal will never grant to Great Britain any advantage, political or commercial, unless she first receives the full satisfaction and the indemnity which Portugal claims on this occasion.

The Undersigned begs his Excellency Viscount Palmerston to receive the assurance of his respect and most distinguished consideration.

(Signed)

LE BARON DE TORRE DE MONCORVO.

First Enclosure in No. 98.

Document No. 1.

(Translation.) *Caetano Nozolini to the Governor of Bissao.*

Direction of the Establishments of the Bissagos Islands, 1839.

MOST ILLUSTRIOUS SIR,

Bulama, January 20.

THOUGH you are already informed of the infamous conduct at Bulama, of the Commander and crew of the English brig "Brisk," it is, nevertheless, my duty to send you my report, to which I hope you will give due consideration. All

the settlers on this coast are aware, that shortly after the Island of Bulama had come into the possession of Portugal, I began to cultivate there a portion of the lands, and went on with it in proportion as I discovered the fertility of the ground. Being appointed by you, Sir, director of the settlements in the Bissagos Islands on the 18th January of last year, I established my household in this island, and with the view of rendering a service to this colony, and even to the nation, inasmuch as I gave up my salary in favour of this new establishment, I employed all my slaves in tillage, whence I derived already such profits as to induce others to settle here. My slaves, finding themselves on an island where there were no troops to keep them in check, showed an inclination to rise, and began to run away. This compelled me to put the ringleaders in irons, yet so as not to disable them from working. Having obtained from you, Sir, three months' leave, to repair to Rio Nunes, to settle my accounts with the house of an English merchant who had died there, I went thither on the 25th November last. The English, being already envious at the excellence of the productions of the country, as well as of the exotics abundantly growing in that Portuguese island, found means to engage the Governor of Sierra Leone, to send thither, in my absence, the English brig "Brisk," commanded by Arthur Kellet, who having met on the bar on the 9th December last a Portuguese vessel, laden with salt for Rio Nunes, took her and went in her to Bulama, landing there next morning with 19 of his crew. They made straight towards the spot where my people were at work, and seized them. Then entering my house, they tried to force on board all my folk, free as well as slaves; but though some of them were exceedingly ill-treated, they refused to embark. These miscreants even offered violence to the women in the bush. In the next place, they went to the military point of the island, and having cut down the flag-staff with a hatchet, tore the flag from the hands of a soldier, and spit on it. Hereupon they wished to oblige the detachment to retire to this place, and took my cashier Sebastian Maria Escarlata, and carried him to Sierra Leone with 212 of my slaves, repeating all the while, that this island belonged to England, on which account they posted up a written paper, which is already in your hands. After these outrages, they asked my family for wine and cake, which they received and dispatched in an instant. This occurrence has inflicted on me a prodigious injury, as well from the capture of my slaves who composed great part of my property, as from the loss of produce, there being no hands to gather it. I therefore demand, Sir, that you will cause an appraisement to be taken, while I protest from this moment against those against whom I have a right so to do, on account of the losses and damages I have received.

God preserve you many years,

(Signed) NOZOLINI,
Major, charged with the Establishments
of the Bissagos Islands.

To the Most Illustrious Senhor Honorio Pereira Barreto,
Governor of the Fortress of Bissau.

Second Enclosure in No. 98.

Document No. 2.

Proclamation to the Negroes in Bulama.

To the unfortunate Africans held in Slavery on the British Island of Bulama:—

AFRICANS, I am here on the behalf of the British Government, to offer freedom and protection to all who wish to enjoy that inestimable blessing, and to free you from the yoke of the cruel oppressors of your race.

(Signed) ARTHUR KELLET,
Lieutenant Commanding Her Majesty's brig "Brisk."

A true copy.

Office of the Secretary of State for Foreign Affairs, July 28, 1839.

In the absence of the senior clerk,

(Signed) ANTONIO JOAQUIM GOMES D'OLIVEIRA.

Pour copie conforme,

(Signed) MONCORVO.

(Translation.)

Third Enclosure in No. 98.

Document No. 3.

Memorial of Portuguese Residents at Bulama.

MOST ILLUSTRIOUS GOVERNOR,

Manoel Correa de Souza, Bernardino Joze de Oliveira, natives of Portugal; Crispino Moniz, married; Antonio Lopez, married; and Joze Gonzalez, natives of the Island of St. Jago, Cape Verd, for a long time settled in this province of Portuguese Guinea, a dependency of the Cape Verd Islands, state, that being desirous to remove from this continent to take up their abode at the Cape Verd Islands, they were for a length of time not able to accomplish it, as they could not take with them their domestic slaves who formed the best part of their properties, but on hearing of the provident Decree of the 10th December, 1835, your Memorialists determined to proceed to the above islands the moment that an opportunity should offer. Learning that the schooner "Liberal" had arrived at this Port, your Memorialists agreed with the Captain for their passage, and with that view disposed of all the articles which they were unable to carry with them, making great sacrifices; and in compliance with the above Decree, they gave security by paying the duties directed by it. The Director of the Custom-house demanded, in the way of security for the slaves, the enormous duty of exportation, amounting to 2,400 reis per head, as that law requires, and in addition to it, they had to pay duties for all the other articles they took with them, as will appear from the annexed vouchers. Your Memorialists thereupon, provided with the legal documents, obtained their passports, in which were included their slaves, with whom, and their luggage, they embarked, accompanied by their friends, on the 13th instant. They went out with the tide, and when it began to turn, they came to an anchor at four o'clock in the morning of the 14th. At six, they discovered an English brig standing towards the schooner. The latter, lying near Porto Gentio, might easily have concealed herself, if she had entertained the least fear of being considered as a smuggler of slaves. Her Captain kept ready the ship's papers and passports, to produce them if the vessel should be visited, as she afterwards was. But these papers were of no avail with a pirate acting under authority. The Commander of the "*Brisk*" is, indeed, an Englishman; but if an idea of the enlightenment of that nation were to be formed from him, it would gain little. The facts which we are about to detail, prove their conduct to have been not only rude, but criminal and detestable. It sufficed that they found we had slaves with us. Not one of our slaves was in irons, all were domestics and well clad. Nevertheless, the schooner was treated as a prize, and as being a smuggler of slaves. Neither the passports nor any other evidence was capable to convince the ferocious Commander that they were household slaves. He ordered them to be conducted to Bolama, one of our settlements, though he insisted that it was English. He took not only the papers belonging to the schooner, but all the private correspondence. On our arrival at Bolama, he in our presence had the greater part of our furniture cast into the sea. After these execrable acts in defiance of the law of nations, he proceeded to attack the Island of Bolama itself, cutting down the flag-staff, burning the soldiers' guard-house, destroying their arms, and committing in fact every kind of outrage against the nation. This not satisfying them, they attacked also the property of Major Nozolini and of Aurelio Correia, committing excesses worthy of African savages. In the opinion of your Memorialists, the English Commander, if he refused to pay regard to the passports, ought to have taken the vessel to the nearest Portuguese port, or to that to which she was bound, and there to have presented the passports to the Portuguese authorities; when, if the papers had been detected to be forgeries, the Captain would have incurred the penalties not only of smuggling, but of forgery, and the slaves would have been declared free, seeing that the Portuguese laws in such cases consider the slaves as manumitted; or if the passports had turned out to be authentic, the authority that had issued them, without being competent thereto by law, would have been made responsible, whereas the Commander of the "*Brisk*," looking to the profits of the prize, did not heed the Portuguese law, of which he was fully aware. He ordered your Memorialists to be sent on shore with no more apparel than they had on their persons, leaving them exposed to destitution. Accordingly, they solicit you, Sir, to take cognizance of the above, and demand from the English

Government the indemnity of Memorialists, for the restitution of their property, seeing that they were *bonâ fide* passengers.

MANOEL CORREIA DA SOUZA.
 CHRISPIN MONIZ.
 BERNARDINO JOZE DE OLIVEIRA.
 + DE ANTONIO LOPEZ.
 + DE JOZE GONZALEZ.

A true copy.

Office of the Secretary of State for Foreign Affairs, 28th July, 1839.

In the absence of the senior clerk,

(Signed) ANTONIO JOAQUIM GOMES D'OLIVEIRA.

(Translation.)

Manoel Correia da Souza and Bernardizno Joze de Oliveira, also Crispim Moniz, Antonio Lopez, Jozé Gonzalez, state, that, in order to show where it shall be necessary, you, Sir, will please to direct a certificate to be made out to them of your memorialists having paid the duties on such slaves as each of them embarked on board the Portuguese schooner "*Liberal*," and of their having given security in conformity with the decree of the 10th December, 1836, and also with respect to the cargo which memorialists shipped for the Cape Verd Islands. They solicit you, Mr. Director of the Custom-house, to issue the respective order.

I, Joao Jozé Antonio Frederico, Director, *ad interim*, of the Custom-house at Bissao, certify, having before me the proper books, as follows:—That the memorialist Manoel Correa da Souza has given security, his surety being the merchant Domingo Alores Branco, for 10 domestic slaves, whom he declared to carry with him in the schooner "*Liberal*," Manoel Joze Pereira da Cunha, master, to the Cape Verd Islands, whither he declared before me that he was removing, in order to settle there, and that he paid the duties on the same at the rate of 2,400 rees each, and that he also paid the duties of exportation on the other articles he took with him, excepting those of consumption.

The memorialist Bernardino Jozé de Oliveira gave the like security, and paid the some duties, his surety being the same merchant, Domingos Alores Branco, for 10 slaves.

The memorialist Crispim Moniz gave the same security, and paid the same duties for 10 other slaves, his surety being the same merchant.

Joseph Gonzalez presented the same security, paying the same duties on five slaves, his surety being Albino Semmedo Cordoso.

Antonio Lopez gave the same security, and paid the same duties on three slaves, his bondsman being Jozé Xavier Cratto.

That the above is matter of fact, I refer to the proper books.

(Signed) JOAO JOSEPH ANTONIO FREDERICO.

Bissao, April 19, 1839.

No. 34. He paid 80 rees duty for the seal.

(Signed) FREDERICO.

Bissao, April 19, 1839.

A true copy.

Office of the Secretary of State for Foreign Affairs, July 28, 1839.

In the absence of the senior clerk,

(Signed) ANTONIO JOAQUIM GOMES D'OLIVEIRA.

Pour copie conforme.

(Signed) MONCORVO.

Fourth Enclosure in No. 98.

Document No. 4.

Antonio Ezequiel de Carvalho to the Governor of Bissao.

(Translation)

Bolama, April 15, 1839.

MOST ILLUSTRIOUS SIR,

I HAVE the honour to lay before you, begging that you will please to communicate the information to his Excellency the Governor-General of this province,

the acts of violence committed against me by the Commander of Her Britannic Majesty's brig "Brisk." Having left Rio Nunes, where I had been for four months attending to my business, I was returning to this Island of Bolama, where I have a house, as you know, in consequence of the permission which you were pleased to give me of residing in this island, and pursuing my yearly agricultural labour. Just on reaching the shores of this island, I was captured by a boat of the brig just mentioned, which took me, with all my family that accompanied me, on board the brig, where, after various questions addressed to me by the Captain, he took from me four domestics, who had been in my service five years, saying that he would send them to Sierra Leone. He threatened even to take from my house a free woman who had the care of it, not being satisfied with the six menials which he had already, in my absence, carried off when he, for the first time, made his irruption into this island, where he committed all possible acts of violence against the detachment posted here by your order, burning its quarters, cutting down the flag-staff, and destroying the arms, not to mention other outrages worthy of the buccaneers of former times. I was not the only sufferer. Major Nozolini was twice pillaged in this manner, they carrying off all the domestics in charge of the house, so that he was quite abandoned, and had no one left for taking care of the many farms which that gentleman possessed in this island. The above facts I convey to your knowledge, Sir, that you may take such measures as you may deem proper, to prevent the subjects of Her Most Faithful Majesty Donna Maria II., who live under the protection of the Portuguese flag, from suffering hereafter any similar violations of their property, because otherwise, any despot, like this Commander, may please himself by destroying the properties, and grossly insulting the persons of Portuguese subjects. I request you, Sir, to take the preceding statement into consideration, and give me your orders how I am to act in future, with a view to the security of my property and family.

God preserve you, Sir,

(Signed) ANTONIO EZEQUIEL DE CARVALHO.

*To the Most Illustrious Senhor Honorio Pereira Barreto,
Governor of the Fort of St. Jozé de Bissau.*

(Certified by BARON MONCORVO.)

Fifth Enclosure in No. 98.

Document No. 5.

Caetano Nozolini to the Governor of Bissao.

(Translation.)

Bissao, April 17, 1839

MOST ILLUSTRIOUS SIR,

I HAVE to acquaint you, Sir, as chief of the settlements of the Bissagos Islands, that this moment a boat from thence brings the account of the English brig "Brisk" having landed 30 men there, all armed, who first cut down the flag-staff, then proceeded to the quarters of the troops, set fire to the house, took the arms from the soldiers and broke them, and then took away the Portuguese flag on board. In the next place, they came to my houses, and would have committed the same violence, but finding them full of goods and property they shrunk back. Still, however, pursuing their furious conduct, they carried off the remaining domestics that had escaped the first predatory expedition of the same Commander; and such of the menials as refused to follow him were dragged away by compulsion, and even with blows. His cupidity went to such a length that he took away a child three months old which, having lost its mother, had been entrusted to one of my female slaves to nurse. He was told this circumstance, as also that the child was of free condition, but, paying no regard to it, he carried off the babe, knowing that the greater was the number of individuals produced, the more five pounds would he receive. The Treaties are of no importance to this Commander, he looks to his interest; for as his Government pays him five pounds for every slave he captures, he proceeds as he lists, infringing the laws to extort money. Enclosed, Sir, you will find my formal protest against this second violence, and the prejudice occasioned me by the robbery of many articles of my house, they having broke open the door of my warehouse and helped themselves to rice and spirituous liquors. They ultimately even forced open my iron strong box and took from

thence two thousand three hundred ounces; they also tore all the documents deposited in it, whereby I lose upwards of twelve thousand "patacas." I, from this moment, solicit my dismissal from my employment, as, the armed force being very small there, I run the risk of being one day murdered by the crew of that English brig, which, instead of this name, ought to be called a pirate from its proceedings. This much I have to inform you of, Sir, whom God may preserve many years.

(Signed) NOZOLINI.

To the Most Illustrious Senhor Honorio Pereira Barreto,
 &c. &c. &c.

(Certified by BARON MONCORVO.)

Sixth Enclosure in No. 98.

(Translation.) *The Governor of Bissao to Lieutenant Kellett.*

Portuguese Guinea, Civil and Military Government, 1839.

Bissau, April 15, eight o'clock and a half in the evening.

MOST ILLUSTRIOUS SIR,

I HAVE learned this moment from a canoe of natives here arrived that you, Sir, are on board the brig under your command, at anchor in Bolama, a Portuguese possession and dependency of this Government, and that you have burnt the quarters of the troops there stationed, and also that you have, for the second time, torn down the Portuguese flag. As to the first outrages you there committed, Sir, I have addressed my complaint about them to the Governor of Sierra Leone, but have not yet had any answer. As you are so near to this port, Sir, I request you to have the goodness to come hither, to enable me to show you the right which the Portuguese nation has to the Isle of Bolama, and, if you desire it, I will assemble the first gentlemen of the island to declare in our presence to whom it belongs, protesting even now, in the name of the Portuguese nation, against all insults you have there committed. I dispatch expressly an officer to take you this letter.

God preserve you, Sir,

(Signed) HONORIO PEREIRA BARRETO,
Lieutenant-Colonel, Governor.

*To the Most Illustrious Senhor the Commander of
 the English brig "Brisk," at anchor in the
 Port of the Portuguese Island of Bolama.*

(Certified by BARON MONCORVO.)

Seventh Enclosure in No. 98.

(Translation.) *The Governor of Bissao to the Governor of Sierra Leone.*

Portuguese Guinea, Civil and Military Government, 1838.

MOST ILLUSTRIOUS AND MOST EXCELLENT SIR, *Bolama, 16th December.*

THE deeds committed in this island by the Commander of the English brig "Brisk," were so offensive to the honour of the Portuguese nation, that I cannot forbear addressing myself to your Excellency, from whom I expect reparation. The Commander of the brig landed in this island on the 10th instant, came up through the brushwood with 19 sailors, and from hence carried off some of the slaves employed in occupations of husbandry; others, who were in Major Nozolini's house they forced by blows to go on board, taking even persons of free condition. Then, proceeding to the point where the military were stationed, they with a hatchet cut down the mast of the flag, and even went the length of taking the Portuguese flag out of the hands of one of our soldiers and spitting on it; they ultimately put it into a wine cask and carried it on board, a proceeding unheard of among civilized nations. They moreover seized a Portuguese subject, of the name of Sebastiao Maria Escarlata, and ordered the detachment to withdraw

within the space of an hour to Bissau. These actions are so extremely offensive to the dignity of my nation, that they cannot prove pleasant even to others, any more than to the English. I, therefore, protesting against such a violation of the law of nations, demand a complete reparation of your Excellency, without which the equity of your nation will be questionable. The haste with which this vessel puts to sea, leaves me no time to convince your Excellency that Bolama belongs to us; but I will do so on the first opportunity. God preserve your Excellency.

(Signed) HONORIO PEREIRA BARRETO,
Lieutenant-Colonel, Governor.

*To the Most Illustrious and Most Excellent Senhor,
Commandant of Sierra Leone.*

(Certified by BARON MONCORVO.)

Eighth Enclosure in No. 98.

*Her Britannic Majesty's Brig "Brisk," off the
British Island of Bolama, April 16, 1839.*

SIR,

IN reply to the letter of your Excellency, I have the honour to inform you that, acting in my official capacity and having received authentic information that the sovereignty of the Island of Bolama is vested in Her Britannic Majesty, I have felt it my duty to haul down the Portuguese flag, and disarm the troops on the island which are here protecting the Slave Trade, contrary to the solemn Treaties entered into between my Sovereign and Her Most Faithful Majesty. I regret it will not be in my power to see your Excellency at Bissau; the subject on which you are anxious to see me can only be decided by our respective Governments.

I have, &c.

(Signed) ARTHUR KELLET,
*Lieutenant, and Commander of Her Britannic
Majesty's Brig "Brisk."*

Está conforme. Secretaria de Estado dos Negocios Estrangeiros em 28 de Julho de 1839. No impedimento do Official Maior.

(Assignado) ANTONIO JOAQUIM GOMES D'OLIVEIRA.
Pour copie conforme,
(Signed) MONCORVO.

Ninth Enclosure in No. 98.

TREATY between his Excellency Major-General Sir Neil Campbell, Governor-in-Chief over the British possessions in Western Africa, on behalf of His Majesty the King of the United Kingdom of Great Britain and Ireland, and his heirs and successors; and Benagre, King of the Biaforos, for himself and the other king, named Fearing, for himself, his heirs and successors, in concert with his chiefs and head men for themselves, their heirs and successors.

1. No native or other person, within the territory of Ghinala, is to be deprived of any ground which is in cultivation and actually occupied.

2. The relation which now exists between different classes of the community are to continue, but no slave or domestic servant is to be sold for exportation beyond the frontier of Ghinala.

3. If any native within the territory of Bolama, Ghinala, or the island adjacent, commits a breach of the laws of Great Britain by being engaged in the Export Slave Trade, directly or indirectly, he shall be subject to trial by the British laws.

4. All British subjects may form factories or other establishments in any place not actually occupied, or if occupied paying for the same; their property of every description and themselves shall be free from every exaction, palaver, or obstruction, and all communication opened to them to and from Ghinala.

5. The sovereignty of the Island of Bolama with the adjacent islands, and of a line from Ghinala to the sea, W.N.W., is for ever ceded to His Majesty the

King of Great Britain and Ireland, his heirs and successors, with power and right to establish villages, forts, to cultivate farms, and every other establishment, public or private, which the Governor of Sierra Leone, or any other competent authority within the territory of Ghinala, may deem fit.

6. The Deed of Cession of Ghinala, the Island of Bolama, and the adjacent island, which was made by kings Niobana and Matthore to Captain Beaver, for His Majesty of Great Britain, upon the 3d day of August, 1792, is hereby acknowledged and confirmed.

Subscribed on board the "African" steam-vessel, this 24th day of June, 1827.

BINAGRE, for himself and FEARING, his mark ×
N. CAMPBELL, *Governor of Sierra Leone and Dependencies.*

Witnesses. GIANGE, Son of Matthore, his mark ×
SEPTIMUS ARABIN, *Captain of His Majesty's ship
Northstar.*

C. M. BURROWS, *Acting Military Secretary.*

Está conforme com o original traslado escripto em Bissau o quel foi remettido ao Ministerio, incluso em Officio No. 2 destadata. Secretaria do Governo no Villa da Praya, 16 de Feveireira de 1831.

(Signed) ANTONIO MARQUES DA COSTA,
Secretario do Governo.

Está conforme. Secretaria de Estado dos Negocios Estrangeiros em 28 de Julho de 1839. No impedimento do Official Maior.

(Assignado) ANTONIO JOAQUIM GOMES D'OLIVEIRA.
Pour copie conforme,
(Signed) MONCORVO.

Tenth Enclosure in No. 98.

(Translation.) *A True Copy.* Secretary of State's Office, July 28, 1839.

TREATY and adjustment made with the kings Damiao and Fabiao; the former of the Isle of Canhabaca and Seignory of that of Bolama, and the latter of the Rio Grande, continent of Biasadas, contiguous to that isle, in consequence of the orders received from the Governor-General of the province of Cape Verd, and from Colonel Manoel Antonio Martins, to whom were addressed the Royal Orders from the Court and City of Lisbon, for the purpose of the acquisition of territories for new settlements on the western Coast of Africa, near to the Fort of Bissau; and to secure for the Portuguese Crown the dominion and possession of the Isle of Bolama, transmission having been made of the instructions agreed upon between the said Governor-General and Colonel Martins to the Colonel Joaquin Antonio de Mattos, and he having been nominated to represent that crown in this extremely important commission. And the above having been approved, as appears from the Despatches dated the 20th of May and 17th of June, therefore, in order that it may be on record, it was set forth in the Act inserted hereinafter.

In the year of the birth of our Lord Jesus Christ, 1828, on the 12th of July of that year, in this Fort of St. José de Bissau, the said Joaquin Antonio de Mattos having, in concurrence with the governor of that fort, directed an invitation to be given to the said kings Damiao and Fabiao (because, notwithstanding the indisputable rights of conquest by the Crown of Portugal on the Coast of Africa to these territories, there were loquacious persons who sought to maintain the contrary); and it being wished to ascertain the truth, when the former had arrived with his retinue, and also the envoys of the latter whose names and cognomens are recorded and signed at the end of this instrument, there was held a talk or meeting, attended by the justice of the people and by the good men of the said fort, all which having been thus performed, the above Colonel Mattos, authorised to transact this business, did, in the presence of the whole meeting, rise to speak, and interrogated them, whether they at any time had sold the Island of Bolama, or any other territory, to any other foreign nation? They replied in the negative,

saying that neither could they do so; that it was true, they had allowed Mr. Vivar to build a house of business in that island, but this arose from the circumstance of the governor and merchants of the Fort of Bissau having given him permission for it, soliciting that the kings would suffer him to abide there; that they were cognizant that the English said they had purchased the island, which was not the fact; that, on the occasion referred to, they had undoubtedly received presents of brandy, iron, gunpowder, hats, and so forth, from those that sojourned in the said island; that they had accepted the gift in the way of acknowledgment for having suffered the strangers to stay there, such practice being customary with all new comers solicitous to form settlements on their lands; declaring, finally, that to the sovereigns of Portugal that island appertains from very remote times, and that if the king or his subjects were willing to make sure of it by cultivating, fortifying, and settling the isles, they were at liberty so to do; indeed they, the aborigines, would be much pleased with it, inasmuch as they had always considered the isle as the property of the Portuguese in the same manner as themselves, though heathen, were desirous to be considered no otherwise than as such, adding that they would not allow any nation other than the Portuguese to form settlements there. Whereupon Colonel Mattos, having manifested to them the token of his satisfaction at their attachment to the Portuguese, proceeded to hold forth in these terms:—That, from what they had intimated, he was very certain there was no foundation for all that had been reported with regard to this isle; that he would forthwith direct houses to be erected in it, and that he was going to make report of his good offices and of their amity to the Governor-General and to Colonel Mattos, for them to carry up an account of all these proceedings to the royal presence of His Majesty, to the end that the same august and royal sovereign might decide upon what should be his pleasure. Then the above Colonel Mattos got up to deliver the presents to them in token of gratitude, inviting them to subscribe the purport of what they had been saying, and, it having been read over to them, they signed it; all which having been done in these copies, they rose from the palaver or talk and repaired each of them to his home. And in order that it may for ever be on record, this Deed is made out in triplicate, each one keeping his own copy. And I, Joaquim Antonio de Mattos, penned and signed it along with the said Kings and Magnates.

JOAQUIM ANTONIO DE MATTOS.

KING DAMIAO, by means of a flourish.

Mark of **LAMINI JASSI**, Envoy of the King of the Rio Grande.

Mark of the **FERAMBA DORBU**, Son of the King.

Mark of the **PARMA**, Son of King Damiao.

Mark of **NIQUISNOSA**, Nephew of the said King.

Mark of **SANGA SAMBU**.

Mark of **PEDRO FERNANDES**, Justice of the People.

Mark of **DOMINGOS CORREIA**.

Mark of **LOVRESEYA DE VEIGA**.

Mark of **MANOEL CORREIA**.

Mark of **FRASINO LOPES**.

JOZE DE ARANJO SITELLO.

JOAO DA SILVA CASTRO.

Ratified the 7th of May, 1830, by the son of the new King, of the name of Tasjora Banfan; by his Envoy Lamini Jassi, the King Damiao, who for this purpose were ordered to be sent for in consequence of fresh orders given by the said Colonel J. A. de Mattos, the Envoy of the new King of the Rio Grande, adding that three years ago the General of Sierra Leone had come to that port as representative of the imbecile King Fabiao, and had delivered to him a paper written in English, and he, the general, had called one Davis, of Bolola, to explain to him the contents; Davis had refused it, wondering how he came by that paper.

KING OF DAMIAO, by means of a flourish.

Mark of **LAMINI JASSI**, Envoy of the new King of the Rio Grande.

JOAQUIM ANTONIO DE MATTOS.

(Certified by **BARON MONCORVO**.)

Eleventh Enclosure in No. 98.

(Translation.)

*Minute of Ratification respecting the Possession of the Island of Bolama.
Foreign Secretary of State's Office, July 27, 1839.*

IN the year from the birth of our Lord Jesus Christ, 1830, 9th May, in this Island of Bolama, on the Western Coast of Africa, there were present the King of Canhabara, Damiao, his son Paoma, his nephew Neguimaca, and his elder brother Eram, King Jacinto, and his brother Oleica, and one of the sons of the said King, Tinchene, all of Canhabara; and the Envoys of the King of the Rio Grande, Injora, Daufau, his son Ferambá, Dabú, and Lamini Jassi, with Sanga Sambá, Grandees of that kingdom; and, on the other part, Colonel Joaquim Antonio de Mattos, in virtue of the orders which he received from the Governor-General of Cape Verd, emanating from His Majesty the King of Portugal; and it was said by all assembled, and by each *in solidum*, that from time immemorial the King of Portugal had always been in possession of the Isle of Bolama, as he had shown by the use and felling of timber for dyeing in the said island; the said King and Envoys declaring, that from the ancient alliance and friendship which they always had with the Portuguese, and which they ever wished to continue without any interruption, as well with regard to every other object as principally with respect to the Isle of Bolama, wherefore they came to the determination once more to affirm and ratify the ancient possession of the aforesaid Island of Bolama, which always belonged to Portugal, and which they always considered as her appurtenance; all of whom being agreed that the present title ought to be renewed; for which purpose they ordered me, Joaquim Antonio de Mattos, to write it down, which I actually did, and signed it along with the above Kings and Envoys; and we altogether went to the south-east end of the said isle, bordering on the Costa firme of Rio Grande, and they declared to me that they anew ratified, gave, and transferred all the right which they on any account might have to the said island, all, in favour of the Portuguese Crown; and I, as entrusted with this transaction, caused boughs to be cut, cast some earth into the air, and ordered the foundations to be laid for the construction of a fort, which was carried into effect, the King Damiao, of Canhabara, laying the first stone for the said fort, and throwing mortar on it, and all solemnities customary on such occasions being observed, in the presence of all the nobility and people, who made the greatest demonstrations of rejoicing at the interesting ceremony of this establishment; whereupon we proceeded to chant a Te Deum laudamus before an image of our Lord Jesus Christ placed there only for this purpose, which act was corresponded to by a discharge of artillery and small-arms of the troops which had been ordered to be stationed in this island. The whole ended with immense shouts of Long live the King our Lord, which auspicious invocation prognosticated a happy futurity; and while all this was passing, I wrote the present Minute, which the said King and Envoys bid me to draw up, that it might be known for all time to come, which I did, signing it along with them, and in the presence of the witnesses signed underneath.

King DAMAO, by a flourish.

Sign of the King's Son, DAMIAO or PAOMA.

" Nephew of the King, NIQUIMOIA.

" Brother of the King, ERAM.

" King JACINTO.

" Eldest Son of the said King OBOIA.

" Brother of King Jacinto, OBOIA.

" Son of King Jacinto, TINCHERE.

" Son of the King of Rio Grande, INJOZA DANFAN.

SOVAMBA.

DABIS.

Sign of the Envoy of the King, LAMINI JASSI.

" Envoy of the King, SAMBAI.

JOAQUIM ANTONIO DE MATTOS, Director-in-Chief of the New Settlement of this Island.

JOZE CORREIA VEIGA, Ensign Commanding the Troops.

JOAO DA SILVA CASTRO.

J. S^{ta} D^{nis} CHASSAU.

JOAO FERNANDEZ +.

PEDRO FERNANDEZ +.

DOMINGOS CORREA GOMES +.
 LOURENZO DA VEIGA +.
 FELIPPA DA SILVA CARDOSO +.
 ANTONIO DOS SANTOS +.
 ANTONIO FERNANDES +.
 DOMINGOS DA SILVA +.

Isle of Bolama, May 9, 1830.

(Certified by BARON MONCORVO.)

Twelfth Enclosure in No. 98.

Act of Ratification touching the Possession of the Island of Bolama.

(Translation.)

IN the name of the Portuguese nation, year from the birth of our Lord Jesus Christ, 1837, 14 December, in this Isle of Bolama, there being present the Governor of Portuguese Guinea, Honorio Pereira Barreto, the Major of the Fort, the Sub-delegate of the Accountant's Office of the Revenue, three Officers, the Ecclesiastic, and several persons of Bissara, together with me, Manoel da Luz Ferreira, notary, nominated *ad hoc*, in order to ratify the possession of the Isle of Bolama, already ceded to Portugal in 1830 by the King of Canhabara, Damiao; they began by walking in solemn procession round the chosen territory, pursuant to superior order of the Major, with a view to the foundation of the new settlement, which, from this day forward, is to be called Novo Mindêlo, chaunting the Litany, as customary; whereupon the Governor inquired three times, in an audible voice, whether any one opposed the Ratification of the possession which he was taking of the Island of Bolama for the Portuguese nation; to which no one having replied, he ratified the possession quickly and peaceably, ordering immediately the hoisting of the national flag amidst the shouts of *Viva* and acclamations. And to the end that it may be known, he ordered four copies of the Act to be made out, of the same tenour and date, which was signed by all, and is sealed with the Royal Arms; and I, Manoel de Luz Ferreira, notary, nominated *ad hoc*, penned and signed it.

(L. S.)

HONORIO PEREIRA BARRETO,
Lieutenant-Colonel Governor.

CASTANO JOZE NASOLINI,
Major of the Fort.

With other Signatures.

(Certified by BARON MONCORVO.)

No. 99.

Lord Howard de Walden to Viscount Palmerston.

Cintra, August 7, 1839.

(Received August 19.)

(Extract.)

I HAD an interview with the Baron da Ribeira de Sabrosa on Monday. I opened our conference, with the substance of your Lordship's Despatch relative to the appointment of a successor to Senhor Moreira. The Baron interrupted me, saying, that I should no doubt have to write to him on the subject.

I replied that I had no intention of addressing his Excellency in writing on the subject, and that my instructions were to express to him the hope, on the part of Her Majesty's Government, that the Portuguese Government would, in making the appointment of a successor to Senhor Moreira, select some one known to have no relations with the Slave Trade.

The Baron again interrupted me, saying, that he could not receive such communications; that he was not prepared to state what the course would be which Her Most Faithful Majesty's Government would adopt.

He declared he was not prepared to give me any answer respecting the successor to Senhor Moreira, but would listen to what I had to state. On this I read to him the principal part of your Lordship's Despatch, and, on concluding, inquired of his Excellency whether he would desire to have it in writing. He replied that it was not necessary; but that he could say nothing whatever respecting Moreira.

No. 100.

*Lord Howard de Walden to Viscount Palmerston.**Cintra, August 10, 1839.**(Received August 19.)*

(Extract.)

I ENCLOSE the "Diario do Governo" of the 9th instant, in which appears an article on the Bill introduced into Parliament for the suppression of the Slave Trade under the Portuguese flag. It is as full of misrepresentations and misstatements, and much of the same character as such articles as have appeared in the "Nacional."

Enclosure in No. 100.

Extracts marked by Lord Howard de Walden.

From the Diario do Governo, Lisbon, August 8, 1839.

(Translation.)

WE this day publish at length the Bill "for the suppression of the Portuguese Slave Trade," brought into the House of Commons by Lord Palmerston, where it passed with scarcely any debate, and after having been discussed, as usual, it will be carried to the House of Lords. Whatever idea may be entertained concerning the motives of this singular document, it need only be read to discover that it could only spring from the supposition of Portugal having ceased to be an independent nation. If it were demonstrated that Portugal had been wanting to the obligations contracted by Treaties with England, the latter Power might have declared war against her and demanded reparations, but ought never to have arrogated the right of legislating for her; this proceeding is a manifest violation of the law of nations, and of the principles on which rest the security and peace of Europe.

But if, supposing even a violation of Treaties, Great Britain would not, without acting the part of a usurper, redress herself in a matter which must be regulated by reciprocal and international conventions, how would she justify this act under opposite circumstances, where she presents herself at the same time as party and judge?

The statement of the motives which serve as a foundation to the Bill is so long and complicated, that it seems more calculated to embarrass the question, than to clear it up; and though we are not ignorant of the forms employed in documents laid before the British Parliament, we notice in this Bill so many repetitions and such involved quotations, that it might appear as if clearness had on purpose been shunned. As to ourselves, we shall not avoid it, as we do not fear it, and shall, in a few words, present the question in all its simplicity.

The supposed principal grounds of the Bill are:—1. That Portugal, by Treaties and Conventions concluded with Great Britain, was obliged completely to abolish the Slave Trade in its Transatlantic dominions. 2. That in order to abolish it, she has received large sums from England, and that she has not complied with the conditions on which they were given her. 3. That Portugal has done nothing in fulfilment of the obligations contracted by her. 4. That Portugal has latterly refused concluding a definitive Treaty with England for the abolition of slavery.

As to the first ground, in order to show its inaccuracy, we deem it unnecessary to give the history of the different Treaties and Conventions between Portugal and Great Britain relatively to the Slave Trade, by which Portugal only engaged to extinguish it *gradually*, which it appears she fulfilled by the successive Conventions concluded at various periods up to 1836, when she effectually abolished it entirely; as to the means of carrying its abolition into effect, it is sufficient to quote the Convention of the 11th September, 1817, in the separate Article, which was declared to have the same force as if it were inserted in the Convention of the 28th July of the same year, by which it was stipulated—"that if it should not be possible to agree upon some other adjustment, the additional Convention (of that date) shall be valid till the expiration of 15 years, calculated from the day on which the Slave Trade shall have been entirely abolished by the Portuguese Government."

Therefore, according to the Treaties and Conventions in force Portugal can only be compelled to treat concerning this subject in 1852, 15 years after the complete abolition of slavery, pursuant to the Decree of the 10th December, 1836.

As to the second ground we very recently stated the facts relating to those sums, which the English Government pretends were given for the exclusive end of our engaging completely to put down the traffic. We then said, and now repeat it, that the £600,000, and the £300,000, of which so much has been said, were neither a condition nor a price. The £600,000, of which Portugal had paid a fourth, formed a loan contracted in 1809 for the purchase of ammunition for the use of the Portuguese troops, which, in conjunction with those of England, fought the battles on which depended equally its existence, menaced by the colossal power of Napoleon. And even thus the sum of £450,000, which Great Britain did not receive, and the expenditure of which enormous sum was incurred by her faithful ally Portugal for a common cause in which both were so much interested was not allowed exclusively in the way of indemnity for the loss of duties on slaves, of which duties arising from the then permitted commerce near the Equator she would be deprived, but *principally* (and let this circumstance be observed which has but seldom been brought forward and scarcely ever mentioned in the Portuguese Parliament), as a compensation for Guiana ceded to France in 1814 by the Treaty of Paris, concluded by the British Plenipotentiaries without authority from the Prince Regent of Portugal, which Treaty His Royal Highness never was willing to ratify.

As to the £300,000, they were given as a *pitiful* [mesquhina] indemnity for serious losses suffered by the Portuguese commerce on account of their ships having been illegally captured by the British cruisers. In this there was no more than a restitution of *part* of the damage occasioned.

The third ground is not only a gratuitous assertion, but is disproved by authentic facts. Her Majesty's Government has dismissed the Authorities suspected of conniving at the Slave Trade, or of being less zealous in preventing it; and it has caused those Authorities to be prosecuted against whom well-founded charges were established. In Lisbon, it employs all means for preventing ships for the Slave Trade from being fitted out, and its men-of-war cruize in latitudes and look into ports most frequented by those who speculate in this nefarious traffic, and we but a few days since noticed the entrance of a slaver captured by one of our cruisers.

Finally, as to what concerns the fourth ground, we may affirm without fear that it is extremely inaccurate. The truth is, that after repeated conferences between Her Britannic Majesty's Minister at this Court, and the Minister for Foreign Affairs of Her Most Faithful Majesty, the principal terms of a Treaty had been agreed upon; that these were altered, not by the Portuguese Government, and that others were sent from England which, from their nature and from the manner in which they were *imposed*, could not be received. Still, however, even then the Government of Her Most Faithful Majesty signified to the British Government that it was prepared with the greatest cheerfulness to enter into negotiations for removing all doubts and for concluding a definitive Treaty. What was the answer returned to the Portuguese Government? The Bill which we have hereinafter recited.

Bill for the suppression, &c., &c., &c.

From the Correio de Lisboa, August 10, 1839.

AFTER the British Government had proposed to Parliament the Bill which yesterday was published by the Official Journal, the Portuguese press has taken part in the discussion of a subject, to which hitherto not all of them had adverted, namely, the total suppression of the Slave Trade.

Opinions have not been quite equal, but it reflects honour on the press to be able to say that all journals agree in the necessity of putting an end to the traffic, and only vary in the time and manner; what is singular, the greater liberalism in the principles of a journal indicates in this instance that it co-operates the less in obtaining the termination of the traffic in human flesh.

We now repeat what always has been our opinion since the beginning of this paper, that we are for complete extinction, hence it will not be surprising that we join those who vote for that event as speedily as possible.

We find the official paper is going to publish all the Slave Trade Papers laid

before Parliament. If it does so, its columns will be filled entirely for upwards of four months.

As to the notes of Lord Howard, which we have published, they appeared to us to clear up the matter, showing, firstly, the spirit of the negotiations; and, secondly, the propositions rejected by Viscount de Sá. We presume the public would be much better enlightened by such a systematic exposition than it will be by the numerous notes and the replies to them.

The "Nacional" spoke of the first notes of Senhor Castro Pereira on this subject. But why not publish them? The same journal passed a bitter censure on the ignominious stipulation in the Treaty proposed by Great Britain; let our contemporary specify which were those articles. On our part, we wish to refer only to two points, in consequence of which Viscount de Sá refused to sign the Treaty, and the British Minister broke off the negotiation, namely, the *piracy*, and the question about the mutual guarantees. In this case we consider the Portuguese negotiator to be much to blame.

From the Diario do Governo, Lisbon, August 9.

It was not in vain that we appealed to the enlightened opinion and the generous character of the English nation when the Bill was presented to Parliament for carrying the abolition of the Slave Trade into effect, solely with reference to Portugal, and to the manifest violation of her most sacred rights, as well as of the law of nations. It was not possible that our confidence in our most ancient ally should have been misplaced. The Bill was rejected in the House of Lords; the cause of justice could not fail to have strenuous defenders in that respectable assembly, which is adorned by so many illustrious men of the age. Lord Palmerston, who has so often manifested his sympathy with the Portuguese nation; and who by his talents on the most trying occasion rendered her services which she will never forget, would not have resolved to propose such a measure, which is an insult to her, if inaccurate information had not caused him to form a wrong opinion of the state of affairs; if he knew, what is the fact, that Portugal gains nothing by this hateful traffic, that all Portuguese are anxious for its abolition, and that their Government entertains a sincere desire to carry it into effect, and to employ for that purpose the most efficacious means, as far as its duties will permit it. Thus is fortunately set at rest a most important question, which caused a disagreement between two intimately connected and always friendly nations—a question which threatened at the same time to wound the independence of the one and stain the dignity of the other. Honour be to the noble members of the House of Lords who came to this decision. Honour principally to the Duke of Wellington for the conspicuous part he took in this decision! The great captain, the eminent statesman, could not forbear making an effort to avoid a slur on his country, whose glory is so brilliant through his achievements, and to advocate the cause of a nation whose name is united to the most honourable titles of his renown, and which will always preserve the grateful memory of having, under his guidance, exalted itself by famous victories against a formidable common enemy.

We have also received the London papers to the 3d.

The Bill against the abolition of the Portuguese Slave Trade was in the House of Lords lost, on the second reading, by a majority of six votes.

The *Times*, in reference to this resolution, says—

"The Bill was an extremely tyrannical measure; a great Power arrogated an insolent supremacy over a less. The Lords have acted with dignity by refusing to support by their assent a cowardly system of intimidation, Would Lord Palmerston dare to treat France as he treated Portugal?"

From the O Nacional, Lisbon, August 10.

LORD PALMERSTON'S Bill on the Slave Trade carried on under the Portuguese flag was rejected in the House of Lords on the ground of its being a measure of oppression of a powerful nation against a small and weak one. This event, which we were far from expecting, is of high importance, and sets our Government free from the embarrassment in which it found itself; a piece of good fortune which assuredly it did not deserve, from the listlessness in which it continued during the crisis.

An aristocracy never gains so much as when it avails itself of its position to raise a barrier against the excesses of those in authority ; it is then that the importance of its conservative influence becomes conspicuous, and that the necessity is acknowledged of having a body of legislators sufficiently independent and dispassionate to maintain the equilibrium between the Crown and the democracy. The House of Lords of Great Britain, and, let it be well understood, it alone—not the Government or the Commons—has acquired a right to the gratitude of the whole Portuguese nation. The Tories, or some of them, knew that to be just is the first of duties, and that he who does not betray the dictates of his conscience deserves to be free and respected by men of every political hue.

Melbourne's Cabinet, by proposing an unheard-of atrocity to Parliament, at once committed suicide for ever. It is impossible for men to continue in power who do not scruple to tread the international law under foot by attempting, in the sight of all Europe, to annihilate the navigation and destroy the Colonies of a friendly and allied nation, which always paid deference to Great Britain, and was always disposed to accede to its reasonable demands. This Bill, the eternal monument of shame to its authors, will be found in our columns ; and whoever will compare its preamble with the historical memoir which we lately published on the Slave Trade, will not fail being astonished, on perceiving the impudence and recklessness with which facts are distorted and expressions substituted for others contained in Treaties, as well as the tenour of the correspondence between the two Cabinets falsified.

The Attwoods, Grotes, O'Connells, and Leaders, with so many others who, in the House of Commons, contend for reforms, and for the progress of the interests of democracy, did not recollect that he who claims liberty for himself ought to know how to share it with others. They knew how to procure 1,600,000 signatures to the colossal petition of the Chartists, how to get it printed, and how to fight for its adoption, but they did not recollect Portugal when the proud Lord Palmerston rose to strike us down ; they took no pains to confute his arguments, they did not invoke the former decisions of Parliament for causing the cessation of the Slave Trade by means of Treaties with nations that possessed Colonies ; they suffered the iniquitous measure to pass ; and, if it had not been for the unanimous determination of the House of Lords, Portugal would have to defend herself against the British giant or to renounce her political existence.

What lamentations were not raised by these Commoners assembled in taverns, with glasses of porter in their hands, in order to alleviate the lot of the Poles ! What speeches, what fine sentiments, what noble ideas were heard on the entrance of the Duke of Sussex to join these meetings ! Why did Portugal not deserve a moment's attention—why did they abandon her cause ? What idea are we to form of the English democrats when, at the same time that they make the most liberal demands for their countrymen, they display the greatest indifference and meanness towards a nation so deserving of their solicitude ?

The *Nacional* hastens gladly to contribute his mite towards expressing, in the name of his political friends, the gratitude which we cannot fail to entertain to the worthy legislators who have thrown out the most immoral Bill that ever was brought into any Parliament. If hitherto conscious of the dignity of our grievously offended country, we have stood our ground courageously by requiring from the Portuguese Government prompt reprisals against a Ministry who, in point of fact, have declared war against us. We now do not hesitate to state explicitly, that it is very advisable the question respecting slavery, as soon as possible, by means of a special Treaty to be concluded with a Government into which will not enter a single individual of those who prepared Palmerston's Bill. Let us show the English how much we value one act of theirs—an act not of favour, but of justice—by at once depriving of every pretext those who imagine us to be interested in this traffic, and by agreeing to whatever shall not occasion the direct and immediate ruin of our settlements, or shall violate our national liberty and honour. Honest British statesmen will, no doubt, come to an understanding with our Government, and this angry contest will be concluded to the satisfaction of both parties.

We congratulate ourselves, in common with our countrymen, on the happy termination of this delicate business. But the public would now wish to read in the Official Paper what efforts the Government has made for sustaining the interests of Portugal since Lord Palmerston proposed to deprive us of our independence. It remains for us now to see whether this weak and despotic Ministry will fall to the ground, to enable Portugal definitively to conclude an affair which, thanks to Lord

Palmerston's tyranny, was not unlikely to occasion the rupture of our relations with the English nation, which, in its consequences, might have been fatal to both countries.

From the *O Nacional*, August 7.

We must either renounce our political existence, or show the British Government that Portugal will not bear the foreign yoke. If we do not retaliate immediately on the English commerce the hardships which the Slave Trade Bill will inflict upon us, we shall behold the ruin of our navigation without even entailing as much mischief as we can on the speculators of that nation who derive enormous gains from glutting the Portuguese market with their manufactures. The exceptional measure of the Cabinet of St. James's amounts to a declaration of war against us. The Portuguese will never bend their necks, more especially as there are other powerful nations with which we can ally ourselves to repel the abominable dictatorship prepared for us by those who, under the name of allies, have exhausted our country for their profit.

The firmness and energy with which Portugal refused to accept ignominious conditions, provoked on the part of the perfidious and insolent islanders, the peremptory intimation to sign the Treaty immediately, without any alteration, and as this tyrannic declaration was not complied with, the Minister for Foreign Affairs presents a Bill in which we are treated more unfavourably than the Jews were in the middle ages. There is not a single Portuguese deserving of that name who does not feel the blood boil in his veins on witnessing the manner in which a Government that has robbed, despoiled, betrayed, and derided us, dares to crown these outrages by declaring us its colony. Could not we make the seas swarm with privateers, and make these monopolists and traffickers lose more capital in one day than we should lose in a year?

From the *Periodico dos Pobres no Porto*, August 9.

What are we to do? Arm the battalions of the National Guard that were dissolved—resuscitate the battalion of the arsenal.

No. 101.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, August 22, 1839.

I HEREWITH transmit to you copies of a Despatch, and of its Enclosure, from Her Majesty's Commissioners at Sierra Leone, containing a report of the case of the brig "*Victoria*," condemned in the Mixed British and Foreign Court of Commission at that Colony, on the ground of her being a Spanish vessel equipped for Slave Trade.

I have to desire that you will embody in a note to the Portuguese Government the principal facts of the case, as contained in the accompanying papers, drawing the attention of the Portuguese Government to the fact, that the ostensible owner of the "*Victoria*" was a Portuguese merchant, Matheus da Silva Louro, who resides with his family at Lisbon.

I am, &c.

(Signed) PALMERSTON.

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

Enclosure in No. 101.

Sierra Leone, January 31, 1839.

Her Majesty's Commissioners to Viscount Palmerston.

(See Class A, No. 35, page 50.)

No. 102.

*Viscount Palmerston to Lord Howard de Walden.**Foreign Office, August 25, 1839.**Circular transmitting Address of the House of Peers.*

(See No. 7, page 7.)

No. 103.

*Baron Moncorvo to Viscount Palmerston.**Londres, Août 27, 1839.**(Received August 28.)*

LE Gouvernement de Sa Majesté Très Fidèle, ayant de nouveau appris avec le plus profond regret, et avec cette surprise qu'inspire toujours des mesures qu'on n'a pas provoquées, et que le droit des gens ne reconnaît point de nation à nation, que le Gouvernement Britannique avait proposé un second Bill au Parlement, dont le but était la suppression de la Traite des Nègres, mais dont les conséquences sont les mêmes que celles de son premier Bill, c'est-à-dire, un attaque inoui à l'indépendance de la nation Portugaise, s'empressa d'ordonner au Soussigné Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Très Fidèle, près Sa Majesté Britannique, à adresser une note à Son Excellence Monsieur le Vicomte Palmerston, Principal Secrétaire d'Etat de Sa Majesté Britannique au Département des Affaires Etrangères, contenant la protestation la plus formelle et la plus solennelle contre ce projet du Gouvernement Britannique, et contre une mesure si attentatoire des droits de la Couronne de Sa Majesté Très Fidèle, et de ceux de la liberté et de l'indépendance de la nation Portugaise. Malgré que le sujet sur lequel le Soussigné doit encore une fois attirer l'attention de son Excellence se trouve suffisamment traité dans les dernières communications du Soussigné, il ne peut cependant s'en passer d'offrir quelques autres observations, quand l'objet est d'une si haute importance pour le Portugal autant que pour la Grande Bretagne, dans ses relations avec toutes les autres nations.

Le Soussigné ne peut pas se persuader, qu'il soit dans les intérêts de la Grande Bretagne de donner un exemple si frappant du mépris des Traités existans entre elle et les autres Puissances. Puisque malgré que la force lui accorde des moyens de pouvoir insulter impunément une nation de second rang, elle donne l'exemple à celles de son propre rang de lui en faire autant, la forçant par là à un appel aux armes, et aux conséquences d'une guerre dont elle est au fond la seule et unique cause. Pourtant, si jamais un procédé quelconque peut devenir un jour funeste par son exemple à la paix de l'Europe, c'est sans contredit celui de ce Bill contre le Portugal. Car malgré tous les griefs qu'elle peut croire avoir contre le Portugal, c'est aux moyens reçus et reconnus entre les nations libres qu'il fallait recourir, et non à un acte législatif de son propre Parlement, dont l'autorité ne va pas au delà du territoire Britannique, et n'est reconnue que des sujets de sa nation. Un recours pareil prouve au contraire dans la plus grande évidence, que tous les derniers procédés de la part de l'Angleterre envers le Portugal, dans la question de la Traite des Nègres, sont en contravention des Traités existans, et il servira de preuve la plus solide, que le Portugal peut présenter contre tant de griefs dont il se plaint il y a quelques années. De plus, si le désir de l'Angleterre est sincère de voir une fin à cet infâme trafic des malheureux habitans de l'Afrique, pourquoi veut-elle prendre une mesure si offensante envers le Portugal, quand elle voit qu'il se prête cordialement selon ses moyens à mettre un terme à ce même commerce; ce n'est pas pour sur le moyen d'encourager une nation quelconque à s'unir de bon cœur et sincèrement aux vœux et aux principes d'une autre, de la maltraiter dans ses sujets, et de l'attaquer dans son indépendance. Le Soussigné pouvait encore ajouter d'autres arguments à ceux qu'il a déjà eu l'honneur de présenter, mais aucun n'est sans doute ni plus fort, ni plus imposant, que la protestation qu'il va présenter par ordre de son Gouvernement, et laquelle il prie son Excellence de vouloir bien porter à la haute connaissance de Sa Majesté la Reine son Auguste

Souveraine. Le Soussigné, prie en outre son Excellence Monsieur le Vicomte de Palmerston d'agr er l'assurance de sa plus haute consid ration.

(Signed) LE BARON DA TORRE DE MONCORVO.

A son Excellence M. Le Vicomte Palmerston, G.C.B.,
 &c. &c. &c.

(Translation.)

London, August 27, 1839.

THE Government of Her Most Faithful Majesty having again learned with the most profound regret, and with that surprise which measures unprovoked and unrecognized by the law of nations between one nation and another always inspires, that the British Government had proposed a second Bill to Parliament, the object of which was the suppression of the Slave Trade, but the consequences of which are the same as those of its first Bill, that is to say, an unheard-of attack upon the independence of the Portuguese nation, hastened to order the Undersigned, &c., to address a note to his Excellency Viscount Palmerston, &c., containing the most formal and most solemn protest against this project of the British Government, and against a measure which so attacked the rights of the crown of Her Most Faithful Majesty, and those of the liberty and independence of the Portuguese people.

Although the subject to which the Undersigned must again draw the attention of his Excellency is sufficiently treated of in the last communications of the Undersigned, he nevertheless cannot omit to offer some other observations, when the object is of so great importance to Portugal, as well as to Great Britain, in her relations with all other nations.

The Undersigned cannot persuade himself, that it is for the interest of Great Britain to set so striking an example of despising Treaties existing between her and other Powers; since, although her force gives her the power of insulting with impunity a nation of the second rank, she sets an example to those of her own rank to do as much to herself, forcing her thus to an appeal to arms, and to the consequences of a war of which she is at the bottom the one and only cause. Nevertheless, if any proceeding whatever could become one day, by its example, fatal to the peace of Europe, it is, without contradiction, that of this Bill against Portugal. For in spite of all the causes of complaint which she can believe that she has against Portugal, recourse should be had to means received and acknowledged between free nations, and not to a legislative enactment of her own Parliament; the authority of which does not go beyond the British territory, and is only recognized by the subjects of her nation. Such a recourse proves on the contrary most evidently that all the recent proceedings on the part of England against Portugal, on the question of the Slave Trade, are in contravention of existing Treaties, and it will serve as the most solid proof that Portugal can bring forward, against the many injuries of which she has complained for some years past.

Moreover, if the desire of England to see an end put at once to this infamous traffic in the unhappy inhabitants of Africa is sincere, why will she take a measure so offensive as regards Portugal, when she sees that the latter lends itself cordially, according to its means, to put an end to this commerce? It is not, surely, the way to encourage any nation to join heartily and sincerely in the views and principles of another, to maltreat its subjects, and to attack its independence.

The Undersigned could still add other arguments to those which he has already had the honour to put forward, but doubtless none is so strong or so imposing as the protest which he is going to present by order of his Government, and which he begs his Excellency to have the goodness to lay before Her Majesty the Queen, his August Sovereign.

The Undersigned also prays his Excellency Viscount Palmerston to receive the assurance of his highest consideration.

(Signed) LE BARON DA TORRE DE MONCORVO.

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

*Baron Moncorvo to Viscount Palmerston.**Londres, le 30 Août, 1839.**(Received August 30.)*

LE Gouvernement Portugais ayant été informé par le Chargé d'Affaires de Sa Majesté Très Fidèle à Rio de Janeiro, que le Gouvernement Brésilien cédant aux instances du Chargé d'Affaires de Sa Majesté Britannique, près la même cour, avait expédié un ordre le 19 d'Octobre, 1838, aux Commissaires Brésiliens de la Commission Britannico-Brésilienne, établie à Rio de Janeiro, par lequel il leur est enjoint d'examiner d'après la Convention du 23 Novembre, 1826, tous les bâtimens portant pavillon Portugais, excepté ceux construits dans les possessions Portugaises avant le Décret du 16 Janvier, 1837, qui n'aient jamais porté que ce pavillon, ainsi que les bateaux à vapeur achetés dans l'espace de trois ans, comptés de la date de ce Décret, appartenant à des Brésiliens, ou à des sujets Portugais résidant au Brésil, qui seraient pris ayant à bord des esclaves de la Côte d'Afrique. Le Gouvernement Portugais considérant ce procédé du Gouvernement Brésilien comme une atteinte portée à l'indépendance de nation Portugaise, puisque le Portugal n'est intervenu, ni a acquiescé à cette Convention entre l'Angleterre et le Brésil, a aussitôt ordonné au Chargé d'Affaires de Sa Majesté Très Fidèle à Rio de Janeiro de protester formellement contre cette acte de la part du Gouvernement Brésilien illégal et contraire au droit des gens.

Le Soussigné, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Très Fidèle près Sa Majesté Britannique, vient aussi de recevoir l'ordre de sa cour d'adresser à son Excellence Monsieur le Vicomte Palmerston, Principal Secrétaire d'Etat de Sa Majesté Britannique au Département des Affaires Etrangères, une protestation, basée non seulement sur les mêmes motifs que celle adressée au Gouvernement Brésilien, mais en outre sur la lettre et l'esprit de la Convention du 28 Juillet, 1817, entre le Portugal et l'Angleterre, d'après laquelle il est défendu de visiter et capturer au Sud de l'Equateur les bâtimens portant pavillon Portugais, naviguant conformément aux lois établies en Portugal.

Par tous ces motifs, le Soussigné, se conformant aux ordres qu'il a reçus de sa cour, proteste au nom de son Gouvernement contre tous les actes de la Commission Britannico-Brésilienne contraires aux Traités existants, et offensants à la dignité de la Couronne de Sa Majesté Très Fidèle, et à l'indépendance de la nation Portugaise, et il prie son Excellence Monsieur le Vicomte Palmerston de vouloir bien porter cette protestation à la haute connaissance de Sa Majesté Britannique son Auguste Souveraine.

Le Soussigné, &c.

(Signed) **BARON DA TORRE DE MONCORVO.***A son Excellence M. le Vicomte Palmerston, G.C.B.,**&c. &c. &c.*

(Translation.)

London, August 30, 1839.

THE Portuguese Government having been informed by Her Most Faithful Majesty's Chargé d'Affaires at Rio de Janeiro, that the Brazilian Government, yielding to the urgent requests of Her Britannic Majesty's Chargé d'Affaires at that Court, had issued an order on the 19th of October, 1838, to the Brazilian Commissioners of the Mixed British and Brazilian Commission established at Rio de Janeiro, by which they are enjoined to examine, according to the Convention of the 23d of November, 1826, all vessels bearing the Portuguese flag, (except those built in the Portuguese possessions prior to the Decree of the 13th of January, 1837, which have never borne any other than that flag, as also steam-vessels bought within the space of three years, reckoned from the date of that Decree,) belonging to Brazilians or to Portuguese subjects resident in Brazil, which might be taken with slaves, from the Coast of Africa, on board. The Portuguese Government, considering this proceeding of the Brazilian Government as an attack made against the independence of the Portuguese nation, since Portugal did not interfere with or acquiesce in that Convention between England and Brazil, immediately ordered Her Most Faithful Majesty's Chargé d'Affaires at Rio de Janeiro, to protest formally against this act of the Brazilian Government, illegal, and contrary to the right of nations.

The Undersigned, &c. has likewise received the command of his Court to address to his Excellency Viscount Palmerston, &c., a protest based not only on the same grounds as that addressed to the Brazilian Government, but likewise on the letter and spirit of the Convention of the 28th of July, 1817, between Portugal and England, according to which it is forbidden to visit and capture to the South of the Equator vessels bearing the Portuguese flag, and navigated in conformity with the laws established in Portugal.

On all these grounds, the Undersigned, conformably to the orders he has received from his Court, protests, in the name of his Government, against all the Acts of Mixed British and Brazilian Commission, which are contrary to the existing Treaties, and offensive to the dignity of the Crown of Her Most Faithful Majesty, and to the independence of the Portuguese nation; and he requests his Excellency Viscount Palmerston, to have the goodness to lay this protest before Her Britannic Majesty, his August Sovereign.

The Undersigned, &c.

(Signed) BARON DA TORRE DE MONCORVO.

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

&c. &c. &c.

No. 105.

Viscount Palmerston to Baron de Moncorvo.

Foreign Office, August 31, 1839.

THE Undersigned, &c. has received the note which was addressed to him on the 9th instant by the Baron de Moncorvo, &c., complaining, by order of his Court of the conduct of Lieutenant Kellett, of Her Majesty's brig "Brisk," in respect to certain proceedings which recently took place at the Island of Bulama, on the Coast of Africa.

The Undersigned has transmitted the representation of the Baron de Moncorvo to the proper Department, to enable the Undersigned to return an answer,

The Undersigned, &c.

(Signed) PALMERSTON.

The Baron da Torre de Moncorvo,

&c. &c. &c.

No. 106.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, August 31, 1839.

I HAVE received your Lordship's Despatch, "Slave-Trade," of the 7th August, 1839, and I approve of the manner in which you executed the instructions which I had given you, on the communication you were to make to the Portuguese Government, relating to the appointment of a successor to M. Moreira, as Portuguese Consul General at Rio de Janeiro.

I am, &c.

(Signed) PALMERSTON.

Lord Howard de Walden,

&c. &c. &c.

No. 107.

Lord Howard de Walden to Viscount Palmerston.

(Extract.)

Cintra, August 26, 1839.

(Received September 2.)

I HAVE the honour to enclose copies of a correspondence, which has taken place between the Baron da Ribeira de Sabrosa, Rear-Admiral Sir John Ommaney, and myself, relative to the delivering over to the Portuguese Government of certain Portuguese, who had been sent out to Lisbon in Her Majesty's Ship "Hastings," by the Lords Commissioners of the Admiralty.

First Enclosure in No. 107.

Lord Howard de Walden to Baron de Sabrosa.

MONSIEUR LE BARON,

Lisbon, August 13, 1839.

I HAVE the honour to acquaint your Excellency, that the Lords Commissioners of the Admiralty have ordered four prisoners belonging to slavers to be put on board Her Majesty's ship "Hastings" for a passage to Lisbon, and have directed Rear-Admiral Sir John Ommaney to make the necessary arrangements for them being given over to the Government of Her Most Faithful Majesty. Such evidence as appears against them is to be sent with them.

Although I have myself as yet received no instructions from Her Majesty's Government, I think it right to apprise your Excellency of the circumstance as reported to me by Sir John Ommaney, in order that these men should be detained as short a time as possible on board Her Majesty's ship, after her arrival in this port. I have therefore the honour to request that your Excellency will be so good as to make known to me into whose hands these said men should be delivered up.

I have, &c.

(Signed)

HOWARD DE WALDEN.

His Excellency Baron da Ribeira de Sabrosa,
&c. &c. &c.

Second Enclosure in No. 107.

*Lord Howard de Walden to Baron de Sabrosa.**Cintra, August 20, 1839.*

THE Undersigned, &c., had the honour to make known to the Baron da Ribeira de Sabrosa, &c., under date of the 13th instant, that certain Portuguese, forming part of the crew of captured slavers, had been sent to Lisbon in Her Majesty's ship "Hastings," to be delivered over to the Portuguese authorities. The Undersigned also requested Rear Admiral Sir John Ommaney, in the event of his absence from Lisbon, to communicate at once with his Excellency on the arrival of these men, in order to obviate all unnecessary detention of Portuguese subjects on board any of Her Majesty's ships in the Tagus. This step having been taken by Sir John Ommaney, the Undersigned has now only further to transmit to the Baron da Ribeira de Sabrosa, copies of the Judgments of the Mixed Commission at Rio de Janeiro, under which the Pataxo "*Especuladora*," and the brigantine "*Carolina*," (of the crew of which vessels, the said Portuguese formed part) have been condemned.

The Undersigned trusts that his Excellency, bearing in mind his former Note, and especially the propriety of not leaving Portuguese subjects longer than is absolutely unavoidable on board any of Her Majesty's ships in the Tagus, will favour him with an answer at his Excellency's earliest convenience, and avails himself, &c.

(Signed)

HOWARD DE WALDEN.

His Excellency Baron da Ribeira de Sabrosa,
&c. &c. &c.

Third Enclosure in No. 107.

*Sir John Ommaney to Baron de Sabrosa.**Her Britannic Majesty's Ship "Donegal," in the Tagus,**August 19, 1839.*

SIR,

HAVING received intimation from my Lords Commissioners of the Admiralty, that certain prisoners who had been taken in slavers, would be sent to the Tagus in Her Britannic Majesty's ship "Hastings," to be handed over to the Portuguese Government for its disposal, I conferred with Lord Howard de Walden on the subject, previous to the arrival of the "Hastings," and his Lordship having recommended that I should communicate with your Excellency respecting these men, I have the honour to request that your Excellency will signify your wishes with regard to them.

There are no witnesses sent out against them, neither have I received any documents concerning their detention, except copies of the condemnation by the Mixed Commission at Rio de Janeiro, of the two vessels "*Carolina*" and "*Especuladora*," which were captured with slaves on board by Her Britannic Majesty's ship "*Electra*."

I shall be happy to receive your Excellency's directions as to the place at which you would like these men to be landed, and whether it is your wish that they should be given up to any of the Portuguese authorities.

Upon inquiry, I find that they are all Portuguese subjects, and that they were captured in the above-mentioned vessels "*Carolina*" and "*Especuladora*," when engaged in the Slave Trade.

I enclose a list of their names, and have the honour, &c.

(Signed)

J. H. OMMANEY, Rear Admiral.

His Excellency Baron da Ribeira de Sabrosa,
&c. &c. &c.

Fourth Enclosure in No. 107.

(Translation.)

Baron de Sabrosa to Lord Howard de Walden.

Office of Foreign Affairs,

August 19, 1839.

MY LORD,

IN acknowledging the receipt of the official letter, your Lordship did me the honour to address to me, under date of the 13th ultimo, which I did not answer on Saturday, owing to ill health, I have this day to state to your Lordship, that as this is not the first time Her Majesty's Government has been obliged to attend to a similar unpleasant subject, analogous to the one your Lordship mentions in the said official letter, as your Lordship has already addressed yourself to this department, under the dates of the 11th and 14th of February last, upon a similar affair, I entirely confirm and abide by the Note addressed to your Lordship on the 2nd of May last, by my predecessor, the Viscount de Sá da Bandeira, in order to avoid repeating what he has so amply explained.

Limiting myself at present to treat on the question of the Portuguese subjects, who are about arriving in this harbour on board the "*Hastings*," as your Lordship informs me in the said official letter, I think that the same proceeding adopted on that occasion may likewise be put in practice at present without any inconvenience.

I renew, &c.

(Signed)

BARON DA RIBEIRA DE SABROSA.

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

Fifth Enclosure in No. 107.

(Translation.)

Baron de Sabrosa to Lord Howard de Walden.

Office of Foreign Affairs,

August 20, 1839.

MY LORD,

HAVING received a letter from Rear Admiral Sir John Ommaney, commanding the British Naval Forces in the Tagus, dated 19th instant, by which he informs me of the arrival of several Portuguese subjects, prisoners on board the ship "*Hastings*," for having been found on board vessels employed in the Slave Trade, requesting that I should name both the place where, and the person to whom they should be delivered; I have the honour to request your Lordship will be pleased to communicate to the said Rear Admiral, the answer I have given to your Lordship on this subject under yesterday's date.

I renew, &c.

(Signed)

BARON DA RIBEIRA DE SABROSA.

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

Sixth Enclosure in No. 107.

Lord Howard de Walden to Baron de Sabrosa.

MONSIEUR LE BARON,

Cintra, August 22, 1839.

I HAVE this morning received your Excellency's notes of the 19th and 20th instant, which I have at once communicated to Rear-Admiral Sir John Ommaney.

It is my duty, however, to record that the circumstance of your Excellency's illness, which prevented your replying earlier to my note, and your not returning a direct answer to Rear-Admiral Sir John Ommaney when applied to by him, has been the cause of the delay, which I regret has taken place, in landing the Portuguese slave-traders, the subject of the communications from Sir John Ommaney and myself to your Excellency.

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

His Excellency Baron da Ribeira de Sabrosa,
&c. &c. &c.

No. 108.

Lord Howard de Walden to Viscount Palmerston.

(Extract.)

Cintra, August 26, 1839.

(Received September 2.)

THE news of the second Bill for the Suppression of Portuguese Slave Trade having passed the House of Commons, having been read a second time, and having been committed in the House of Lords, was received here last Friday.

I learn that the passing of this Bill will be considered by the slave-traders (at Lisbon at least) as a death blow to their iniquitous traffic, and that the immediate breaking up of many establishments at Angola is already decided upon, so soon as the Bill is known to have become law. It is remarkable that they have been made to discriminate between the practical effect of the orders issued to Her Majesty's cruisers, and the object of the Bill. They look upon the latter as comparatively unimportant and nugatory without the latter measure.

No. 109.

Viscount Palmerston to Lord Howard de Walden.

Foreign Office, September 3, 1839.

Circular transmitting an Act for the Suppression of Slave Trade.

(See No. 11, page 10.)

No. 110.

Lord Howard de Walden to Viscount Palmerston.

Cintra, September 2, 1839.

(Extract.)

(Received September 9.)

I HAVE the honour herewith to enclose 12 numbers of several of last week's newspapers, from which the tone and efforts of the slave-trading party in this country will be better understood than by any description I can give of it.

Enclosure in No. 110.

EXTRACTS from the PORTUGUESE JOURNALS of the latter end of August, 1839,
marked by Lord Howard de Walden.

Procurador dos Povos, Lisbon, August 30, 1839.

DECLARATION.

I DECLARE that on the first insult which the Portuguese flag shall suffer from any British naval force, I will immediately swear eternal war against the English and against their commerce, offering myself as captain or soldier of the first privateer that may be fitted out. I affirm likewise that on the arrival of such intelligence, I will burn in the public market-place all such articles and wearing apparel of mine as are of English manufacture. I further proclaim hatred for evermore to every partizan of England.

JOAO SANTA CLARA DA SILVA LEMOS.

Procurador, August 29.

“What injury is it in our power to inflict upon England?”

WE shall not be the most indulgent to Ministers when the question is started how to save the glory of the Portuguese name, and we are therefore in anxious expectation of what measures Government will propose for redressing Portugal against the insult put upon it by the English nation.

We are firmly of opinion that Ministers ought to avail themselves of the resources they have at hand, and to adopt the most energetic methods for repelling an aggression against our rights attempted by an allied nation; but as these methods, from the nature of the object, must be violent, they cannot but become very difficult.

The measures which Ministers may propose under their responsibility can have no validity without the sanction of the Court, and will the Court, which is the principal consumer of English manufactures, sanction a prohibition? Will the decree forbidding the sale of English goods be signed?

The people make all sorts of sacrifices to uphold and preserve the splendour, decency, and dignity of the Queen of the Portuguese, and while Portuguese artisans want bread, an immensity of articles manufactured abroad are used at Court, and this being the case, who will engage Ministers on their responsibility to advocate Portuguese interests?

The degradation to which we are reduced proceeds not from the people, but from the immorality of our great men, who think nothing of having made the Portuguese to be the livery servants of the English.

The nobility being sunk into the lowest apathy and luxury, is no longer to be depended on. But the nobility rose out of the people, and if the nobles be annihilated, let them alone be buried beneath their idolized luxury. Let them fall along with England, and let the people rise up with Portugal!

Periodico dos Pobres no Porto, August 26.

WE are on the point of a serious disagreement with England, but the Septembrizers make little account of it. “We shall issue letters-of-marque and fortify our coasts, that is all.” But if you wish to issue letters-of-marque to our ships you must first create a marine. Undoubtedly the English will be frightened at our letters-of-marque. Well, if they are not, we have then at least saved the principle, and shown how well we are disposed towards them. And how will you fortify such an extensive coast without funds? That is not our object, our object is only to issue decrees, the means are of no consequence.

If England levy higher duties on our wines, this will greatly injure our commerce, which is already depressed. That signifies nothing, they reply, the English are the losers. How will it provoke them to find that other nations drink our wine cheaper! These men fancy that it is as easy to encounter a market for a commodity as to get up a revolution; they think we are the most prosperous nation in the world, and that we have to depend on no one. “Besides, have we not, in case of need, our African granary?” And even if we should, by Lord Palmerston’s Bill, lose our African possessions, have we not still great resources left?

What may be inferred from all this is, that if the interior of the country be in a miserable plight, our foreign relations are in no better situation. We have not been able even to put down Remechido, and here we are provoking nations with whom we ought to live in peace. If what is going on at home must dishearten us, our foreign doings will certainly not console us. Such is the result of the glorious Revolution of September! Such is the Portugal of the Septembrizers!

Correio De Lisbon, August 31.

On the 19th, the Portuguese Slave Trade Bill was for the third time read in the English House of Lords.

The fatal crisis which we had long ago anticipated, is now actually arrived.

We have frequently reminded our men in power, of the necessity of terminating an affair, the retardation of which must, sooner or later, involve us in great difficulties, out of which they are certainly not able to extricate us. Ministers turned a deaf ear to the voice of those who desired the good of the country, and suffered themselves to be deceived by those whose idol is their interest. We now behold the consequences.

That portion of the press, which represents the revolution of September, continues to attack the British Government and nation, by misrepresenting the question, with the view of irritating men's minds, and in order to compass this end, a zeal for national independence is pretended, which, they say, is attacked in a way that in fact cannot be proved.

If the public should be convinced that the Portuguese nation does not lose even a maravedi by the total extinction of the Slave Trade; if on the contrary it should be made appear that our colonies, which we can render independent on Brazil, will never prosper, so long as our dealers in slaves deprive those settlements of the hands requisite for their cultivation; if it come to learn that the Slave Trade, though carried on under the Portuguese flag, employs perhaps not a single vessel but what is foreign; if it should also be told that the prodigious gains obtained by means of this inhuman traffic, do not reach the coffers of the Portuguese nation; if, we repeat, all this were known, what will the public say to the individuals who have attempted to impose on it, and to the Government which has led the Portuguese nation into a danger resembling that which we experienced with regard to the French nation, at the time of the Conde de Basto?

The *Nacional* of yesterday, repeats for the thousandth time, that England is so urgent, because we are an insignificant nation, and that she would not offer the same treatment to greater nations. If we are too insignificant to compete with the British forces, why do we fancy ourselves too great to consent to the extinction of slavery? Have not other nations, for instance France, settlements in Africa? and has France on that account refused to put down the traffic?

Our contemporary also reiterates that the English nation does not from philanthropic motives, insist on the abolition of slavery;—granted, she may, perhaps, have political motives, but similar motives are entertained also by other Governments. The existence of slavery is confessedly a most dangerous matter, as has many times been felt in Brazil, for which reason the Government of that Empire shows itself so well disposed to put an end to it. But we ask, did not the English abolish slavery in their own possessions, and did they not on that account, vote the enormous sum of upwards of 200,000,000 of crusados, for the purpose of indemnifying the losers? and do the loss of those colonies result therefrom to the English? By parity of reasoning, our own will on this occasion only be regenerated.

In answer to another doubt of our contemporary, we must here call to his mind, that the British Parliament, during the war of the Peninsula, votes at once 9,000,000*l.* sterling to cover the expences solely of Portugal. This was the act of Government. As to the donative of private individuals, it amounted to upwards of 100,000*l.*, which were distributed here in Lisbon by the Mixed Commission, whose Report concludes in the following manner:—

“The sentiments with which this gift was received, and the instances of gratitude manifested by the most ardent expressions, demonstrate that Great Britain has not relieved an ungrateful people, but that her generosity has drawn still closer the bonds which unite the two nations”

To the Editor of the Correio.

BARON DA R. DE SABROSA having in a Circular, which bears his signature, made an assertion unsupported by facts, I appeal to your sense of justice and honour, to publish the accompanying extracts from papers laid before the British Parliament, in order that your readers may know what value to set on the public declarations of the Prime Minister. He says that the Treaty negociated by the Visconde Sá da Bandeira and Lord Howard de Walden was not signed, because the latter proceeded to London on the 22nd May, 1838. *Now the following Extracts prove the very contrary.*

Procurador dos Povos, August 26.

THE Bill is a plot in which the Carlists participate; it is an invention in which the Duke of Palmella must have had a hand; it is the development of the design, which the Marquis of Baldanha brought to Portugal, but the passing of the Bill will put the seal to our servitude, the passing of the Bill will be the cry of alarm, warning every true Portuguese to consult his own security against the attacks of disguised absolutism.

England, who has sworn to sacrifice the world to her aggrandizement, unmind-

ful of what she once was and of what we may one day become, has struck this blow at our interest, not on account of the Slave Trade, but for the sake of our Colonies. England, which always has been, and always is, trying to enslave the world, cares nothing for the negroes; its system is pillage and destruction.

In what the humanity of the English consists, we may learn from the Irish, who have for many years been reduced to such a degree of slavery, as not to be allowed even to speak their own language; nor were they even permitted to profess their own religion, a favour conceded by all conquerors to the vanquished.

The English, then, by treading under foot the law of nations, have put us under the necessity of doing so likewise.

What is the business of the English in this country? They are trading, in order to send off our gold without so much as showing it. Are they here for their sake or for ours? If England has no need of this depressed and miserable nation, let the English be sent out of the country, because the people will assail as *wolves* all those who shall remain here.

Portugal to be Portugal has no occasion for England; indeed Portugal when prosperous did not reward the wretched, faithless English; she despised them as pirates, and conferred benefits on them as poor fishermen. England, finding that Portugal is determined to be no longer a colony, that she has a tariff and that she stands up for liberty, is wanting to her obligations contracted towards us.

It is manifest that the mad, contemptible Palmerston intends to drive us into a Commercial Treaty which shall debase our name, put him in possession of our industry, and ruin us completely. He cannot bring that to bear unless the Duke of Palmella gets into power, for Colonel Pizarro is not afraid of the English; whence the "Chamorros" have sold themselves to the English, and suffer that the mark of servitude is branded on their impudent forehead, while the Lords and the two Houses of Parliament, making no doubt of our weakness, spit into our faces!

But are our infamous oppressors aware that the people will tear to pieces the minister that sells us to England? Is the Duke of Palmella aware what may be his fate, if he gets into power, to make slaves of us?

A people reduced to despair, pays no regard to the laws, and is not afraid of plunging into anarchy.

England has contrived to carry her point with us so far as to set up in this country a seminary for Protestantism; she has laughed us to scorn in all manner of ways, and that merely because, instead of Pombals we have Palmellas!

The Portuguese are roused, let the Government profit of this occasion to re-assume the dignity which belongs to it. This will engage the people to conduct itself with order.

We have much English property in our hands, and it is but fair that England should experience a little mishap, in return for the many she has made us suffer.

Actuated by hatred and vengeance towards our oppressors, the Portuguese people swears that it will uphold by arms the dignity of its name.

Honourable Portuguese, would you know what the Bill says, and what a crew those infamous men are that have sold themselves to England? Listen to what a Lord said, "The Tagus ought not to flow through Lisbon without England's permission!"

Portuguese! courage! We will not allow the Tagus to flow with crystal waters while the infamous blood of the traitors who have sold themselves to England is among us. The signal of slavery shall be the signal of death to the traitors, and of vengeance and war to those who would oppress us. Portugal must be free, and must humble the infamous pride of Lord Brougham.

Diario do Governo, Lisbon, August 28.

WHEN the British Government committed an act of injustice against Portugal by adopting such measures in violation of her rights as at the same time offended her dignity, we imagined that it was our duty, in the character of Portuguese, to complain of this proceeding. Aggrieved, but not resentful, we stated the motives of our complaint, but with moderation, and we continued our remonstrances while we found that Government persisting in its design. Our arguments were facts, and our language was dictated by prudence. Conscious that reason was on our side, we sufficiently knew the duties of our position relatively to the Government of a nation for so long a time our ally and our friend, to prevent us from allowing ourselves to be carried away

by the impetuosity of resentment and the violence of passions, whose excess almost always damages the best cause, inasmuch as they only serve to aggravate its inconveniences. We complained of an Act of the British Government, but though warranted to make this reclamation, we could not forget the right which the British Government and nation possess to our consideration from the ties of amity and alliance, as well as from the relations of reciprocal favour which have for so many ages connected Portugal with Great Britain. We complained of an act of injustice, occasioned, perhaps, by inaccurate information, and by hastily formed opinions; but it never entered our thoughts to question the justness of the principles which actuated the English Government, and we were all along confident that this transient misunderstanding must terminate without altering the amicable dispositions between the two countries. Penetrated by this conviction, and animated by these sentiments, we could not behold without indignation the raging madness with which a journal of this city has delivered its opinion on this question by treating the British nation in a manner which must, at once, be the object of derision and scandal to civilized Europe. To repress pride by firmness is an act of dignity; to return insult for insult may be a just compensation, or at least excusable; but to comprehend in the responsibility of affronts proceeding from one individual those who did not participate in them; to abuse collectively the subjects of a respectable nation and endeavour to inflame the angriest passions against them, only because some members of that nation were unjust or indiscreet, is to violate the most sacred laws of morality and humanity, and to provoke public execration. Under whatever title such a writer may screen himself, his character is liable to great suspicion, because the society he compromises cannot help seeing the consequences of his reckless conduct and bad faith. Though he styles himself the advocate of the people, he certainly has a different mission, because his incendiary language can only have for its object the prejudicing of the cause or those whose defender he calls himself; he obviously foments disorder, and calls down on them all the calamities which the fury of the passions never fails having in its train.

Procurador dos Povos, August 28.

THE circular of the President of the Council, which we to-day insert in our columns, is addressed by his Excellency to the Powers who signed the Treaty of Vienna. It justifies the confidence we reposed in the noble Baron, and is a proof that his Excellency does not treat this matter with neglect, or is at a loss as to the means it behoves him to employ in order to repress, disarm, and humble the pride of a nation, which, forgetting what it owes to itself and to others, treads under foot not only morality and the faith of treaties, but the first of duties, which is that of respecting the rights of others, however weak they may be, in order that its own may be respected by others who may unite for the purpose of destroying the nefarious and haughty oppressor, who, in his self-confidence, insults the rights and withdraws from the duties to which he bound himself by his signature.

O Correio, August 27.

THE duty of a journalist is, assuredly, one of the most arduous we are acquainted with. Among the obligations he contracts, one of the foremost is that of speaking the truth to the public, and to disabuse it when party or interest would lead it into error.

Under the conviction that the life of an author can only be honourable to ourselves and useful to the nation if we are independent in our opinions, we have frequently found ourselves opposed by a host of adversaries, though in the end we have remained masters of the field. As our principal object will ever be the welfare of the country and the stability of the representative system, without being restrained by any party, it is possible that we may have yet many battles to fight, though it will not be very easy to overcome us.

As to the question in which our opponents have involved us with a powerful nation, we find with real pain that the daily press has not informed the public with that veracity and good faith which it had a right to expect from those who have erected themselves into the guides or echoes of opinion.

There are several points about which the public has been quite deceived, and thus

deception may have consequences of incalculable importance. That journals of a certain description should proceed as we have above observed, does not surprise us ; but there are others which we cannot exculpate with the same readiness.

It has been asserted more than once that the extinction of slavery is prejudicial to our Colonies, that the present procedure of the English Government is a persecution of the Portuguese people, and that our Government has exclusively exercised good faith in all its transactions with the Agents of the British Government.

We ask, can it be beneficial to our Colonies to withdraw the hands which there might be made to produce all colonial commodities ? Certainly not. Yet this is the very thing done by the slave-dealers. They draw from our African settlements the hands that might cultivate their coffee, rice, the sugar-cane, etc., with the view of causing them to be employed in the same labours in America, and of obliging us to purchase from Brazil and the United States what we could get from our own lands in Africa. And when is this done ? when is this tolerated ? when is this protection afforded ? At the very time that towns and great establishments are projected, which, without negro labour, would exist only on paper, as they hitherto have done.

While Brazil was still our colony, the case was different. But how is it now ? The extinction of the Slave Trade, instead of being prejudicial to our Colonies, is absolutely necessary for their prosperity, which certainly does not depend on the re-establishment of monks, as we find maintained in a print which was set up with the view of restoring order, and which has ceased to exist, though the country is still in the same, or perhaps in greater, disorder.

And why is the public not told this ? Because some one or other is interested in keeping the people under this illusion.

The debates on occasion of the Bill in the two Houses of the British Parliament are given in several of our journals ; but we do not find that the speakers on the side of the Government, and of the other political parties, appear ill disposed towards us further than as regards the secret power which *governs the Portuguese Government*.

It is true that a madman, Lord Brougham, has uttered indecorous and insulting expressions ; but he is no longer a member of the Government, and his insults on Portugal are of the same value as those recently directed by certain journals against England.

To conclude, after reading the speeches of Lords Melbourne and Palmerston, the public ought not to be told that the British Government and nation are ill-disposed towards the Portuguese nation, when their disinclination is solely directed against that power which secretly strives to move, and actually does move, our political machine.

In order to make the whole world believe that the Portuguese Government acted, with the greatest good faith, in regard to the total extinction of the Slave Trade, the circular of the Minister for Foreign Affairs sets forth the ridiculous assertion that the Treaty was not signed because Lord Howard proceeded to London. For the present we will say no more on this subject.

Correio, August 28.

THE circular of the President of the Council, addressed to the Ministers, &c., is, in our opinion, the most wretched diplomatic performance that has ever come to our knowledge, and it cannot well be otherwise, if, as whispered here, it was drafted by a diplomatist to whom, in 1822 or 1823, at a certain Court where he then happened to be, was returned a note which would have been a disgrace to the most junior clerk in the Secretary of State's Office.

Baron da Ribeira, or his mentor, ought to have considered that the papers respecting the extinction of the Slave Trade laid before the British Parliament were all of them printed, and that copies of them would exist in the offices of the Secretaries for Foreign Affairs of all the Powers of Europe and America ; why, therefore, does the Baron, in his circular, assign as the cause of the non-signature of the Treaty with Great Britain the departure of Lord Howard for London on the 22d May, 1838, when these papers clearly set forth what was the real cause of the rupture of the negotiations ?

The manner in which some of the journals speak of the circular is such as to leave us undecided whether we are to laugh at or pity them. Hitherto it was the Miguelists that dreamt of Russian and Austrian fleets conveying the emigrant

from Rome ; now, however, it is the Septembristas who appeal to the Autocrat and the Holy Alliance.

We have frequently stated, and now repeat, that the only reason of our not seeing among us the representatives of the nations of Europe, and especially of those of the first order, is, because all the Governments are, in common with the English, persuaded, that in Portugal there exists a secret power superior to all powers ; and it is not many months since that the Sovereign of a great Power remarked, that there was no other reason for deferring the recognition of the Senhora Donna Maria II. than the conviction of her not governing herself. Now deeming this conviction to be founded in facts, how can you expect protection from Governments who have not yet recognised our Government ? How can you suppose that Russia, Austria, Prussia, &c., will come to the assistance of the Carbonari clubs of Portugal ? Those nations would succour the Portuguese people if perchance it were oppressed by a more powerful nation in the way you insinuate ; but has it not been a thousand times demonstrated that there exists no animosity against the nation itself ? Has it not been proved as frequently that the nation, so far from losing by the suppression of slavery, is a gainer by it ? Who in this country is prejudiced by it ? Half a dozen of unprincipled individuals who are not scrupulous as to the way of making money, and another half dozen with whom they have known how to divide their gains to induce them to set up the howl we hear among us.

Even the passing of the "Bill" would not have made us apprehensive of its consequences if the proceedings of the present Ministry did not operate as a bar to any arrangement, because the nation has nothing to lose, but everything to gain, by the extinction of the traffic. But with this obstinate and improvident Ministry, and under the influence of the persons into whose arms it must indispensably throw itself, who can calculate the difficulties to which we may be reduced ? Our prognostications may prove true, and Senhor Sabrosa may carry our liberty to the grave.

Some of yesterday's papers call for war. It is not for the first time that we behold them invoking calamities, for their nature remains unchanged.

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Periodico dos Pobres no Porto, August 20.

THE "Procurador" maintains that in order to save the country the Senhor Manoel de Castro Pereira must become Minister, because he is the only man capable of reducing the proud English to their former state of fishermen. To be sure he is the sworn enemy of the English, and does not allow them to possess any good quality. His Excellency is, it seems, an intimate friend of the French.

We make no doubt that it will be easy to reduce the Britons to the state of fishermen, we need but wish it. But what should we gain by it ? We owe large sums to the English, and everybody knows what impertinent creditors poor men are. On the other hand 23,000,000 of inhabitants (we only reckon those in Europe) might supply all the world with fish, and at a very cheap rate, and might therefore undersell our fishing companies in foreign markets.

A people of fishermen can hardly afford to drink beer ; thus we should have no customers for a portion of the wines we export from the Douro. Should we not thereby make it easier for Russia to make herself mistress of Constantinople, and to threaten from thence the liberty of Europe ? And would it not be a pity to see the Lord Chancellor with his great wig to go a fishing instead of sitting on the woolsack ? How glorious will it be for the men who now influence our destinies, to be able to say :—"If the two rebel islands, Great Britain and Ireland, were not to be inhabited by miserable fishermen, they are indebted for it to the Portuguese notabilities who were in authority in August, 1839."

No. 111.

Lord Howard de Walden to Viscount Palmerston.

Cintra, September 2, 1839.

(Received September 9.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked "Slave Trade," of the 22d ultimo, relative to the case of the slave-brig "*Victoria*."

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

&c.

&c.

&c.

No. 112.

Lord Howard de Walden to Viscount Palmerston.

Cintra, September 13, 1839.

(Received September 23.)

MY LORD,

I HEREWITH transmit a copy of a note which I have addressed to the Baron da Ribeira de Sabrosa, in consequence of the licensed departure from the Port of Lisbon of a foreign vessel, late the "*Columbia*," under the Portuguese flag, under the newly assumed name of "*Oriente*," with destination for Angola, with a cargo of goods such as are used in the traffic for slaves.

I have, &c.,

(Signed)

HOWARD DE WALDEN.

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

&c.

&c.

&c.

Enclosure in No. 112.

Lord Howard de Walden to Baron de Sabrosa.

MONSIEUR LE BARON,

Cintra, September 12, 1839.

YOUR Excellency has repeatedly assured me, in person and in writing, of your anxious desire to prevent the equipment in the port of Lisbon of vessels destined for the Slave Trade.

Your Excellency, in consequence of a representation from me in the spring, caused a rigorous search to be instituted on board several vessels, which there was reason to suspect were destined for the Slave Trade. Among these vessels was the foreign-built brig "*Columbia*," to which I am aware the attention of the Portuguese authorities has been specially called. I understand, however, that this said vessel was allowed to leave the Tagus a few days ago for Angola, with a cargo of goods of the character used in the traffic for slaves, protected by the Portuguese flag, although in contravention of the law of the 16th of January, 1837, which states that "such vessels only shall be considered to be Portuguese as, up to the date of the publication of this Decree, shall have been navigating under the Portuguese flag, or as shall in future be built in the ports of Portugal and its dominions in Asia and Africa;" in contradiction to the distinct letter of the instructions of the Viscount de Sá da Bandeira of the 2d of March, 1838, by which "the purchase and nationalization of foreign vessels was prohibited, with the temporary exception, solely, of steam-vessels; such vessels only being considered as Portuguese as, up to the date of the said Decree, should have been navigating under the Portuguese flag, or such as in future should be built in Portugal or its dominions;" and in open violation of the Portaria of the 8th of April, 1839, which again declares that, "it having come to the knowledge of Her Majesty the Queen, that some foreign vessels are about to arrive at the ports of this kingdom and its adjacent islands, for the purpose of assuming the Portuguese flag, in order to engage themselves in the Slave Trade, Her Majesty orders, through the Department of Finance, that the Director of the Lisbon Custom-house should enforce a strict compliance, in all the Custom-houses under his authority, with the injunction contained in the text of the second article of the Decree of the 16th of January, 1837, and should not again allow any foreign-built vessel to be nationalized."

I have been informed that special instructions were even issued to the Director-General of the Customs, who was unwilling to allow this vessel to go to sea, not to be unnecessarily strict with regard to her; and that, having assumed the name of the "*Oriente*," she actually left the Tagus under the national flag of Portugal.

Placing faith in your Excellency's assurances, and understanding that it is from the Marine Department alone that the license to assume the Portuguese flag can be legally issued in Portugal, I trust you will be obliged to me for bringing this case under your Excellency's notice, as one in which an office of the State under your Excellency's directions appears to be so specially concerned.

I avail myself, &c.,

(Signed)

HOWARD DE WALDEN.

His Excellency Baron da Ribeira de Sabrosa,

&c.

&c.

&c.

No. 113.

Lord Howard de Walden to Viscount Palmerston.

(Extract.)

Cintra, September 20, 1839.

(Received October 1.)

I HEREWITH enclose the *Diario do Governo* of the 19th inst., in which is published a note which I received from the Baron da Ribeira de Sabrosa on Sunday

last. I also add a copy of a note which I *at once* returned to part of it, thinking it probable, as the note had been kept back several days after signature, that it was intended to publish it previous to my being able to put in any answer to it. My anticipation has been verified; for, although my answer had been given in, yet it is not published.

This is the third note which the Government have thus published, while suppressing, not only the original note to which the first is given as the reply, but the three separate answers to these three documents.

First Enclosure in No. 113.

Baron de Sabrosa to Lord Howard de Walden.

Cintra, September 11, 1839.

O ABAIXO assignado, Presidente do Conselho de Ministros, e Encarregado do Ministerio dos Negocios Estrangeiros, teve a honra de receber a Nota que Lord Howard de Walden, Enviado Extraordinario e Ministro Plenipotenciario de Sua Magestade Britannica, lhe dirigiu em 28 de Abril do presente anno, em resposta á que, com data de 22 de Maio do anno passado, S. S^a. recebêra do Sr. Visconde de Sá da Bandeira ácerca da negociação que tivera logar entre elle e S. S^a. para a conclusão de um Tractado da Corôa de Portugal com a da Gram-Bretanha para a abolição do Trafico da Escravatura.

A affluencia de negocios commettidos ao cuidado do abaixo assignado nas diversas Repartições a seu cargo, especialmente em quanto as Côrtes estiveram reunidas, o impediu de responder mais cedo á dita Nota de S. S^a., a qual, pela multiplicidade e importancia dos objectos de que tracta, na extensão de 112 paginas, exigiu mais tempo para serem examinados e postos na sua verdadeira luz.

Com bem pouco fundamento se pertende na citada Nota de S. S^a. fazer crer que naquella do Sr. Visconde de Sá da Bandeira, de 22 de Maio de 1838, nem sequer se divisa uma *tentativa* para justificar Portugal da imputação que, por parte do Governo Britannico, se lhe fez, e continúa a fazer, de deixar proseguir *com impunidade*, debaixo da sua Bandeira, o Trafico da Escravatura. A simples leitura da dita Nota demonstra o contrario. Nella se mencionaram os continuados esforços e sacrificios feitos pelo Governo Portuguez para conseguir a abolição de similhante Trafico, as Leis contra elle promulgadas, e até a demissão dada ao Consul na Havana por se considerar connivente com os interessados no mesmo Trafico.

Impunidade talvez a tenha havido no Rio das Gallinhas, e outros pontos proximos a Serta Leôa, onde os Cruzadores Britannicos mal tem obstado ao Trafico da Escravatura; affirmando-se que até por alli se tem vendido alguns dos negros libertados pela Commissão Mixta. Com independencia tem continuado os Navios Americanos no Trafico da Escravatura. Muitas vezes tem sido encontrados pelos Cruzadores Britannicos sem interrupção nas suas viagens, e outras vezes conduzidos aos portos do seu paiz. A cortezania foi maior ainda para com o Navio Russo Golupchick conduzido a Portsmouth, e logo depois desembarçado. Notavel desigualdade de proceder que o abaixo assignado não precisa commentar!

O abaixo assignado pensa que S. S^a. não tem motivo algum para dizer que o Governo de Sua Magestade desattendêra as suas representações desde 1836 contra a protecção dada pelas Authoridades Portuguezas ao referido Trafico, e muito menos se pôde affirmar que taes Authoridades estejam ainda em exercicio.

Em todo o tempo, e muito mais daquella época até ao presente, tem sido sempre tomada na devida consideração pelo Governo Portuguez taes representações; e sobre ellas se tem mandado proceder ás mais exactas e escrupulosas averiguações.

Não podia porém, nem pôde jámais o Governo proceder contra individuo algum por meras accusações destituidas das necessarias provas; mas quando as houve, não deixou de ser rigoroso. Foi nesta conformidade que em 4 de Junho de 1836 se communicou por este Ministerio a S. S^a. que iam ser mudadas as Authoridades da Ilha do Principe contra quem S. S^a. representára, e que se mandava uma Embarcação de Guerra cruzar naquelles mares. S. S^a. mesmo reflectindo nas repetidas mudanças que nas Authoridades Portuguezas tem havido desde 1836, não pode á negar-se a reconhecer a impossibilidade moral de que ainda existam em exercicio as Authoridades contra quem o seu Governo mandou representar naquella época, e quanto por consequencia é injusta a sua actual queixa a esse respeito.

S. S^a. tem pessoalmente reconhecido neste Gabinete, perante o abaixo assignado, o zelo e boa vontade com que o Governo de Sua Magestade a RAINHA tem procurado evitar que no Téjo se tolere Navio algum de quem haja a menor suspeita de que se pertende empregar no Trafico da Escravatura.

S. S^a. não ignora que quatro Navios Portuguezes foram, por tal motivo, apresados nos mares das Ilhas de Cabo-Verde por Embarcações de Guerra Portuguezas em

1837 e 1838, e alli julgados, sendo dous condemnados; retirando-se tambem o Exequatur ao Vice-Consul de Dinamarca naquellas Ilhas, pela sua connivencia com os Traficantes em Escravos. Dous Governadores, o de Angola, e o de Moçambique, foram mandados processar pela suspeita de igual connivencia. O Vice-Almirante Noronha tem, por ordem do Governo, posto em rigorosa execução na Provincia de Angola o Decreto de 10 de Dezembro de 1836. Expediram-se para a Costa d'Africa Cruzadores que effectivamente tem apresado Navios empregados no dito Trafico, um dos quaes foi conduzido a este porto. Todos estes factos são conhecidos de S. S.^a e do seu Governo; devendo fazer-se a muito especial observação, de que elles são o resultado das vigorosas medidas lealmente tomadas pelo Governo de sua Magestade durante o Ministerio do Sr. Visconde de Sá da Bandeira. -

Não pôde deixar de qualificar-se, pelo menos, de gratuita a asserção de S. S.^a de que foram os Portuguezes quem estabeleceram o Trafico da Escravatura, manchando com esse crime a gloria das suas descobertas. Aquella gloria porém é tão pura, quanto foi nobre o character e reputação dos Principes que as emprehenderam, e dos capitaes que as realisaram.

Desde os mais remotos tempos nos mostra a historia estabelecida universalmente a escravidão e o Trafico, ou compra e venda de homens para Escravos; sendo ou captivados na guerra, ou vendidos por seus pais, ou credores.

Delles faz repetidas vezes menção a Escriptura Sagrada. Tiveram-nos os Gregos e os Romanos. Conservaram-nos os povos que desmembraram o Imperio Romano, e posto que o Christianismo suavisasse a sua sorte, as mesmas Igrejas e Mosteiros tinham Escravos, e os Consilios estão cheios de disposições que comprovam a sua existencia e tolerancia.

Estava este odioso Trafico tão arraigado na propria Gram-Bretanha, que antes da sua conquista por Guilherme, Duque de Normandia, e um seculo ainda depois, segundo assevera Mac-Culloch no seu Tractado sobre o Commercio, *os Escravos faziam o principal artigo de exportação do dito Reino, chegando alli até os pais a vender seus proprios filhos!* A deshumanidade e os abusos a este respeito practicados crescêram a ponto que no Consilio celebrado em Londres no anno de 1102 se procurou cohibi-los, determinando-se que ninguem vendesse homens como animaes, *ut nemo homines ut bruta animalia venundet.* No Consilio que pelos annos de 1171 se celebrou em Irlanda foi preciso mandar por em liberdade os Escravos Britannicos que naquella Ilha havia em grande numero.

Já em 1376, havendo o Papa Gregorio XI. fulminado graves censuras e penas contra os Florentinos, uma das quaes era a de poderem ser reduzidos á escravidão, por quem os apprehendesse, é constante da historia daquelles tempos que grande numero delles foram na Gram-Bretanha feitos Escravos do Rei, e confiscados seus bens. Essa mesma pena de escravidão foi imposta pelos Pontifices Romanos no seculo decimo sexto contra os Venezianos e contra os Judeos. Ella tambem foi imposta na Gram-Bretanha aos vagabundos pelo Estatuto 1.^o de Eduardo IV., Cap. 23, e ainda em 1685, chegaram os Juizes de Bristol a vender como Escravos para as roças da America os réos condemnados a degredo!

Se tão inveterados foram na Europa, e com especialidade na Inglaterra, a escravidão, e o trafico dos brancos, não menos o foi tambem o trafico de escravos negros, tão usado já dos Romanos, Carthaginezes, e dos Arabes que com elles confinaram, e os traziam á Costa Septemtrional da Africa, donde eram transportados e vendidos na Asia menor, no Egypto, e na Syria, muito antes das descobertas dos Portuguezes, assim como ainda hoje continuam a sé-lo.

Comsigo os trouxeram os mesmos Arabes na invasão da Hespanha, e o seu uso se propagou em toda a Europa no tempo das Cruzadas; referindo a historia que o Normando Gaudri, Referendario de Henrique 1.^o de Inglaterra, e elevado á Sé de Laon, tinha ao seu serviço um escravo negro, como era moda dos Cavalleiros que voltaram da 1.^a Cruzada em 1106.

O veneziano *Cadamosto* que S. S.^a lembra e cita para comprovar que os Portuguezes foram os primeiros que estabeleceram o trafico da Escravatura, é o proprio que affirma, que os Escravos negros que em 1445 os Arabes de Arguim recebiam do interior da Africa em troco de mercadorias, eram levados á escala de Guaden, e dalli se dividiam, indo parte delles aos Montes de Barkah, donde chegavam á Sicilia, e outros a Tunes, e depois se estendiam a toda a Costa da Berberia, sendo outros trazidos a Arguim, e vendidos aos Portuguezes; provando-se assim do mesmo *Cadamosto*, que não foram os Portuguezes os unicos, nem os primeiros que fizeram similhante Trafico.

Não houve occasião para que os Subditos Britannicos então começassem a traficar

tambem na Costa Occidental da Africa em Escravos, porque a sua marinha estava ainda na infancia, e mal ousavam os seus Navios arriscar-se até ao Mediterraneo; sendo tal a consideração que na Gram-Bretanha se tinha pela marinha Portugueza, e por conseguinte pelos direitos que Portugal reclamava sobre as suas descobertas que, por não os infringir, se procurou no tempo de Henriquea 8.^a, pelos annos de 1509, e ainda depois, achar uma passagem para a India na direcção do Norueste.

Crescendo depois as forças navaes Britannicas, e tendo as primeiras tentativas de Sir John Hawkins em 1562 feito conhecer os enormes lucros do Trafico da Escravatura, constantemente proseguiram nelle com ardor os Subditos Britannicos, a ponto que o seu Governo se empenhou em obter da Hespanha em 1711, o monopolio denominado *del Assiento*, de fornecer de negros de Africa as Colonias Hespanholas, que primitivamente Carlos 5.^o concedera aos Flamengos: e do qual o Governo Britannico, cujo Soberano nelle levava uma quarta parte dos lucros da Companhia na fórma do Tractado de Paz de Utrecht de 13 de Julho de 1713 entre a Hespanha e a Gram-Bretanha; sómente desistiu pelo Tractado de Madrid de 5 de Outubro de 1750, tendo sustentado por causa delle as mais obstinadas guerras; sendo muito para notar que o Regulamento para o Trafico dos negros mencionado por *Cadamosto*, foi feito pelo Infante D. Henrique quando ainda eram ignorados da Europa os primitivos ensaios que, em Strasburgo, fazia João de Guthenberg na arte typographica, ao passo que a Gram-Bretanha luctava por obter o referido monopolio *del Assiento* quando havia tres seculos que a imprensa esclarecia o universo.

E' pois incontestavel que a Escravidão, e o Trafico de homens tanto brancos, como negros a ella reduzidos, são tão antigos como o mundo, e que não foi por conseguinte este odioso Trafico estabelecido pelos Portuguezes como acintosamente se tem querido fazer acreditar.

Ostenta S. S.^a na sua Nota haver a Gram-Bretanha abolido o mesmo Trafico *sem que a obrigasse Tractado algum* com outra Potencia, e sem ter para isso sido *paga pelo Thesouro de Nação alguma Estrangeira*, criminando aquelles que attribuem a motivos de egoismo, e sordido interesse, os seus esforços em persuadir as mais Nações a abandonar o dito Trafico.

A lingoagem mais que pungente, e as iniquas allusões com que, em toda a Nota de S. S.^a se forceja por humilhar, e deprimir a nobreza de character da Nação Portugueza, que a nenhuma outra cede em sentimentos generosos, e vertudes sociaes, offerciam largo campo ao abaixo assignado para nesta parte responder condignamente, uma vez por todas, a S. S.^a Para o fazer, nem lhe faltariam factos, nem argumentos; mas deixa de occupar-se de similhante recriminação.

Entretanto, deve o abaixo assignado observar que o desinteresse da Gram-Bretanha na abolição do Trafico da Escravatura poderia ser hoje questionado, porque ainda que nesta empreza entra muita filantropia, e humanidade, como o abaixo assignado é o primeiro a reconhecer, nem por isso deixa de ser certo, que della pode a Gram-Bretanha colher as incalculaveis vantagens de ir submettendo os Navios da maior parte das Nações ao direito de visita; de paralisar, até certo ponto, a navegação dellas; de animar a sua propria marinha com as valiosas presas que resultam dos seus Cruzeiros, etc.

Parece que o Governo Britannico não esperava que se lhe pudesse provar, como tão evidentemente lhe provou o Sr. Visconde de Sá da Bandeira na sua Nota de 22 de Abril de 1838, quanto era destituída do menor fundamento a increpação feita ao Governo Portuguez, de que havia recebido, em 1815, 600,000 Libras Esterlinas, debaixo da condição de cooperar com a Gram-Bretanha para a *futura total abolição do Trafico da Escravatura*; sem que ainda tivesse cumprido essa mesma condição. Foi por isso que nesta parta da Nota de S. S.^a mais afincadamente se trabalhou por sustentar aquella menos exacta asserção; mas os multiplicados esforços nisso empregados deixam vêr, através do artificio com que estão os argumentos entrelaçados, quanta anciedade havia por se não poder suffocar a verdade, e quanto difficiloso era justificar o Governo Britannico de ter apoiado em pleno Parlamento, e mandado transmittir ao Governo Portuguez uma tal accusação contra uma Nação Amiga e Alliada, quando nos seus proprios Archivos tinha as provas do contrario.

Na citada Nota de 22 de Maio demonstrou claramente o Sr. Visconde de Sá da Bandeira proceder aquella divida de um emprestimo contrahido na Gram-Bretanha para compra de petrechos e munições de guerra, a fim de repellir a invasão que Portugal souffreu pela sua fidelidade á Alliança com a Inglaterra. Provou que não lhe foram remittidas pelo Tractado de 22 de Janeiro de 1815 todas as 600,000 Libras, como se quizera fazer acreditar, mas tão sómente 450,000 Libras, porque o restante estava já pago com os seus competentes juros. Fez vêr que nunca exis-

tira a sonhada estipulação de ceder a Gram-Bretanha do pagamento do resto desta divida, com tanto que Portugal se obrigasse a cooperar com elle para a *total abolição de Trafico da Escravatura*; antes pela Nota que os Plenipotenciarios Portuguezes dirigiram em 12 de Janeiro de 1815 a Lord Castlereagh, de acôrdo com elle tomado na conferencia do dia antecedente, se mostra que elles lhe haviam proposto a cessão do resto daquella divida em compensação, sim, dos prejuizos que nas Alfandegas do Brasil, e da Africa, estando exhaustas as rendas publicas com a ultima guerra, ía causar a immediata abolição daquelle Trafico ao Norte do Cabo Formoso, que por ulterior acôrdo ficou sendo ao Norte do Equador; mas como equivalente tambem, e por certo mui limitado, da restituição da Guiana á França, estipulada pelos Plenipotenciarios Britannicos no Tractado de Paz de París sem authorisação, nem consentimento do Principe Regente de Portugal, que por isso o não quiz ratificar. Em consequencia do acôrdo e Nota mencionados, se obrigára Portugal no 1.º Artigo Secreto do dito Tractado de 22 de Janeiro de 1815 a restituir a Guiana á França, suavizando a Gram-Bretanha os prejuizos dessa forçada restituição com a cessão da divida mencionada no Corpo do Tractado, e com a promessa feita no dito Artigo Secreto, da sua mediação com a França para terminar a controversia que entre esta Potencia, e Portugal havia ácerca das respectivas fronteiras na America. Uma tal promessa todos podem conhecer, que, por si só, jámais seria sufficiente compensação da restituição de uma Colonia tão importante como a Guiana, conquistada com gravissimo dispendio do Thesouro Portuguez.

A evidencia do que fica resumidamente referido não pôde ser abalada pela interpretação que se pertende dar ao Preambulo, e ao Artigo 4 do Tractado de 22 de Janeiro de 1815. Este Artigo, estipulando a obrigação de se fixar o periodo em que devia ser prohibido o Trafico da Escravatura em todos os Dominios Portuguezes, é uma natural consequencia, uma ratificação da obrigação já anteriormente contrahida pelo Tractado de Alliança de 1810, á qual allude o dito Preambulo do mesmo Tractado de 1815.

O objecto novo, e essencial deste Tractado foi innegavelmente, da parte de Portugal, a parcial abolição daquelle Trafico ao Norte do Equador, estipulada no seu Artigo 1; e o Artigo 5, em que ficou convencionada a cessão da Gram-Bretanha do resto da divida das 600,000 Libras em favor de Portugal, expressamente se refere ao dito Artigo 1 como para não deixar dúvida de que um tinha tão immediata correlação com o outro.

A promessa da restituição da Guiana foi consignada em um Artigo Secreto pela condescendencia que tiveram os Plenipotenciarios Portuguezes com Lord Castlereagh, para que a publicidade desta promessa não fosse dar armas contra elle aos Membros da opposição no Parlamento, dando a conhecer que o mesmo Lord ousára estipular aquella restituição no Tractado de Paz de París, sem para isso estar authorisado pelo Governo Portuguez; o que era todo o seu empenho occultar. Mas de ter sido a entrega da Guiana objecto de um Artigo Secreto, não se segue, como em a Nota de S. S.^a se pertende, que se possa, ou deva considerar em separado, e sem relação ás mais estipulações do Tractado, de que fez parte integrante, assim como fez parte essencialissima das negociações que ao mesmo Tractado serviram de base; o que incontestavelmente prova a citada Nota dos Plenipotenciarios Portuguezes de 12 de Janeiro de 1815.

Procura se naquella Nota de S. S.^a tornar odiosa a proposta dos Plenipotenciarios Portuguezes em Vienna, de convirem na abolição do Trafico da Escravatura dentro em oito annos, se a Inglaterra dêsse por abolido o Tractado de Commercio de 1810, e para esse fim se diz que Portugal quizera com essa clausula *vender* a abolição daquelle Trafico quando as outras Potencias do Congresso convieram nella gratuitamente. A Austria, a Prussia, e a Russia, nenhuma Colonias possuiam, por consequencia nenhuma perda provinha de tal abolição, nem ás suas finanças, nem á tua agricultura. A França tinha a agradecer a restituição das suas Colonias, e assim mesmo apenas concedeu o direito de visita em 1831; e a Hespanha só se obrigou em 1817 a abolir o dito Trafico em 1820, quando já havia perdido as mais importantes das suas Colonias, e ainda recebeu uma compensação de 400,000 Libras Esterlinas. A situação de Portugal em 1815 era mui diversa de todas estas Potencias. Basta considerar que toda a agricultura do, então nascente, Imperio do Brasil, absolutamente dependia de braços Africanos, para se poder calcular a extensão dos sacrificios então exigidos, e obtidos do Principe Regente de Portugal pela Gram-Bretanha.

Ainda que o abaixo assignado quizesse relevar algumas asserções mais apaixonadas do que exactas, que abundam na citada Nota de S. S.^a relativamente ao que se passou no Congresso de Vienna, não pôde todavia deixar de magoar-se da mal

cabida ironia com que S. S^a. pertende menospresar os esforços feitos pelos Plenipotenciarios Portuguezes em 1815, para resgatarem a Nação dos males que lhe provinha do Tractado de Commercio de 1810; ironia tanto menos propria da parte do Governo Britannico, que não acceitando a sobredita proposta dos mesmos Plenipotenciarios, de abolir Portugal dentro de oito annos o Trafico da Escravatura, a troco da abolição daquelle Tractado, deixou vêr claramente que tinha naquella época em maior conta os interesses do seu Commercio, do que os sentimentos da humanidade.

Pertende-se inculcar que sendo o dito Tractado de Commercio tão prejudicial a Portugal, como se affirma, era para admirar que o seu Governo deixasse passar mais dez annos, além dos quinze estipulados para a época da revisão daquelle Tractado, sem que della se occupasse. A isto basta responder que o Governo Portuguez mostrara já em 1815 os seus desejos de o querer abolir, como fica dito; e o Governo Britannico bem certo deve estar que em 1825, quando terminaram os mencionados quinze annos, já o Sr. Duque de Palmella, então Embaixador de Portugal em Londres, propozera officialmente ao Governo Britannico a suspensão do mesmo Tractado, como S. Ex^a. declarou a S. S^a. na sua Nota de 21 de Julho de 1835, negociando-se mesmo um novo Tractado, que não se chegou a concluir por causa da lamentada morte de Sua Magestade El-Rei O Senhor D. João VI. Seguiu-se a guerra civil em 1828 até 1834, e logo no anno seguinte, mal o Governo de Sua Magestade teve socego para tomar em consideração este importante assumpto, se notificou, na citada Nota do Sr. Duque de Palmella, ao Governo Britannico, a suspensão do referido Tractado, cujas estipulações se achavam já infringidas pelo mesmo Governo, na parte em que eram vantajosas a Portugal, por lhe haver retirado em 1831, em favor da França, a preferença dada aos Vinhos Portuguezes de pagarem menos uma terça parte dos direitos.

Procura S. S^a. fazer vêr a pouca vantagem das concessões feitas por Portugal á Grã-Bretanha, no Tractado de Alliança de 1810, e nos seus Artigos Secretos, de poder fazer comprar, e cortar no Brasil toda a madeira necessaria para a construcção, e reparo dos seus Navios de guerra, e de se lhe cederem os Estabelecimentos de Bissau, e Cacheu. Se o Governo Britannico não julga agora interessantes essas vantagens, outra era por certo a sua opinião quando com tanto empenho as procurou obter, bem como quando, ainda depois, tanta reluctancia mostrou em convir na abolição do Tractado de Alliança que lh'as concedia.

Como Portugal foi accusado na Gram-Bretanha *de ter recebido o preço da sua cooperação* para a abolição do Trafico da Escravatura, e não ter cumprido a parte que lhe tocava das reciprocas condições, foi forçoso ao Sr. Visconde de Sá da Bandeira repellir esta grave increpação, e fazer vêr na sua Nota de 22 de Maio de 1838, que Portugal nunca vendera a sua cooperação a Nação alguma, e que a mesma Alliança Britannica tinha sido mais que retribuida por extraordinarios favores de uma duração permanente, concedidos em 1810 á Gram-Bretanha.

Apella S. S^a. na sua Nota para a Nação Portugueza da tentativa que diz nisto fizera o Sr. Visconde de Sá da Bandeira para depreciar a Alliança Britannica, e menoscar os serviços prestados pela Gram-Bretanha a Portugal, durante a guerra peninsular.

Não é só a Nação Portugueza, porém muito especialmente o seu Governo, quem recorda com reconhecimento os auxilios *então* recebidos da Nação, e do Governo Britannico, e nunca o Governo Portuguez se lembrou de menospresar a Alliança Britannica, e sabe dar ás vantagens reciprocas que della resultam a merecida consideração; mas havendo sido o mesmo Governo deprimido pelo Governo Britannico, não pôde o Sr. Visconde de Sá da Bandeira na citada sua Nota deixar de apresentar os factos no seu verdadeiro ponto de vista.

A firmeza com que os Ministros de Sua Magestade tem sustentado o decóro da Corôa, e independencia Nacional, lhes attrahio naquella Nota de S. S^a. expressões que o abaixo assignado não pode contrariar melhor do que recambiando-as, pelo seu litteral theor, dizendo tambem; “Que o Governo Portuguez sabe fazer distincção entre a virulencia dos individuos, e os sentimentos de uma Nação inteira, e que não ha de imputar á Nação Britannica em geral participação alguma na linguagem, e conducta de uns poucos de homens, a quem accidentaes circumstancias conferiram temporariamente influencia e poder.”

Procurando inverter o verdadeiro sentido da Convenção de 1817, e do seu Artigo Separado, diz S. S^a., que ainda não está este Artigo em execução por não se terem applicado ás novas circumstancias as estipulações da dita Convenção.

O dito Artigo Separado expressamente declara “Que logo que se verificar a total abolição do Trafico da Escravatura para os vassallos da Corôa de Portugal, as

duas Altas Partes Contractantes convem em adaptar de *commun accôrdo* ás novas circumstancias as estipulações da Convenção Addicional assignada em Londres em 28 de Julho proximo passado, mas quando não *seja possível concordar em outro ajuste*, a Convenção Addicional daquella data *ficará sendo valida* até á expiração de quinze annos, contados desde o dia em que o Trafico da Escravatura fôr *totalmente* ABOLIDO PELO GOVERNO PORTUGUEZ."

Verificou-se a prohibição total do Trafico da Escravatura em Portugal pelo Decreto de 10 de Dezembro de 1836. Procurou logo o Governo Portuguez adaptar aquella Convenção ás novas circumstancias, verificadas por aquelle Decreto cujas rigorosas disposições inserio no Contra Projecto que offereceo a S. S^a. Rejeitado este, admittio o Governo Portuguez outro Projecto de Tractado proposto por S. S^a., fazendo-se nelle de *commun accôrdo* entre o Sr. Visconde de Sá da Bandeira e S. S^a., as alterações que ambos julgavão convenientes. Quando porém o Tractado estava convencionado, e a ultimar-se a discussão do Artigo Addicional para ser assignado o mesmo Tractado, não pôde essa assignatura realisar-se, por não ter cabido no tempo tirar-se a limpo todo o Tractado, e Annexos antes da partida de S. S^a., que não julgou dever demora-la.

Desta sorte verificou-se a hypothese consignada no dito Artigo Separado, de se não ter podido adaptar ás novas circumstancias a Convenção Addicional de 1817, e de esta dever ficar valida por mais quinze annos (contados desde 10 de Dezembro de 1836, data do Decreto pelo qual foi em Portugal e seus Dominios totalmente abolido o Trafico da Escravatura) *visto não ter sido possível concordar em outro ajuste*.

E' innegavel a força das razões que ficam indicadas por mais que na referida Nota de S. S^a., se pertenda escurece-las, já recorrendo-se á estipulação do Artigo 10 do Tractado de Alliança de 1810, sem se recordar que elle foi declarado nullo, e de nenhum effeito em todas as suas partes, no Artigo 3 do Tractado de 22 de Janeiro de 1815; já querendo-se sustentar que pela Convenção de 1817 não era permittido aos Navios Portuguezes conduzir Escravos senão para as Possessões transatlanticas de Portugal; quando se devera tambem ter presente que mesmo pelo Artigo 9 das Instrucções dessa Convenção, era licito levar Escravos de um para outro porto do Brasil, ou do Continente, e Ilhas na Costa da Africa para os Dominios da Corôa de Portugal fóra da America; já repetindo outras similhantes asserções, que estão de antemão destruidas pelo que expendeo o Sr. Visconde de Sá da Bandeira, na sua Nota de 22 de Maio de 1838.

Todas essas illações se desvanecem pela terminante disposição do referido Artigo Separado, que no caso de se não ter podido concordar em outro ajuste, declara em pleno vigor a Convenção Addicional de 28 de Julho de 1817, em cujas Instrucções expressamente prohibe o Artigo 4 de ter, *debaixo de pretexto algum*, os Navios Portuguezes empregados no Trafico da Escravatura, que forem encontrados ao Sul do Equador: Instrucções, que segundo o Artigo 5, da dita Convenção, são os Cruzadores obrigados a observar *stricta e exactamente*, e nas quaes, como é expresso no Artigo 7 da mesma Convenção, se não podem fazer mudanças algumas senão de *commun accôrdo, e consentimento* entre as duas Corôas; *accôrdo, e consentimento* que da sua parte Portugal ainda não prestou, nem é obrigado a prestar, durante os ditos quinze annos, nem mesmo depois está ligado a presta-lo, senão por *um Tractado*; isto é, por um pacto solemne, feito de *commun accôrdo*, em plena liberdade de discussão, em conformidade com as Leis, consultando os verdadeiros interesses de seus Dominios Ultra-marinos, e sem a menor estipulação desairosa á Corôa de Sua Magestade.

Nestes termos negociou o Governo Portuguez com S. S^a. um Tractado em que fez amplas concessões á Gram-Bretanha. Nos mesmos termos, esteve sempre e está ainda prompto a negociar; mas collocado pelo Governo Britannico entre as violencias, e a deshonra, não pode ser duvidosa a sua escolha, e mais facilmente soffrerá aquellas do que submeter-se a considerar, e subscrever como Tractado, uma Minuta mandada expedir pela Secretaria de Estado dos Negocios Estrangeiros em Londres para ser em Portugal logo *transcripta e assignada sem a minima alteração nem demora*.

Com este procedimento vem a ser o proprio Governo Britannico o maior protector do Trafico em quanto se priva espontaneamente da franca e prompta cooperação de Portugal. Não se deve porém perder de vista que em quanto o Governo Portuguez se vê na necessidade de não consentir nem reconhecer como legaes os apresamentos dos Navios, que se acham empregados no Trafico ao Sul do Equador, porque taes apresamentos são feitos contra a expressa letra da Convenção de 1817, e sem authorisação, nem consentimento do mesmo Governo, nem por isso tem deixado

de fazer executar com toda a severidade neste Reino, e seus Dominios, o Decreto de 10 de Dezembro de 1836; sendo inteiramente oppostas á realidade dos factos, como se tem feito ver, quantas asserções em contrario se acham dispersas em toda a Nota de S. S^a.

Não escapou á censura de S. S^a. a memoria do Marquez de Aracaty, digno Governador Geral de Moçambique, fallecido sem dúvida em consequencia das angustias que lhe causou o achar-se na absoluta necessidade de não cumprir as positivas Ordens do Governo para executar o citado Decreto de 10 de Dezembro. A Circular que por tal motivo publicou aquelle Governador, e cada linha da qual deixava respirar a coacção em que elle se via, foi communicada ao Governo Britannico para lhe fazer conhecer quanto era difficil, e melindrosa a execução da pretendida abolição, e quanto depois daquelle grave incidente mais se mostrava indispensavel a Garantia dos Dominios Ultramarinos, e os socorros em declaração della pedidos desde o principio da negociação. Não desistio porém no entanto o Governo Portuguez do seu empenho de a continuar, e de fazer cumprir aquelle Decreto; e apezar de tudo isso a mesma Circular, communicada em tão boa fé, serve agora de accusação!

Tão longe está o Governo do Brasil de se queixar de que Portugal protege o Trafico da Escravatura, como S. S^a. affirma na sua Nota, que elle é o proprio que, no ultimo Relatorio do seu Ministro dos Negocios Estrangeiros ás Camaras daquelle Imperio, tem reconhecido a fôrça, e energia das medidas tomadas pelo Governo de Sua Magestade contra o mesmo Trafico.

Sendo este um verdadeiro contrabando, nao é de admirar que essas mesmas rigorosas medidas tenham contribuido tambem, como sempre succede com todas as restricções commerciaes, para o fazer crescer na razão do augmento que o receio da futura escacez de Escravos ha de necessariamente produzir no seu preço, e nos consequentes lucros dos contrabandistas.

E pois uma manifesta injustiça criminal o Governo Portuguez do progresso desse Trafico, contra o qual tem promulgado, e feito executar severas Leis; não estando ao seu alcance impedi-lo, assim como o Governo Britannico tambem não pôde evitar a introducção de immensidade de contrabando na Gram-Bretanha, apezar do rigor das Leis que o prohibem, e de uma Marinha especialmente destinada a embarça-lo.

A injustiça de taes increpações é tanto mais aggravante, quanto consta dos papeis ultimamente apresentados ao Parlamento Brittanico, e publicados nos Jornaes, que similhante contrabando não é só feito debaixo da Bandeira Portugueza, mas de diversas outras Nações, e muito especialmente da Americana, empregando-se nelle grande numero de Navios, e os mais veleiros construidos nos portos da União.

Sobe porém ao maior gráo essa injustiça, quando é notorio que a maior parte das fazendas empregadas nas negociações da Escravatura, são manufacturadas nas Fabricas de Glasgow, Manchester, Leeds, e Birmingham, sabendo os Fabricantes, e Commerciantes Britannicos, e os intelligentes Directores das suas Alfendegas, onde se despacham taes fazendas, pela sua especial e conhecida qualidade, qual é o seu verdadeiro, e unico destino. Consta mais dos mencionados papeis apresentados ao Parlamento que os Commerciantes Britannicos no Rio de Janeiro, segundo mandam dizer dalli os seus commissarios ao seu Governo, vendem essas fazendas a credito aos contrabandistas de Escravos, com a condição de serem unicamente pagas no todo, ou em parte, segundo chegam, ou não a salvo as armações.

Como poderia Portugal obstar a um contrabando, que é pela maior parte feito nos mais veleiros Návios de outras Nações, fornecido, e mantido pelas Fabricas, capitaes, e industria do Commercio Britannico, sem opposição das suas Alfandegas? Sobre tudo quem deve ser o verdadeiro queixoso? A Gram-Bretanha que vê prosperar assu as Fabricas e Commerciantes pelas negociações de Escravos, quando são bem succedidas, e quando o não são enriquece a sua Marinha de Guerra, e as suas Colonias com os despojos dos Navios apresados, e com os Escravos nelles encontrados; ou Portugal a quem o Trafico da Escravatura feito com abuso da sua Bandeira pelos contrabandistas de outras Nações, não produz senão violencias, e vituperios?

Tudo quanto até aqui tem o abaixo assignado expellido, respondendo á mencionada Nota de S. S^a. de 28 de Abril do presente anno, é inteiramente applicavel á outra Nota que teve a honra de receber de S. S^a., com data de 5 de Maio ultimo, em resposta á do Sr. Visconde de Sá da Bandeira de 6 de Outubro do anno proximo passado, na qual se renovam muitos dos argumentos que já ficam destruidos, e por isso não precisam ser de novo refutados, vai porém o abaixo assignado responder a alguns em que ainda se não tinha tocado, e que sa acham reproduzidos em embas ditas Notas.

Em a Nota de S. S^a. de 28 de Abril, tinhase forcejado diferentes vezes por fazer acreditar, que o Governo Portuguez insistia em limitar o direito de visita estabelecido pela Convenção de 1817, e em abolir as Commissões Mixtas, sujeitando os crimes do Trafico da Escravatura aos Tribunaes Portuguezes; mas encrobria-se que estas haviam sido das primeiras propostas que se fizeram na negociação do Tractado, quando o Sr. Visconde de Sá da Bandeira enviou a S. S^a., em Maio de 1837, um Contra Projecto d'elle em que pedia as mesmas condições que a Gram-Bretanha estipulára com a França; sabendo muito bem S. S^a., e o seu Governo, que no Tractado convencionado com S. S^a. não existem taes clausulas; que por elle se mostra o ultimo estado da negociação, e as pertenções do Governo Portuguez, em que S. S^a., conveio; e que é desse ponto que deve partir todo o raciocinio quando se quizer discorrer com boa fé.

Agora no outra Nota de S. S^a. já se reconhece, que aquellas estipulações tinham sido propostas no mencionado Contra Projecto, mas dá-se como motivo de serem inadmissiveis o estar, a França em tão diversa situação que não póde haver parallelo entre os dous paizes, por que a França abandonára inteiramente o Trafico da Escravatura, e Portugal era o seu grande protector; e os crimes daquelle Trafico se poderiam seguramente submeter á Jurisdicção dos Tribunaes Francezes, quando submette-los aos Tribunaes Portuguezes, seria uma mera zombaria. (Mere mockery.)

Assim como se não póde assegurar que em França se tenha abandonado o Trafico da Escravatura, o qual é feito pelos contrabandistas de todas as Nações debaixo de diversas Bandeiras, não se póde tambem dizer com verdae, como fica demonstrado, que Portugal é o grande protector d'elle.

Os Tribunaes Portuguezes são dignos de tanta consideração como os de França, e de Gram-Bretanha, e para se poder fallar por tal maneira em uma Nota official de uma Corporação tão respeitavel era preciso que S. S^a. ao menos apontasse casos em que os mesmos Tribunaes tivessem prevaricado, quando pelo contrario S. S^a. sabe muito bem dos Navios que tem sido condemnados nas Ilhas de Cabo Verde, por se empregarem no Trafico da Escravatura, e apresados por Embarcações de Guerra Portuguezas.

Procurou-se já na referida Nota de S. S^a. de 28 de Abril, destruir as razões que havia para se ter pedido a Garantia, ou antes os soccorros em declaração della, no Artigo Additional proposto pelo Sr. Visconde de Sá da Bandeira; porém na outra Nota de S. S^a. de 5 de Maio, se tenha além disso invertido o sentido das palavras usadas pelo Sr. Visconde de Sá da Bandeira, dizendo-se que o seu principal argumento para exigir a Garantia, ou soccorros mencionados, era fundado no facto “de que apezar de estar o Trafico da Escravatura abolido por Lei em todos os Dominios Portuguezes, todavia os Escravos *ainda continuam a formar* um dos principaes ramos de exportação das Colonias Portuguezas.” Procura-se fazer sobre-sahir esta desfigurada asserção accrescentando-se “que raras vezes tem acontecido, que os mais inveterados inimigos de um paiz, tenham sobre elle lançado uma imputação mais negra do que aquella que por esta admissão do seu proprio Gov^o. é fixada sobre Portugal.”

Pedindo-se uma Garantia dos Dominios Portuguezes, não se pedia mais do que a Gram-Bretanha é obrigada por antigos Tractados; e se lhe cumpre defender os Dominios Portuguezes contra Nações estranhas, com muita mais razão se não deve negar a essa obrigação em um Tractado em que pelas estipulações que ella exige, e se lhe concedem, grande risco poderia haver de perder Portugal aquelles Dominios. Nada pois mais justo do que a Garantia, ou os soccorros pedidos em declaração della, para o caso de serem necessarios nos mesmos Dominios.

Estas razões muitas vezes dadas a S. S^a. são postas de parte, para se lhes substituir a desfigurada asserção acima referida, quando o Sr. Visconde de Sá da Bandeira na sua Nota de 6 de Outubro ultimo, de fórma nenhuma disse que os Escravos *continuum a formar* um dos principaes ramos de exportação dos Dominios Portuguezes na Africa, mas sim “que o Plenipotenciario Britannico não havia podido deixar de conhecer quanto era diversa a situação de Portugal a respeito de Hespanha relativamente ao dito Trafico; porque os Subditos Hespanhoes o fazem importando Escravos, ao mesmo tempo que nas Colonias Portuguezas elles *formavam* um dos principaes ramos de exportação.”

Estas considerações de S. Ex^a. referiam-se aos Dominios da Africa Meridional, onde os Escravos formaram por muito tempo um *ramo legal* de commercio de exportação, que foi prohibido pelo Decreto do 10 de Dezembro de 1836. A palavra—*formavam*—de que usou o Sr. Visconde de Sá da Bandeira refere-se ao preterito, e

não se póde traduzir com fidelidade pelas de—continuam a formar—que são do presente; cahindo assim pela simples fôrça da grammatica as illações que de uma tal traducção se pertenderam tirar.

Tanto em uma, como na outra das citadas Notas de S. S^a., se intenta desfigurar a intenção com que o Governo de Sua Magestade propoz, que o Tractado fôsse revisto no fim de dez annos; asseverando S. S^a. que nisto se empenha o mesmo Governo para ter a faculdade de no fim de um determinado periodo, fazer reviver o Trafico da Escravatura *em toda a original plenitude da sua iniquidade*.

A natureza desta asserção não permite que se possa adequadamente qualificar. Já o Sr. Visconde de Sá da Bandeira bem explicitamente demonstrou na sua Nota de 6 de Outubro ultimo, as razões pelas quaes não convinha que o Tractado fôsse perpetuo, e até se fez vêr que a mesma estipulação admittida no Tractado, da perpetuidade da abolição do Trafico da Escravatura, era arriscada pelas consequencias que podia ter em prejuizo da Monarchia, e que não era por tanto ocioso o pedido da Garantia. Porém da simples leitura do Tractado convencionada com S. S^a., se vê quanto a sua asserção é opposta ao contexto delle.

E' expresso no Artigo 1 do dito Tractado "que as duas Altas Partes Contractantes mutuamente declaram que o Trafico da Escravatura, está, e para sempre continuará a estar total e completamente abolido em todas as partes dos seus respectivos Dominios, e para todos os Subditos das suas respectivas Corôas." No Artigo 14 do mesmo Tractado se diz "Convencionou-se por este Artigo que cada uma das duas Altas Partes Contractantes terá o direito no fim de dez annos, contados da troca das ratificações deste Tractado, de requerer uma revisão de quaesquer das suas estipulações ou das dos seus Annexos, *que não ataque os principios estabelecidos no Artigo 1*, e de então propôr discutir, e fazer aquellas emendas; ou additamentos que os verdadeiros interesses de seus respectivos Subditos pareçam exigir, etc."

Da combinação destes dous Artigos, é manifesto, que estabelecida como está no 1 delles a perpetuidade da abolição do Trafico da Escravatura, todas as mais estipulações do Tractado tendentes a levar a effeito essa abolição, podiam ser revistas e alteradas no fim de dez annos; mas nunca por fórma que fosse atacar a perpetuidade daquella abolição estabelecida no Artigo 1.

E' pois indubitavel que nem directa, nem indirectamente, se póde deduzir do Tractado convencionado com S. S^a., que Portugal pertendesse por meio de uma tal revisão reservar-se o direito de no fim de um periodo determinado reservar aquelle Trafico. Para o Governo Portuguez não poder admittir a perpetuidade do Tractado, quanto aos meios de levar a effeito a abolição, reconhecida nelle como perpetua, e inatacavel, bastaria fica sendo perpetuo o oppressivo direito de visita; porque ainda que S. S^a. representa que elle é reciproco, similhante reciprocidade neste caso, é nulla, ou quasi nulla, pela enorme differença que ha entre as forças Navaes Britannicas, e as Portuguezas. Além disso Portugal deve a si proprio, e ás mais Nações civilisadas, o não dar o exemplo de estatuir por um Tractado o perpetuo abandono do principio da liberdade dos mares; abandono que só póde ser util ás potencias maritimas da primeira ordem.

Respondendo S. S^a. á Nota do Sr. Visconde de Sá da Bandeira de 6 de Outubro ultimo, na parte em que S. Ex^a. affirmou que o Tractado, que estava convencionado com S. S^a. não poderá ser assignado por não ter cabido no tempo tirar-se a limpo antes da partida de S. S^a. para Londres, chama S. S^a. ao dito Tractado, na sua Nota de 5 de Maio ultimo *um incompleto Projecto de Tractado*: accrescenta que o levára para Londres para ser tomado em consideração pelo seu Governo; porém que S. S^a. *não conviera nelle, nem jámais poderia convir porque não estava authorizado para o fazer, nem o poderia ter feito na conformidade do theor das suas Instrucções*.

Para provar as difficuldades que ainda havia no dia 12 de Maio na conclusão do Tractado, cita S. S^a. uma *Carta particular*, a que chama *Nota particular*, que naquella data recebêra do Sr. Visconde de Sá da Bandeira, em que lhe pedia que esperasse mais duas semanas, não para pôr o Tractado a limpo, diz S. S^a., mas para convirem em cinco diversos pontos em que estavam então em divergencia, a saber:

1. O declarar-se pirataria o Trafico da Escravatura.
2. Quaes seriam os logares em que residiriam as Commissões Mixtas.
3. Os limites geographicos do direito de visita.
4. A duração do Tractado.
5. Se a Gram-Bretanha daria uma Garantia dos Dominios Portuguezes.

Accrescenta com tudo S. S^a. que S. Ex^a. affirmava que n'uma semana esperava vencer estas difficuldades; porém que passados quinze dias fôra S. S^a. informado (mas não diz por quem) de que o Projecto de Tractado havia de ser ainda proposto no Conselho de Ministros; que a declaração de pirataria ainda não estava preparada; e que se exigia uma segurança mais positiva quanto aos soccorros reclamados por Portugal; que então julgára S. S^a. que se não poderia justificar de demorar mais a sua partida.

Refere-se S. S^a. depois, a outra Carta particular do Sr. Visconde de Sá da Bandeira de 30 de Maio ultimo, que tambem denomina *Nota*, e fôra por S. S^a. recebida em Londres, na qual havia a asserção de que se S. S^a. se tivesse demorado mais uma semana se terião vencido todas as difficuldades; mas que S. Ex^a. ainda insistia na pedida Garantia, e em recusar-se a declarar pirataria o Trafico da Escravatura; que depois soubêra por subsequentes participações, que ainda que se tivesse demorado até ao presente, não teria podido obter que o Tractado se assignasse; concluindo por ultimo que tinha Instrucções do seu Governo para protestar contra as tentativas, tantas vezes repetidas na mencionada Nota do Sr. Visconde de Sá da Bandeira, a fim de fazer crêr que as propostas por S. Ex^a. offerecidas, ás quaes o Governo Britannico jámais poderia por um instante admittir, se deveriam considerar como estipulações convencionadas entre os dous Governos ou seus Plenipotenciarios.

O abaixo assignado vai mostrar que toda esta transfigurada historia da negociação é diametralmente opposta aos factos, provando-se que realmente existio um Tractado convencionado por S. S^a. com o Sr. Visconde de Sá da Bandeira, e que por conseguinte nenhum fundamento tem o protesto que S. S^a. em nome do seu Governo apresenta contra a realidade de taes factos, os quaes S. S^a. por consideração alguma, seria jámais capaz de recusar, se apezar de muito positivos e modernos, lhe não tivessem infelizmente fugido da memoria.

Sendo o dia 12 de Maio aquelle, em que foi escripta a primeira das ditas cartas particulares do Sr. Visconde de Sá da Bandeira, não é de admirar que ainda estivessem por decidir os cinco indicados pontos de divergencia entre S. Ex^a. e S. S^a., e que dalli a alguns dias, antes da partida de Mylord, em 23 do mesmo mez, se tomasse um ultimo accôrdo nas repetidas, e diarias conferencias que entre ambos houve, como effectivamente se tomou.

Por effeito desse accôrdo em todas as folhas do Projecto original do Tractado que S. S^a. tinha apresentado, foram escriptas pelo proprio punho de S. S^a. as emendas propostas pelo dito Sr. Visconde, e que por S. S^a. haviam sido approvadas. A este Tractado assim emendado por S. S^a. se juntaram as suas propostas sobre o Artigo Addicional, e para maior authenticidade foram rubricadas pelo mesmo Sr. Visconde, e por S. S^a. todas as folhas deste importante documento, o qual assim existe nesta Secretaria d'Estado.

Como S. S^a. para comprovar as suas asserções julgou dever servir-se de cartas particulares, não estranhará sem dúvida que outras se apresentem em abono da verdade, e confirmação do que fica dito.

O mencionado Projecto original de Tractado assim emendado, e convencionado por S. S^a. foi, por ordem do Sr. Visconde de Sá da Bandeira, conferido nesta Secretaria d'Estado, no dia 17 de Maio de 1838, pelo Chefe, que então era, da 3 Repartição della, e por Mr. Auguste Craven, Secretario da Legação Britannica nesta Côrte, á vista de uma cópia do dito Projecto de Tractado, igualmente emendado, e existente na mesma Legação; para depois de conferidos, e conformes, se tractar de os pôr a limpo para serem assignados.

Foi nesse mesmo dia 17 que Mr. Craven dirigio ao dito Chefe da 3 Repartição a carta junta por cópia, na qual mencionando-lhe a decisão de S. S^a. sobre algumas pequenas discrepancias, que se tinham encontrado nos dous Projectos de Tractado, e a qual ainda depois foi alterada, participa que não podiam ter logar algumas leves alterações que não atacavam a efficacia do Tractado, taes como a melhor collocação de um Artigo, etc. por não dar occasião a que houvesse maior demora na partida de S. S^a., e que Mylord considerava o Tractado já *como concluido com o Sr. Visconde de Sá da Bandeira* devendo-se só cuidar em o pôr a limpo.

Algumas cartas de S. S^a. ao mesmo Sr. Visconde, juntas por cópia, comprovam tambem isto mesmo.

Na primeira participa S. S^a. "que havia trabalhado todo o dia no Tractado; que lhe parecia ter conseguido adaptar muito bem *todas as emendas do Sr. Visconde de Sá aos differentes Artigos*: mandando tambem os Annexos 'A.' e 'B.' com

algumas correções. Accrescenta que julgava que S. Ex.^a. podia fazer copiar logo os ditos Annexos; que sobre o Anexo 'C.' fallaria com S. Ex.^a., a quem pedia meia hora de conferencia, a qual diz seria sufficiente, etc."

Na segunda carta "remette S. S.^a. a parte Portugueza do Tractado; participa haver recommendado a Mr. Craven que fizesse a alteração de pôr—Dominios—em logar de—Possessões.—Pedese-lhe mandem algumas folhas do original Portuguez que lhe faltam."

Está pois mais que provado, até pelas referidas cartas de Mylord, que S. S.^a. effectivamente propoz, e convencionou um Tractado com o Sr. Visconde de Sá da Bandeira tal qual existe nesta Secretaria d'Estado, emendado por S. S.^a., e rubricado por ambos sendo um transumpto litteral delle o que S. S.^a. levou para Londres quando partiu para aquella Côrte sem esperar que se acabasse de pôr a limpo para o assignar, como já se disse.

A' vista desta exposição não sabe o abaixo assignado conceber como S. S.^a. negociou, se as suas Instrucções lh' o vedavam, ou se estas lh' o permitiam, como recusa hoje a sua propria negociação.

Provada a existencia do Tractado convencionado, cahem por terra todas as accusações feitas contra as estipulações desse mesmo Tractado, denominadas por S. S.^a., pertencções do Governo Portuguez; e vê-se que longe de ser Portugal quem se tem recusado a conclui-lo foi o proprio Plenipotenciario Britannico quem deixou de assigna-lo depois de convencionado, assim como ainda agora se recusa o seu Governo a assigna-lo, *apesar de lhe ter sido proposto pelo S. Visconde de Sá da Bandeira nas suas Notas de 22 de Maio, e 6 de Outubro de 1838.*

As respostas dadas por S. S.^a. á analyse que o Sr. Visconde de Sá da Bandeira fez tanto do Tractado para a abolição do Trafico da Escravatura negociado pelo Sr. Duque de Palmella com S. S.^a., e o de que S. S.^a. depois apresentou ao mesmo Sr. Visconde, como do que este convencionou com S. S.^a., e do que ultimamente foi apresentado pelo Sr. G. S. S. Jerningham, nada satisfazem; muitas são inconsistentes, como por exemplo, que assim se fez *por ser essa a opinião do Governo Britannico*; e todas destituidas de solido fundamento, como á primeira vista se pôde conhecer pela simples comparação de taes respostas com a mesma analyse; comparação, cujos elementos nem a escacez do tempo, nem os limites de uma Nota permitem agora desenvolver.

E' porém inegavel que em cada novo Projecto de Tractado mandado apresentar no decurso desta negociação ao Governo Portuguez pelo Governo Britannico, sempre appareceram alterações cada vez mais desfavoraveis a este Reino, no que parecia haver um systema regularmente seguido para prejudicar a negociação: nem outra significação pôde dar-se ao modo peremptorio com que o Sr. G. S. S. Jerningham ao apresentar o ultimo Projecto de Tractado exigiu, segundo as suas Instrucções, *que elle fosse logo assignado sem a minima alteração nem demora.*

He porém duas omissões notadas naquelle ultimo Projecto de Tractado pelo Sr. Visconde de Sá da Bandeira na sua Nota de 6 de Outubro, ultimo, cuja resposta não convém deixar desde já sem refutação.

Diz S. S.^a. que se omittiu naquelle Tractado a enumeração dos Dominios Portuguezes; porque não pertencia á Inglaterra nem era proprio de um Tractado para abolir o Trafico da Escravatura, determinar nelle quaes eram os territorios da Africa que pertenciam, ou não a Portugal.

No Artigo 10 do Tractado de Alliança de 19 de Fevereiro de 1810, e no Artigo 2 da Convenção Addicional de 28 de Julho de 1817, nos quaes se fixaram medidas para supprimir o Trafico da Escravatura, nenhuma dúvida teve o Governo Britannico em admittir a declaração de quaes eram os Dominios da Corôa Portugueza na Africa, e mesmo daquelles territorios, sobre os quaes reservava seus direitos.

A difficuldade que mostra agora o Governo Britannico em admittir iguaes declarações no Tractado, deve necessariamente causar estranheza ao Governo Portuguez, e induzi-lo a ser acautelado.

Pelo mesmo motivo não deverá o Governo Portuguez dispensar que no Tractado se declare a renovação dos antigos Tractados de Alliança, Amizade, e Garantia entre as duas Corôas, feita no Artigo 3 do Tractado de 22 de Janeiro de 1815, e a que agora o Governo Britannico parece querer esquivar-se com a inesperada razão dada por S. S.^a. na sua segunda citada Nota, de que "*a renovação dos Antigos Tractados enfraquece o vigor delles!*"

Queixa-se S. S.^a. da objecção feita pelo Sr. Visconde de Sá da Bandeira a que no Tractado se declarasse Pirataria o Trafico da Escravatura, e analysa a seu modo a resposta a este respeito dada pelo mesmo Sr. Visconde na sua Nota de 22 de

Maio de 1838, á qual S. Ex^a. se referiu na outra Nota de 6 de Outubro do mesmo anno.

Seria longo mostrar a inconsistencia de uma tal analyse. Todavia deve ao menos recordarse que esta declaração de Pirataria, vivamente reclamada pelo Governo Britannico, como condição *sine qua non* da conclusão do Tractado, foi omittida, de commum acôrdo pelo Sr. Visconde de Sá da Bandeira, e por S. S^a. no Tractado convencionado entre ambos. Mas como S. S^a. impugna aquella mesma omissão em que conveio, e em diversas partes, tanto da sua primeira, como da segunda Nota, tem parecido questionar a inegavel boa fé, e perfeito acôrdo com que o dito Sr. Visconde procedeu com S. S^a. em toda esta negociação, citando em seu apoio cartas d'elle, é justo tambem que se apresente a inclusa cópia de uma carta que S. S^a. dirigiu ao mesmo Sr. Visconde, e que este ministrou com as outras de S. S^a., já mencionadas, ao abaixo assignado em defeza do Governo de Sua Magestade, e sua propria. Nesta carta lhe indicou S. S^a. quaes eram as bases em que convinha firma a resposta que S. Ex^a. tinha a dar-lhe sobre esta exigencia do seu Governo; e foi com effeito nessa mesma conformidade que S. Ex^a. respondeu a S. S^a. no fim da sua Nota de 22 de Maio de 1838, como facilmente se conhecerá, cotejando esta com a dita carta. Como é possivel duvidar agora de tão incontestavel acôrdo, e de mais a mais procurar S. S^a. glosar a propria resposta que, por sua expressa insinuação, lhe foi dada pelo dito Sr. Visconde?

Resta por ultimo justificar a Nação Portugueza, e o seu Governo, de uma increpação que sem a menor justiça se lhe faz no fim da Nota de S. S^a. de 28 d'Abril proximo passado, de que havendo sido Portugal salvado, nestes ultimos annos, do despotico imperio de um tyranno usurpador pelo auxilio dos Subditos Britannicos, e pela protecção do seu Governo, sem o que não poderia este Reino estar pacificamente gosando da Liberdade Constitucional; e quando ainda ha poucos annos a Soberana de Portugal deveu especialmente á Gram-Bretanha o ser restabelecida no Seu Throno Paterno, quebrantem deliberadamente os Seus Ministros as obrigações contrahidas pelo Predecessor de Sua Augusta Ama para com a Gram-Bretanha, e a Nação Portugueza em quanto gosa da liberdade que tão recentemente adquiriu, persista em continuar a reduzir á escravidão a innocente povoação da Africa.

Tanto a esta final asserção como á da pertendida infracção das Convenções com a Gram-Bretanha, serve de sobeja resposta toda esta Nota, mostrando tambem quem as tem manifestamente quebrantado; e deve sómente lembrar-se que o Decreto de 10 de Dezembro de 1836, ha de por si só concorrer mais para a abolição do Trafico da Escravatura, do que todas as medidas de coacção para esse fim empregadas fóra, e contra Portugal.

Agora pelo que respeita ao muito que Portugal, e Sua Magestade tem devido á Gram-Bretanha, nestes ultimos tempos, é forçoso dizer mais alguma cousa em justa defeza.

Portugal não se esquece, antes recorda com reconhecimento o apoio que o Governo Britannico em 1827, e depois desde 1831, prestou á Causa de Sua Magestade a Rainha. Recorda tambem com gratidão os serviços que na lucha contra a Usurpação lhe fizeram os auxiliares Estrangeiros, comprehendidos os Britannicos, e não tem S. S^a. motivo algum para presumir que elles estejam esquecidos, pois Portugal satisfez, e está satisfazendo a todos aquelles que generosamente lhe prestaram serviços. Em quanto á reclamação de Governo a Governo S. S^a. não ignora a rectidão das intenções, e desejos do Governo de Sua Magestade.

Não é porém sem magoa que este observa que ao mesmo tempo que S. S^a. julga dever recordar-lhe os serviços, e contemplações que possa ter devido á Gram-Bretanha, S. S^a. se esqueça dos motivos de queixa que nestes ultimos annos Portugal tem tido contra alguns procedimentos do Governo de Sua Magestade a Rainha da Inglaterra.

Existem ainda hoje em vigor as Ordens do Conselho Britannico de 10 de Maio de 1837, pelas quaes a navegação, e commercio Portuguez foram onerados em Inglaterra com especiaes impostos que alli não pagam as outras Nações, quando a Britannica ainda não cessou de ser em Portugal das mais favorecidas.

Tem sido na India, por consentimento do Governo Britannico, esbulhados da sua authoridade os Pastores das Igrejas do Padroado Real da Corôa Portugueza situadas nos territorios do dominio Britannico.

Não só se não deu a satisfaçõ pedida pelo Governo Portuguez por causa do

attentado practicado no porto de Moçambique pelo Tenente da Marinha Britannica, Bosanquet, mas até foi promovido, e essa promoção mandada participar officialmente ao Governo Portuguez.

Nenhuma satisfação recebeu ainda a Corôa de Portugal pelas repetidas violencias commettidas na Ilha de Bolama por um dos Cruzadores Britannicos contra os Subditos pacificos de Sua Magestade.

Tem sido apresados pelos Cruzadores Britannicos, contra a expressa disposição da Convenção Addicional de 28 de Julho de 1817, e seu Artigo Separado, muitos Navios Portuguezes encontrados com Escravos ao Sul do Equador; e havendo-se negado o Governo Britannico a assignar o Tractado para a abolição do Trafico da Escravatura, que foi convencionado pelo Sr. Visconde de Sá da Bandeira com S. S^a., como está provado até á evidencia nesta Nota, tem procurado fazer acreditar que é Portugal quem recusa concorrer por um Tractado para aquella abolição, e com este especioso fundamento tem proposto ao Parlamento um Bill para os sobreditos Navios continuarem a ser apresados pelos seus Cruzadores, e para poderem ser confiscados pelos seus Tribunaes.

Esta medida é inteiramente opposta á citada Convenção de 1817; é a mais explicita, e solemne confissão do Governo Britannico de que se não considera authorisado pelos Tractados a mandar fazer taes apresamentos; e um espontaneo, e publico reconhecimento da illegalidade com que elles tem sido até agora feitos pelos seus Cruzadores.

Uma tal medida é a mais flagrante violação do Direito das Gentes, por quanto a falta do consentimento de um Soberano em qualquer Tractado não póde ser jámais supprida pela decisão do Corpo Legislativo de uma Nação Estrangeira.

E' pois com summa justiça que Sua Magestade a Rainha tem mandado protestar pelo seu Ministro na Côrte de Londres contra esta offensa dos mais Sagrados Direitos da Soberania, e independencia da Sua Corôa, appellando ao mesmo tempo para os Governos das Potencias da Europa, e d'America, os quaes Sua Magestade espera não possam ver com olhos indifferentes este inaudito procedimento, já na mesma Gram-Bretanha reprovado por alguns dos seus maiores homens d'Estado, e mais abalisados Jurisconsultos.

O abaixo assignado, tendo por esta fórma respondido ás duas Notas de S. S^a. de 28 de Abril, e de 5 de Maio do presente anno, aproveita mais esta occasião para ter a honra de lhe renovar os protestos da sua mais distincta consideração.

Secretaria d'Estado dos Negocios Estrangeiros, em 11 de Setembro de 1839.

(Signed)

BARAO DA RIBEIRA DE SABROSA.

(Private.)

Sub-Enclosure A.

MY DEAR SIR,

IMMEDIATELY on my arrival at the Legation, I pointed out the remarks you had made to Lord Howard, and *I find that the Treaty had been agreed upon as it stands*, with the exception in Article 7, where the words "coasting boat" are not to exist, the expression "any vessel whatever" being considered sufficient. In Article 13 the word "colonial" was not agreed to be left out. In Article 14, the words on giving six months' notice "of a desire to make such revision," are out, and the last part of the paragraph commencing "six months, &c.," to the end, is kept.

All the other alterations suggested and affecting in no way the efficacy of the Treaty, including the alteration in the placing of the paragraph following in Article 14, cannot be adopted at this late hour without entailing a delay which would render the conclusion of the negotiations impossible before Lord Howard's departure, irrevocably fixed for the next packet. Any ulterior arrangements with regard to a third Commission, or a guarantee, must be made the subject of future consideration, either in the shape of an additional Article, or otherwise, but cannot interfere with the Treaty as it now stands, and *which Lord Howard considers as concluded with the Viscount de Sá*. It remains then with you, my dear sir, to press your scribes a little, and hasten the *manual* labour which is to terminate a negotiation of which you seemed to feel the necessity yourself, when I had the pleasure of seeing you this morning, and which I will engage to finish my share of, if you will go on sending me Article by Article the Portuguese translation.

Yours very truly,

(Signed)

AUGUSTUS CRAVEN.

The paragraph lately inserted in Article 14 runs thus :—" It shall come into operation on the East Coast of Africa in six months, and on the West Coast of Africa in four months from the above date."

P.S.—I will send you the English translation of French and Swedish paragraphs early to-morrow.

(Address.)—Senhor Gomes de Oliveira, &c. &c. &c., Secretaria dos Negocios Estrangeiros.—De Craven.

Sub-Enclosure B.

MY DEAR VISCOUNT,

Lisbon, Sunday night.

NOT having seen you at the palace to-night, I write a line to tell you that I have been at work all day at our Treaty, and that I think I have succeeded in adapting *all your amendments very well to the different Articles*. I herewith send you also the annexes A. and B., with the grammatical corrections, rendered evident on consideration, and the addition of the substance of your amendment in the body of the Treaty. I think you can at once put the two annexes in question in course of copying. The third, C., I must look over again with you. If you like to give me half an hour to-morrow afternoon I will come down with it at your time. I am sure that half an hour will be enough to set your people at work; and I should be extremely glad to be able to report something positive by this mail, as Parliament may again take up the Slave Trade question with renewed vigour, after the holidays which they have been enjoying.

I am, &c.

(Signed) HOWARD DE WALDEN.

I am satisfied with the news from England.

Sub-Enclosure C.

MY DEAR VISCOUNT,

Sunday.

I RETURN you herewith the translation, or rather the Portuguese, of our Treaty. I have desired Craven to make the alterations of "dominions" into "possessions." There are still some sheets of Portuguese to be sent me.

I remain, &c.

(Signed) HOWARD DE WALDEN.

I enclose a letter I have received from Gibraltar respecting the Miguelite Agents.

(Most confidential.)

Sub-Enclosure D.

MY DEAR VISCOUNT,

Saturday night.

HERE is a note upon which to hang your declaration as to piracy. You will probably state, first, your objections and difficulties, if insurmountable; secondly, the fact of having established a penal law, inflicting a secondary punishment for (*illegible*) concerned in the Slave Trade; thirdly, remark on no European power, besides England, having actually declared Slave Trade piracy; and, fourthly, conclude with a declaration of the readiness of Portugal, either simultaneously or jointly, to unite with other powers of Europe in any resolution to the effect of declaring Slave Trade piracy; although, circumstanced as the Government is now, you cannot venture to take the initiative. This, in short, strikes me as the outline of the best case to make out, wording the conclusion as strongly as you can, in a general sense, denouncing the Slave Trade.

Believe me, &c.

(Signed) HOWARD DE WALDEN.

Estão conformes. Secretaria d'Estado dos Negocios Estrangeiros, em 11 de Setembro de 1839.

(Signed)

ANTONIO JOAQUIM GOMES DE OLIVEIRA.

(Translation.)

These are true copies. Office of Secretary of State for

Foreign Affairs, September 11, 1839.

(Signed)

A. J. GOMES DE OLIVEIRA

(Translation.)

THE Undersigned, President of the Council of Ministers, charged with the Department of Foreign Affairs, has had the honour to receive the note addressed

to him by Lord Howard de Walden, Envoy Extraordinary, &c., on the 28th of April of the present year, in answer to one which his Lordship received on the 22nd of May of last year, from Viscount de Sá da Bandeira, respecting the negotiation which took place between him and his Lordship, for the conclusion of a Treaty between the Crown of Portugal and that of Great Britain, for the abolition of the Traffic in Slaves.

The press of business committed to the care of the Undersigned from the various departments under his charge, especially during the sitting of the Cortes, prevented him from answering sooner the said note of his Lordship, which, owing to the multiplicity of objects therein contained, occupying 112 pages, required longer time for examination, in order to place the said objects in their true light.

It is with very little foundation that, in the above-mentioned note of his Lordship, the belief is endeavoured to be enforced, that in the note of Viscount de Sá da Bandeira, of the 22nd of May, 1838, not even an attempt is to be discovered to justify Portugal from the imputation, which was, and still continues to be, made against her on the part of the British Government, of allowing the Slave Trade to be carried on *with impunity* under her flag. A mere perusal of the said note renders manifest the contrary. In it are mentioned the continued efforts and sacrifices made by the Portuguese Government for the purpose of obtaining the abolition of this traffic, as well as the laws promulgated against it, and even the dismissal of the Portuguese Consul at Havana, for being suspected of conniving with parties interested in the said traffic.

Impunity has perhaps existed in the River Gallinas, and in other points near Sierra Leone, where the British cruizers have ineffectually prevented the Slave Trade; it being even asserted that some of the negroes liberated by the Mixed Commission have been sold in those quarters.

American vessels have been freely carrying on the Traffic in Slaves; they have been frequently met by British cruizers without being interrupted in their voyages, and at other times have been conducted to the ports of their own country. Courtesy was even carried to a greater extent towards the Russian vessel "*Golupchick*," which was taken to Portsmouth, and soon after released; a notorious instance of unequal dealing, on which the Undersigned need make no comment.

The Undersigned is of opinion that his Lordship has no ground whatever for stating that the Government of Her Majesty has paid no attention, since the year 1836, to the representations made by him against the protection afforded by the Portuguese authorities to the said traffic; and much less can it be affirmed that such authorities are still in the exercise of their functions.

The Portuguese Government has at all times, and more so from that period up to the present, taken into due consideration the said representations, and directed the most minute and scrupulous investigations to be instituted in consequence of them. But the Government never could, nor can it ever, proceed against any individual on mere accusations devoid of the necessary proofs; but, whenever such proofs have been established, they have not been remiss in the punishment. It was on this account that, on the 4th of June, 1836, his Lordship was informed, through this department, that the authorities at St. Thomas' and Princes' Islands, against whom his Lordship had made a representation, were going to be changed, and that a vessel of war was ordered to cruise in these seas.

If his Lordship reflects on the several changes that have taken place since the year 1836 among the Portuguese authorities, he cannot fail to acknowledge the moral impossibility that those authorities, of which his Government ordered complaints to be made at that time, should still be in the exercise of their functions, and consequently to recognise the injustice of his present complaint on this subject.

His Lordship had personally acknowledged in this office, in the presence of the Undersigned, the zeal and willingness evinced by Her Majesty's Government in endeavouring to prevent that any vessel, offering the least suspicion of being destined to be employed in the Slave Trade, should be suffered to be equipped in the Tagus.

His Lordship is well aware that four Portuguese vessels were captured in the seas of the Cape Verd Islands, in the years 1837 and 1838, by Portuguese vessels of war, and were tried in those islands; that two of them were condemned; and that the Exequatur of the Danish Consul in those islands, a Portuguese subject, was also withdrawn from him, for his connivance with the dealers in slaves.

Two Governors, one of Angola and the other of Mozambique, were committed for trial upon suspicion of a similar connivance; Vice-Admiral Noronha has, by order of his Government, rigorously enforced, in the Province of Angola, the Decree

of the 10th of December, 1836; vessels of war were sent out to cruize on the Coast of Africa, which have actually captured vessels employed in that traffic, one of which was brought to this port. All these facts are known both by his Lordship and by his Government; and it must be particularly observed, that they are the result of the strong measures taken conscientiously by Her Majesty's Government during the Administration of Viscount de Sá da Bandeira.

His Lordship's assertion that the Portuguese were the first to commence the Traffic of Slaves (staining with this crime the glory of their discoveries), must be, to say the least of it, qualified as gratuitous. That glory, however, is no less spotless than the character and reputation of the princes who undertook those discoveries, and of the warriors who achieved them, are noble.

History informs us that slavery, and the traffic, or purchase, and sale of men for slaves, was universally sanctioned in the remotest ages, and that they were either captured in war or sold by their fathers or creditors. Sacred history often mentions them. They existed amongst the Greeks and Romans; they were possessed by the nations who dismembered the Roman Empire; and although Christianity may have rendered their condition less hard, slaves were to be found even in churches and convents, and the Councils abound with regulations which prove that they existed, and were tolerated.

So deeply rooted was this odious traffic in Great Britain, that before the Conquest of William of Normandy, and even for a century afterwards, as stated by Macculloch, in his Treatise on Commerce, slaves formed *the principal* branch of exportation of that kingdom, and even *fathers there went so far as to sell their own children*. The inhumanity and abuse practised in this respect increased to such a degree, that in the Council held in London in the year 1102, endeavours were made to prohibit this traffic; and it was ordered that no one should be suffered to sell men like brutes (*ut nemo homines, ut bruta animalia venderet*). In the Council held in Ireland in 1171, it was found necessary to give liberty to the British slaves that existed in that island in great numbers.

Pope Gregory XI. having so lately as in 1376 fulminated heavy censures and penalties on the Florentines, one of which was to authorize any one who seized, to make slaves of them, we are informed by the history of that time, that a great number of them were made slaves of the King in Great Britain, and that their property was confiscated. This same punishment of slavery was decreed by the Popes of Rome, in the sixteenth century, against the Venetians and the Jews.

It was also decreed in Great Britain against vagabonds, by the statute of Edward VI. c. 23; and as late as 1685 the Judges of Bristol went so far as to sell as slaves, for the plantations of America, the criminals who were under sentence of transportation.

If slavery, and the traffic in white men, was so inveterate in Europe, and especially in England, that of the blacks was no less so, which had been already practised by the Romans, by the Carthaginians, and by their neighbours the Arabs, who took them to the northern borders of Africa, from whence they were transported to, and sold in, Asia Minor, Egypt, and Syria, long before the Portuguese discoveries, in the same manner that they continue to be at the present day.

The same Arabs brought them with them when they invaded Spain; and this practice spread all over Europe at the time of the Crusades; history making mention of a Norman called Guadri, Chancellor of Henry I. of England, who was afterwards a dignitary in the Cathedral of Laon, having in his service a black slave, according to the custom adopted by the knights who returned in the year 1106 from the first Crusade.

Cadamosto, the Venetian, quoted by his Lordship, for the purpose of proving that the Portuguese were the first who established the Traffic in Slaves, is the very same who affirms that the black slaves whom the Arabs of Algiers received from the interior of Africa in 1445 in barter for goods, were taken to the mart (*Escalla*) at Guaden, and from thence were distributed, some of them for the Mountains of Barkah, from whence they reached Sicily; others to Tunis, and afterwards all over the Barbary Coast; while others again were taken to Algiers, and there sold to the Portuguese dealers; proving, by the statement of the said *Cadamosto*, that the Portuguese were not the only ones, or the first who carried on this traffic.

There was no opening at that time for British subjects to commence, likewise, the Slave Trade on the western coast of Africa, because their navy was yet in its infancy, and their ships hardly ventured to sail as far as the Mediterranean; the consideration in which the Portuguese navy was held in Great Britain, and conse-

quently the rights which Portugal claimed in behalf of her discoveries being so great, as to induce England, in the reign of Henry VIII., in 1509, and even later, to seek a passage to India in a north-western direction, in order not to infringe them.

The British navy having increased, and the first attempts made by Sir John Hawkins, in 1562, having made known the immense profits obtained by the Slave Traffic, this trade was constantly carried on with ardour by British subjects, and to such an extent as to engage the British Government, in 1711, to obtain from Spain the monopoly, called *del Assiento*, for supplying African negroes to the Spanish Colonies, which had been formerly granted to the Flemish by Charles V., and from which the British Government (whose sovereign had a fourth part of the profits of the Company, according to the Treaty of Peace of Utrecht of the 13th of July, between Spain and Great Britain) only desisted in consequence of the Treaty of Madrid of the 5th of October, 1750, owing to which very long and obstinate wars were carried on; and it is deserving of note, that the regulation for the traffic in negroes, of which *Cadamosto* makes mention, was made by the Infant D. Henrique, at a time when Europe was yet ignorant of the first attempts in typography, made by John of Guttemberg, at Strasburg, while Great Britain was endeavouring to obtain the above-mentioned monopoly of the *Assiento* three centuries after the press was enlightening the universe.

It is, therefore, beyond doubt, that slavery and the traffic, both in white and black men, for slaves, are coeval with the world, and consequently that this odious traffic was not entered into first by the Portuguese, a belief of which has been wantonly attempted to be spread.

His lordship states in his note, that Great Britain abolished the said traffic without being bound so to do by any treaty with another power, and without having been paid for so doing by the treasury of any foreign nation; and attempts to blame those, who attribute to motives of egotism and sordid interest, her efforts to persuade the other nations to abandon the said traffic.

The language, more than pungent, as well as the unjust allusions with which every effort is made in his Lordship's note to depreciate the noble character of the Portuguese nation, which yields to no other in feelings of generosity and social virtues, might afford the Undersigned an ample field to return his Lordship, once for all, an adequate answer; nor would he be in want of facts or arguments to support it; but he does not wish to occupy himself with similar recriminations.

The Undersigned must observe, however, that the disinterestedness of Great Britain respecting the Slave Trade, might be called in question at the present moment; for, although a good share of philanthropy and humanity is blended in this undertaking, and this the Undersigned is the first to acknowledge, still it is no less certain, that Great Britain may derive from it the incalculable advantages of submitting the ships of almost every nation to the right of search, thereby in a certain degree paralyzing their navigation, and of encouraging the British Navy by the valuable prizes made by their cruisers.

It appears that the British Government did not expect that it might be proved, as Viscount de Sá da Bandeira has evidently shown by his note of the 22d of April, 1838, how entirely devoid of foundation the accusation was, made against the Portuguese Government, of their having received the sum of £600,000 sterling, in 1815, on the condition of co-operating with Great Britain *for the future and total abolition of the Slave Trade*, without their having yet fulfilled the said condition. It was on this account that in his Lordship's note it was more strenuously endeavoured to support that incorrect assertion, but the multiplied efforts therein employed show, by the artifice with which such arguments are interwoven, how great the disappointment of the British Government was at their not being able to suppress the truth, and how difficult also it was to justify their conduct for supporting before Parliament, and imparting to the Portuguese Government such an accusation made against a friendly and allied nation, while they could find proofs to the contrary in their own Archives.

In the above-mentioned note, of the 22d of May, Viscount de Sá da Bandeira has clearly demonstrated, that the debt in question proceeded from a loan contracted in Great Britain, for the object of purchasing stores and ammunition to repel the French invasion, which Portugal suffered through her fidelity to her alliance with England. He also proved that, by the Treaty of the 22d of January, 1815, the whole debt of £600,000 had not been remitted to Portugal, as it is wished it should be believed, but only the sum of £450,000, because the difference had been

already paid, together with its proper interest. He showed that the imaginary stipulation of Great Britain remitting her part of the balance of the debt, provided Portugal would bind herself to co-operate with her for the total abolition of the Slave Trade, never existed; on the contrary, it is shown by the note which the Portuguese Plenipotentiaries addressed to Lord Castlereagh, on the 12th of January, 1815, agreed upon between the parties on the preceding day, that they proposed to him the cession of the balance of the said debt, as a compensation, it is true, for the losses which would result to the Custom-houses of the Brazils and Africa (the revenue of which was already exhausted owing to the last war), by the immediate abolition of that traffic north of Cape Formoso, which, by further agreement, was to be changed to the north of the Line, but also as an equivalent, very limited forsooth, for the restitution of Guiana to France, which had been stipulated by the British Plenipotentiaries in the Treaty of Peace made in Paris, without either the authority or the consent of the Prince Regent of Portugal, who on that very account refused to ratify it.

In consequence of the aforesaid agreement and note, Portugal bound herself in the first Secret Article of the said Treaty of the 22d of January, 1815, to return Guiana to France, on condition of Great Britain diminishing the weight of the loss caused by this restitution, by the remittance of the debt mentioned in the body of the Treaty, and by the promise made in the said Secret Article, to mediate with France to put an end to the disputes existing between that power and Portugal with regard to their respective boundaries in America. Every one can judge if such a promise alone could ever be deemed a sufficient compensation for the restitution of such an important colony as Guiana, which had been conquered with heavy sums expended by the Portuguese treasury.

The evidence of what has been briefly stated cannot be contradicted by the interpretation attempted to be given to the Preamble and Article of the Treaty of the 22d of January, 1815. This Article, in stipulating the obligation of fixing a period when Slave Trade should be prohibited throughout the Portuguese dominions, is but a natural consequence and a ratification of the obligations previously contracted by the Treaty of Alliance of 1810, alluded to in the Preamble of the said Treaty of 1815.

The new and essential object of this Treaty was, undeniably, the partial abolition on the part of Portugal of this traffic north of the Line, which was stipulated in the 1st and 5th Articles, in which the cession of the debt of £600,000 sterling on the part of Great Britain in favour of Portugal was mentioned, and expressly referred to the 1st Article, in order that no doubt should be left of the one having such an immediate connexion with the other.

The promise of the restitution of Guiana was made in a Secret Article, owing to the compliance on the part of the Portuguese Plenipotentiaries with the wish of Lord Castlereagh, lest the publicity of this promise should give arms against him to the members of the Opposition in Parliament, by making it known that the said Lord had dared to stipulate for this restitution in the Treaty of Paris, without being authorized to that effect by the Portuguese Government, which circumstance he made every effort to hide; but it does not follow, because the delivery of Guiana was the object of a Secret Treaty, that, as it is pretended in his Lordship's note, it may, and ought to be considered as a separate object and without any relation to the other stipulations of the Treaty of which it forms an integral part, as it also formed a most essential part of the negotiation which served as basis to the same Treaty, as is indisputably proved by the note referred to, of the Portuguese Plenipotentiaries, of the 12th of January, 1815.

Endeavours are made in his Lordship's aforesaid note to throw a slur on the proposals of the Portuguese Plenipotentiaries at Vienna, for their agreeing to abolish the Slave Trade within eight years, provided England would on her part consider the Treaty of Commerce of 1810 as being also abolished; and to this effect, it is stated, that Portugal wished by that clause to *sell* the abolition of that traffic, while the other powers in Congress agreed to abolish it gratuitously. But neither Austria, Prussia, nor Russia, possessed any colony, consequently they could experience no loss in their revenue, or their agriculture, through this abolition.

It remained for France to show her gratitude for the restitution of her Colonies, and, even so, she only granted the right of search in 1831; and Spain only bound herself in 1817 for the abolition of the Slave Trade to take place in 1820, at a

time when she had already lost the most important part of her Colonies, receiving £400,000 besides as a compensation. But the situation of Portugal in 1815 was very different from that of all those powers. It suffices to reflect that the whole agriculture of the newly constituted Empire of Brazil was absolutely depending upon African labour, in order to be able to calculate the extent of the sacrifices then demanded and obtained by Great Britain from the Prince Regent of Portugal.

Even if the Undersigned were willing to overlook some assertions somewhat more passionate than correct, which abound in his Lordship's aforesaid note, relative to what passed in the Congress of Vienna, he cannot help feeling the misplaced irony with which his Lordship endeavours to condemn the efforts made by the Portuguese Plenipotentiaries in 1815, to rescue the nation from the evils which resulted from the Treaty of 1810. Irony, so much the less becoming on the part of the British Government, as by its not accepting the above-mentioned proposal of the said Plenipotentiaries, for Portugal to abolish her Slave Trade within eight years, in exchange for the annulment of that Treaty, it made manifest that it had at that time the interests of their own commerce more at heart than the feelings of humanity.

Efforts are made to inculcate the idea, that if the said Treaty of Commerce proved to be so prejudicial to Portugal as is affirmed, it was extraordinary that the Government should allow 10 years to pass, beyond the 15 years stipulated as a period for the revision of that Treaty, without taking any notice of it. It is sufficient, in answer to this, to state that the Portuguese Government had already manifested, in 1815, their wish to abolish it as above-mentioned; and the British Government ought to recollect that in 1825, when the above-mentioned 15 years expired, the Duke of Palmella, who was at that time Portuguese Ambassador in London, proposed officially to the British Government, the suspension of that Treaty, as his Excellency declared in his note to his Lordship, under date of the 21st of July, 1835, and even entered into a negotiation for a new Treaty, which was not carried into effect, owing to the lamented death of Don John VI. After this followed the civil war, from the year 1828 until 1834, and immediately in the ensuing year, the moment Her Majesty's Government enjoyed sufficient tranquillity to enable them to take into consideration this important object, notice was given to the British Government by the said note of the Duke of Palmella, of the suspension of the Treaty referred to; the stipulations of which had been already infringed upon by the same Government, as regarded the advantages derived from it by Portugal, having, as it did, annulled in 1831, in favour of France, the preference given to Portuguese wines by paying a third less duty.

His Lordship endeavours to show the little advantage resulting from the concessions made by Portugal to Great Britain, by the Treaty of Alliance in 1810, and by its secret Articles, to purchase and cut down in the Brazils, the timber necessary for the construction and repairs of their ships of war, and to cede to them the establishments of Bissau and Cacheu. If the British Government does not consider those advantages to be interesting at present, they must certainly have been of a different opinion, when they showed such eagerness to obtain them, and even when afterwards they evinced such reluctance in agreeing to the abolition of the Treaty of Alliance which conceded them.

As Portugal has been accused by Great Britain *of having received the price of her co-operation* for abolishing the Slave Trade, and of not having performed her share of the mutual conditions, Viscount de Sá da Bandeira was compelled to repel this serious accusation, and to show in his note of the 22d of May, 1838, that Portugal never sold her co-operation to any nation whatever, and that her alliance with Great Britain had been more than paid for by the extraordinary favours of a permanent duration, granted to Great Britain in the year 1810.

His Lordship appeals in his note to the Portuguese nation, respecting the attempt made by Vicount de Sá da Bandeira to depreciate the British alliance, and to condemn the services rendered by Great Britain to Portugal during the Peninsular war.

Not only the Portuguese nation, but particularly their Government, remember with gratitude the assistance afforded at that time, both by the British nation and by the British Government; nor did it ever enter the minds of the Portuguese Government to condemn their alliance with Great Britain, knowing how to give the full value to the reciprocal advantages resulting from it; but this Government having

been depressed by that of Great Britain, Viscount de Sá da Bandeira could not refrain, in his above-mentioned Note, from placing those facts in their true light.

The firmness with which Her Majesty's Ministers have supported the dignity of the Crown, and the independence of the nation, gave rise to such expressions in his Lordship's note, which the Undersigned cannot better refute, than by exchanging their literal meaning, stating in the same manner, "that the Portuguese Government know how to make a distinction between the virulence of individuals, and the feelings of a whole nation, and that they will not impute to the British nation in general their taking any part, either in the language or conduct of a few men, on whom circumstances have accidentally conferred temporary influence and power."

In endeavouring to overturn the true spirit of the Convention of 1817, and of its separate Article, his Lordship states that this Article is not yet carried into execution, because the stipulations of the said Convention have not been made applicable to the new circumstances.

The total prohibition of the Slave Trade took place in Portugal by the Decree of the 10th of December, 1836. The Portuguese Government endeavoured immediately to adapt the Convention to the new circumstances established by that Decree, the rigorous regulations of which were inserted in the Counter-Project offered to his Lordship. This Counter-Project having been rejected, the Portuguese Government admitted another Project of Treaty proposed by his Lordship, and such alterations were making in it by common accord, between Viscount de Sá da Bandeira and his Lordship as were thought proper by both parties.

However, when the Treaty was agreed upon, and the discussion of the Additional Article was about to be concluded, for the purpose of signing the Treaty, this did not take place, because there was not sufficient time to copy out the whole Treaty and Annexes before his Lordship's departure, which he did not think proper to delay.

The hypothesis provided for by the said separate article, of not being able to adapt to the new state of circumstances the additional Convention of 1817, was thus verified, as well as that of the said Convention, remaining in vigour for 15 years longer, to be reckoned from the 10th of December, 1836, such being the date of the Decree by which the Slave Trade was totally abolished in Portugal and her dominions, since *it was not possible to enter into any other agreement.*

The strength of the arguments herewith alleged cannot be denied, in spite of the efforts made in the said note of his Lordship to invalidate it, having, at one time, recourse to the stipulation of the 10th Article of the Treaty of Alliance of 1810, not remembering that was declared null and without effect in all its bearings in the 3d Article of the Treaty of the 22d of January, 1815, and at another time attempting to prove, that by the Convention of 1817, Portuguese vessels were not allowed to transport slaves, except to the Portuguese Transatlantic possessions; while it should be recollected that even by the 9th Article of the Instructions of that Convention, slaves were allowed to be transported from one port to another, either in the Brazils or on the Continent, and islands on the African Coast to the dominions of the Portuguese Crown, not situated in America, and then again repeating similar assertions, which had been already destroyed by the statement made by Viscount de Sá da Bandeira in his note of the 22d of May, 1838.

All those allegations are done away with by the definitive stipulation of the separate Article referred to, that, in case a new agreement could not be made, the additional Convention of the 28th of July, 1817, is declared to remain in full vigour, and by the instructions contained in the 4th Article of the said Convention, it is expressly prohibited to detain, *under any pretext whatsoever*, such Portuguese vessels employed in the Slave Trade as might be met with south of the Line. The cruizers being bound by the 5th Article of the said Convention, no alteration whatever can be made except *by common accord* and agreement between the two Crowns; an accord and agreement which Portugal has not yet made, nor is she obliged to make them during the period of the above-mentioned 15 years; nor is she even bound to make them after that period, except by *Treaty*, that is to say, by a solemn compact, made by common accord with full freedom of discussion in conformity to the law, after consulting the real interests of her ultramarine Colonies, and without any stipulation in any way unbecoming the dignity of her Majesty's Crown.

Upon these terms, the Portuguese Government negotiated with his Lordship a

CLASS B.

Treaty, in which ample concessions were made to Great Britain. They have ever been and are still ready to enter into negotiations upon the same terms; but finding themselves placed at the present moment by the British Government between violence and dishonour, their choice cannot remain doubtful; as they will rather suffer the consequence of the former, than submit themselves to acknowledge and sign as a Treaty a draft sent from the Foreign Office of London, to be immediately copied out and signed in Portugal without the least alteration or delay.

The British Government constitutes itself by this proceeding the greatest protector of the Slave Trade, so long as she deprives herself of the frank and ready co-operation of Portugal. It must be, however, borne in mind, that in spite of the necessity under which the Portuguese Government is placed of refusing to acknowledge as legal the capture of the vessels employed at present in this traffic south of the Line, in consequence of such captures being made against the express words of the Convention of 1817, and without either the authority or consent of the same Government, the Portuguese Government has not been remiss in causing the decree of the 10th of December, 1836, to be rigorously executed both in this kingdom and throughout the Portuguese dominions, therefore all the assertions to the contrary which are to be found interspersed in his Lordship's note are wholly opposed, as has been demonstrated, to the real facts of the case.

The memory of the Marquis of Aracaty, of that worthy Governor-General of Mozambique, who died no doubt of grief, owing to the absolute necessity he found himself under of refusing to execute the positive orders of his Government by enforcing the above-mentioned decree of the 10th of December, did not escape the censure of his Lordship. The circular letter published by that Governor, owing to this circumstance, and of which every line gave evidence of coercion, was communicated to the British Government for the purpose of proving how difficult and delicate the execution was of the proposed abolition, and how much more indispensable both the guarantee of the ultramarine dominions, and the aid demanded in virtue of it (which had been requested from the very commencement of the negotiations), became after this untoward event.

The Portuguese Government did not desist, however, from their efforts to enforce it and cause the decree to be put into execution, yet, in spite of all, this same circular, communicated in such good faith, is now brought forward as an accusation!

So far is the Brazilian Government from complaining of Portugal protecting the Slave Trade, as his Lordship affirms in his note, that the said Government in its last report, made by the Minister of Foreign Affairs to the Chambers of that empire, acknowledges the strong and energetic measures taken by Her Majesty's Government against the said traffic.

As this trade is, in fact, a species of contraband, it is not to be wondered that such rigorous measures should also have contributed, as is generally the case with all commercial restrictions, to cause its augmentation in proportion to the increase which the fear of the future scarcity of slaves must necessarily produce in their prices and in the consequent gains of the smugglers.

It is therefore a manifest injustice to accuse the Portuguese Government of the progress of this trade, when they have promulgated severe laws and caused them to be put into execution; but as it is not in their power to prevent it, in the same manner as it is not in the power of the British Government to prevent great quantities of contraband goods from being introduced into Great Britain, notwithstanding the rigorous laws which prohibit them, and in spite of a naval force specially destined to oppose it.

The injustice of such accusations is the more glaring, since it appears from the papers which have been lately laid before the British Parliament, and published in the newspapers, that this contraband trade is not only carried on under the Portuguese flag, but also under the flag of several other nations, and particularly so under that of America, by which a great number of vessels are employed, and the fastest sailers built in the ports of the United States.

But this injustice rises to its highest pitch from the circumstance of its being notorious that the greatest part of the goods employed in slave transactions are manufactured at Glasgow, Manchester, Leeds, and Birmingham; both the British manufacturers and merchants, as well as the intelligent directors of their Custom-houses from whence the goods are exported, being fully aware, from their peculiar and well known quality, of their true and only destination. It appears besides

from the above-mentioned papers which were laid before Parliament, that the British merchants at Rio de Janeiro, as stated by the Commissions to their Government, sell those goods upon credit to the smugglers in slaves with the condition of being paid either the whole or part, according whether their ventures reach or not in safety the place of their destination.

How could Portugal prevent a contraband trade, which is generally carried on in the most fast-sailing vessels of other nations, provided and supplied with British manufactures, British capital, and the industry of British commerce, without meeting with any opposition from the British Custom-houses? And above all, who ought to be the real plaintiff? Is it Great Britain, who beholds her manufactures and commerce prosper by the traffic in slaves whenever it proves successful, and when unsuccessful, sees it serve to enrich both her navy and colonies with the spoils of the captured vessels, and with the slaves found on board of them, or Portugal, to whom the traffic in slaves carried on through the abuse of her flag by smugglers of other nations, only produces violence and reproach?

All that the Undersigned has hitherto stated in answer to the above-mentioned note of his Lordship of the 28th of April of the present year, can be also applied to the other note which he had the honour to receive from his Lordship on the 5th of last May, in answer to the one of Viscount de Sá da Bandeira of the 6th of October of last year, in which many arguments are brought forward again which have been already overturned, and therefore do not again require refutation. The Undersigned, however, will answer some of the points not hitherto discussed, and which are reproduced in both the said notes.

In his Lordship's note of the 28th of April great efforts are made to impress the belief that the Portuguese Government insisted upon limiting the right of search, established by the Convention of 1817, and abolishing the Mixed Commissions, submitting the crime of slave-trading to the Portuguese tribunals, but the circumstance was concealed that these proposals were the first that were made in the negotiation of the Treaty, when, in May, 1837, Viscount de Sá da Bandeira sent his Lordship a counter project requiring the same conditions that Great Britain had stipulated with France; both his Lordship and his Government being well aware that in the Treaty agreed upon with his Lordship such clauses did not exist; that by that Treaty is shown the last state of the negotiation, and the pretensions of the Portuguese Government which were agreed to by his Lordship; and that every argument ought to commence from that point, if good faith is wished for in the discussion.

Now in the other note of his Lordship, it is acknowledged that those stipulations had been proposed in the said counter project, but the motive alleged for their being inadmissible, is that France being so differently situated, no parallel can be made between the two countries; France having entirely abandoned the Slave Trade, while Portugal was its protector, and that crimes perpetrated in that Trade might be safely submitted to the adjudication of French courts, while being submitted to Portuguese tribunals, would be a mere mockery.

In the same manner that it cannot be affirmed, that Slave Trade has been abandoned in France, while it is carried on by smugglers of all nations under different flags, it cannot either be said with any degree of truth, as has been demonstrated, that Portugal is the protector of it.

The Portuguese tribunals are as worthy of consideration as those of France and of Great Britain, and in speaking in such a manner against so respectable a body, his Lordship ought at least to have pointed out those cases in which the said tribunals had been guilty of prevarication, while on the contrary, his Lordship is well informed of the fact of vessels having been captured in the Cape Verd Islands by Portuguese vessels of war, for being employed in the Slave Trade.

Attempts have already been made in the said note of his Lordship of the 28th of April, to destroy the reasons which existed for asking for a guarantee, or rather succour, in virtue of a guarantee in the Additional Article proposed by Viscount de Sá da Bandeira; but in the other note of his Lordship of the 5th of May, the meaning of the words made use of by Viscount de Sá da Bandeira has been furthermore perverted, stating that his principal argument for demanding the above-mentioned guarantee, or succour, was based upon the fact, "that notwithstanding the Slave Trade was abolished by the law throughout the Portuguese dominions, still slaves continue to form as yet one of the principal branches of exportation from the Portuguese Colonies." Great stress is endeavoured to be thrown upon this disfigured assertion, by adding the following: "It has very rarely happened that the

most inveterate enemies of any country have made a blacker imputation against it than that which Portugal is made to suffer, through such an admission, by her own Government.

To demand a guarantee for the Portuguese dominions was to demand no more than what Great Britain is bound to give by ancient treaties; and if it is her duty to defend the Portuguese dominions from foreign nations, with so much greater reason ought she not to refuse to accede to this obligation in a Treaty through which owing to the stipulations exacted by, and granted to her, Portugal would run a great risk of losing those dominions. Nothing can be more just than the guarantee or aid demanded in virtue of a guarantee, in case of aid becoming necessary to the said dominions.

These reasons, so often given to his Lordship, are put aside, in order to be substituted by the disfigured assertion referred to above, while Viscount de Sá da Bandeira, in his note of the 6th October last, never stated that slaves *continue to form* one of the principal branches of exportation from the Portuguese dominions in Africa, but he said "that the British Plenipotentiary could not be ignorant, how different the situation of Portugal was to that of Spain, relative to the said traffic, because, Spain subjects carry it on by importing slaves, while in the Portuguese Colonies it *formed* one of the principal branches of exportation."

These observations of his Excellency referred to the dominions of Southern Africa, where slaves constituted for a long time a *legal branch* of the export trade which has been prohibited by the Decree of the 10th of December, 1836. The word "*formed*," of which Viscount de Sá da Bandeira made use, refers to the past, and cannot be faithfully translated into the words "*continue to form*," which belongs to the present tense; thus, the inference, attempted to be established by such a translation, falls to the ground by the mere effect of grammar.

Both in the one and the other of the above-mentioned notes of his Lordship attempts are made to disfigure the intention with which Her Majesty's Government proposed that the Treaty should be revised at the end of ten years; his Lordship asserts that the said Government insists on this, with the view of having the faculty, after a determined period, to revive the Slave Trade *in all the original plenitude of its iniquity*.

The nature of this assertion does not permit of an appropriate qualification. Viscount de Sá da Bandeira has already explicitly demonstrated, in his note of the 6th of October last, the reasons why it was not expedient that the Treaty should be perpetual, and it was even shown that the stipulation admitted in the Treaty for the perpetuity of the abolition of the Slave Trade was attended with a risk, owing to the consequences that might follow in prejudice of the Portuguese monarchy, and therefore the demand of a guarantee was not frivolous. But, by merely reading the Treaty agreed upon with his Lordship, it may be seen how far opposed his assertion is to the context of it.*

It is clear from the combination of these two Articles that the perpetuity of the abolition of the Slave Trade is established according to what is stated in the first part of them. All other stipulations, tending to carry into effect the said abolition, might be revised and altered at the end of ten years, but never in such a form as to subvert the perpetuity of the abolition as established in the first Article.

It is therefore beyond a doubt that it cannot be inferred either directly or indirectly, from the Treaty agreed upon with his Lordship, that Portugal attempted to reserve to herself the right, by such revision, to renew this traffic at the end of a determined period.

In order to render it impossible for the Portuguese Government to admit the perpetuity of the Treaty, as far as regards the means of carrying into effect the abolition, recognised in that Treaty as perpetual, it would be enough that the oppressive right of search should be perpetual; for although his Lordship represents that right as reciprocal, such reciprocity in a similar case is null, or almost null, owing to the enormous difference existing between the British and Portuguese naval forces. Moreover, Portugal owes both to herself, and to the other civilised nations, not to give the example of establishing by Treaty the eternal dereliction of the principle of the liberty of the seas, a dereliction which can only be of use to the maritime powers of the first order.

His Lordship, in answering the note of Viscount de Sá da Bandeira, of the 6th of October last, on that point where his Excellency affirmed that the Treaty which

* Vide Slave Trade Papers, B. 1839, for this 1st Article, and the following 14th.

had been agreed upon with his Lordship, could not be signed for want of time to copy it out before his Lordship's departure for London, calls the said Treaty, in his note of the 5th of last May, *an incomplete Project of Treaty*, and adds that he took it with him to London, in order that it might be taken into consideration by his Government; but that *his Lordship did not agree to it, because he was not authorized; nor could he have agreed to it according to his instructions.*

In order to prove the difficulties that still existed, in concluding the Treaty on the 12th of May, his Lordship mentions *a private letter*, which he calls *a private note*, which he received under that date from Viscount de Sá da Bandeira, in which the latter requested him to wait two weeks longer, not, says his Lordship, to have the Treaty copied fair, but in order to agree upon five different points on which they differed at that time, viz.,

1st. Declaring the Slave Trade Piracy.

2nd. Which ought to be the places in which the Mixed Commissions should sit.

3rd. The geographical limits of the Right of Search.

4th. The duration of the Treaty.

5th. If Great Britain would give a guarantee of the Portuguese Possessions.

His Lordship, however, adds that his Excellency affirmed that he hoped, within a week, to overcome all those difficulties, but that after fifteen days had passed, his Lordship had been informed (but he does not say by whom,) that the project of Treaty was yet to be laid before a Council of Ministers; that the declaration of Piracy was not yet prepared, and that a more positive assurance was requisite respecting the succours claimed by Portugal, and that his Lordship then thought that he should not be justified in delaying his departure any longer.

His Lordship afterwards refers to another private letter, from Viscount de Sá da Bandeira of the 30th of May last, which he calls also a note, which was received by his Lordship in London, in which was asserted that had his Lordship delayed his departure one week more, all the difficulties would have been overcome, but that his Excellency still insisted on the guarantee he had demanded, and in refusing to declare the Slave Trade piracy, and that he learnt afterwards, from subsequent information, that had he delayed his departure even to the present day, he would not have obtained the signature to the Treaty; and lastly, concludes by saying that he had instructions from his Government to protest against the attempt so repeatedly put in practice in the above-mentioned note by Viscount de Sá da Bandeira, in order to establish the belief that the proposals offered by his Excellency, which the British Government could never admit, ought to have been considered as stipulations agreed upon between the two Governments, or their plenipotentiaries.

The Undersigned is about to prove that the whole of this transfigured history of the negotiation is diametrically opposed to facts, as it can be proved that there existed in reality a Treaty agreed upon by his Lordship with Viscount de Sá da Bandeira, and that there is no foundation for the protest which his Lordship brings forward, in the name of his Government, against the reality of facts which his Lordship, under no consideration whatever, would deny, if, notwithstanding their being both well authenticated, and of recent date, they had not unfortunately escaped his memory.

The 12th of May being the day on which the first of the two private letters of Viscount de Sá da Bandeira was written, it is no wonder that the five points in question between his Excellency and his Lordship should be still undecided, and that, after a few days previous to his Lordship's departure, on the 23d of the same month, a last resolution should be taken in the repeated and daily conferences which took place between them, as indeed was actually taken.

Owing to this agreement in all the sheets of the original project of Treaty that his Lordship had presented, the amendments proposed by the said Viscount de Sá da Bandeira, and approved by his Lordship, were written in his Lordship's own hand. To this Treaty, thus amended by his Lordship, his proposals relative to the additional Article were added; and in order to give it more authenticity, all the sheets of this important document, which still exist in this state in this department, were signed both by the said Viscount and by his Lordship.

As his Lordship, in order to corroborate his assertions, thought proper to make use of private letters, he will not doubtless be surprised that other letters should be brought forward in support of the truth, and in confirmation of what has been stated.

The above-mentioned Original Project of Treaty, thus amended and agreed upon by his Lordship, was compared by order of Viscount de Sá da Bandeira on the 17th of May, 1838, both by the chief clerk who then belonged to the third section of

the Foreign Department, and by Mr. Augustus Craven, Secretary of the British Legation at this Court, with a Copy of the said Project of Treaty, also amended, which exists in the said Legation, in order that, after they had been examined and found correct, copies should be made for signature.

It was on the same day, the 17th, that Mr. Craven addressed a letter to the said Chief of the third Section, of which a copy is here transcribed, in which, mentioning the decision of his Lordship respecting some trifling differences that had been found in the two Projects of Treaty, and which have been altered since, he says that there was no room for some slight alterations which did not affect the efficacy of the Treaty, such as the better collocation of an Article, &c., not to give occasion to further delay in his Lordship's departure, and that his Lordship already considered the Treaty *as being concluded with Viscount de Sá da Bandeira*, and that there only remained to make a fair copy for signature.

Several letters of his Lordship to the said Viscount, copies of which are herewith annexed, serve also to prove the same.

In the first his Lordship states, or that he has been at work all day at the Treaty; that he thought he had succeeded in adapting *all the amendments of the Viscount de Sá very well to the different Articles*; sending also the annexes A and B, with some corrections. He adds that his Excellency might order the said annexes to be immediately copied; that respecting the annex C he would speak to his Excellency, of whom he asked half an hour's conference which, he says, would be sufficient, &c."

In the second letter "his Lordship encloses the Portuguese version of the Treaty, states that he has recommended Mr. Craven to make the alteration of writing 'dominions' instead of 'possessions.' He requests that a few sheets of Portuguese original which were missing might be sent to him."

It is therefore more than proved, even by the above-mentioned letters of his Lordship, that he actually proposed and agreed to a Treaty with Viscount de Sá da Bandeira, such as exists in this Department amended by his Lordship, and countersigned by them both, being a literal copy of that which his Lordship took to London when he departed for that Court, without waiting for its being finished to be copied out for signature, as has already been stated.

After this exposition the Undersigned cannot conceive how his Lordship could enter into a negotiation, if his instructions forbade him doing so, or if they allowed him, how he now rejects his own negotiation? When once the existence of the Treaty has been proved, all the accusations made against the stipulations of the same Treaty, which his Lordship calls pretensions of the Portuguese Government, fall to the ground; and it shows that far from being Portugal who refused to conclude it, it was the British Plenipotentiary himself who did not sign it after having agreed to it, in the same manner that his Government now refuses to sign it, notwithstanding the proposals made to them to that effect by Viscount de Sá da Bandeira in his Notes of the 22d of May, and 6th of October, 1838.

The answers given by his Lordship to the analysis made by the Viscount de Sá da Bandeira, of the Treaty for the Abolition of the Slave Trade, negotiated by the Duke of Palmella with his Lordship, and of that which his Lordship presented afterwards to the said Viscount, as well as of the one that the Viscount has negotiated with his Lordship, and of the other that was afterwards presented by Mr. G. S. S. Jerningham, are not satisfactory; many are inconsistent, as, for example, that it was done thus *because it was the opinion of the British Government*; and all of them are destitute of a solid foundation, as it may be ascertained at first sight by simply making a comparison of the said answer with the analysis, the elements of which comparison, owing to the want of time and the limits of a note, cannot at present be developed.

It cannot be denied, however, that in every new project of Treaty sent by the British to the Portuguese Government to be presented to them during the present negotiation, new alterations always appeared, less favourable to this kingdom, showing that there existed a system regularly followed up, for the purpose of injuring the negotiation; nor could the peremptory manner in which Mr. G. S. S. Jerningham, in presenting the last Project of Treaty, demanded, according to his instructions, that it should be signed immediately, and without the smallest alteration or delay, be accounted for in any other way.

There are however two omissions taken notice of in the last Project of Treaty by Viscount de Sá da Bandeira in his note of the 6th of October last, the answer to which requires an immediate refutation.

His Lordship says that the enumeration of the Portuguese dominions was omitted

in that Treaty, and that it neither belonged to England, nor was it appropriate for a Treaty for the Abolition of the Slave Trade to contain a declaration as to which were the African territories that did or did not, belong to Portugal.

Both in the 10th Article of the Treaty of Alliance of the 19th of February, 1810, and in the 2d Article of the Additional Convention of the 28th of July, 1817, in which measures were determined upon for the purpose of suppressing the Slave Trade, the British Government evinced no objection to admit the declaration of which were the dominions of the Portuguese Crown in Africa, and even of those territories over which it reserved its right.

The difficulty that the British Government evinces in admitting such declarations in the Treaty is necessarily a matter of surprise to the Portuguese Government, which obliges it to be cautious.

For the same reason the Portuguese Government will not dispense with the declaration, to be made in the Treaty, of the renewal of the ancient Treaties of alliance, friendship, and guarantee between the two Crowns declared in the 3d Article of the Treaty of the 22d of January, 1815, and to which the British Government seems at present unwilling to lend itself, for the unlooked-for reason alleged by his Lordship's note (the second above named) namely, that *the renewal of the ancient Treaties served to diminish their force.*

His Lordship complains of the objection made by Viscount de Sá da Bandeira that Slave Trade should be declared piracy in the Treaty, and analyzes in his own way the answer given on the subject by the said Viscount de Sá da Bandeira in his note of the 22d of May, 1838, to which his Excellency referred in his other note of the 6th of October of the same year.

To show the inconsistency of the said analysis would be a long task; it ought, however, to be recollected, that the declaration of piracy so strenuously claimed by the British Government as a condition *sine qua non*, for the conclusion of the Treaty was omitted by the mutual consent of Viscount de Sá da Bandeira, and his Lordship in the Treaty agreed to by them both.

But as his Lordship impugns the same omission to which he has agreed, and, in several parts, both of his first and second note, has appeared to call in question the undeniable good faith and good harmony with which the said Viscount proceeded throughout the whole of this negotiation with his Lordship, appealing to the Viscount's letters as a proof of it, it is also fair to bring forward the annexed copy of a letter which his Lordship addressed to the said Viscount, who entrusted it to the Undersigned, together with the others already mentioned, both in Her Majesty's defence, and in his own.

His Lordship pointed out to him in this letter the basis upon which the answer ought to rest, which his Excellency was about to give him, upon the exigencies of his Government, and it was, in fact, in conformity with that letter that his Excellency answered his Lordship at the end of his note of the 22d of May, 1838, as may be easily known by comparing one with the other. How is it possible, then, to have any doubt about such an indisputable agreement; moreover, when his Lordship endeavoured to frame an answer which, by his express insinuation, was given to him by the said Viscount?

It remains, lastly, to justify both the Portuguese nation and its Government from an accusation made without the least justice at the end of his Lordship's note of the 28th of April last, that after Portugal had been liberated within these last years from the despotic sway of a tyrannical usurper by the aid of British subjects, and by the protection of their Government, without which this kingdom could not be now peaceably enjoying constitutional liberty; and when, but a few years ago, the sovereign of Portugal was especially indebted to Great Britain for her restoration to the throne of Her ancestors, Her Minister should deliberately break the bonds contracted by the predecessor of their august mistress towards Great Britain, and while the Portuguese enjoy the liberty so lately acquired should persist in reducing to slavery the inoffensive population of Africa.

The contents of this note more than sufficiently answer both this final assertion and the pretended infraction of the Treaty with Great Britain, showing also which was the party that so manifestly broke them; and it remains only to be called to mind that the Decree of the 10th of December, 1836, will of itself concur more towards the abolition of the Slave Trade than all the coercive measures put in practice to this end, abroad, and against Portugal.

Now, with regard to what both Portugal and Her Majesty have been indebted to Great Britain in latter times, it behoves us to say something in its just defence.

Portugal does not forget—on the contrary, she remembers with gratitude the assistance rendered her by Great Britain in 1827, and that which Great Britain, since 1831, afforded to the cause of Her Majesty.

She also gratefully remembers the service that was rendered to her by the foreign auxiliaries, in which British subjects were included; and his Lordship can have no reason whatever to suppose they have been forgotten, as Portugal has satisfied, and is at present satisfying all those who generously devoted their services to her. With regard to claims from one Government to the other, his Lordship must be aware of the uprightness of the intentions and of the wishes of Her Majesty's Government.

It is not, however, without pain that Portugal observes that, whilst his Lordship thinks proper to remind her of the services and considerations that may be done on her part by Great Britain, his Lordship should forget the motives of complaint that Portugal has had within these last years against some of the proceedings of the Government of the Queen of England.

The Orders in Council of Great Britain of the 10th of May, 1837, are still in force, and in consequence of them Portuguese navigation and commerce was burthened in England with special duties paid by no other nation, although Great Britain has not yet ceased to be one of the most favoured nations in Portugal. In India, the prelates who enjoyed the royal patronage of the Portuguese Crown, situated in territories belonging to the British dominions, were dispossessed of their authority, by the consent of the British Government.

Not only the satisfaction demanded by the Portuguese Government, in consequence of the attempt made by Lieutenant Bosanquet, of the British Navy, in the port of Mozambique, was not afforded, but this Lieutenant was even promoted, and his promotion officially communicated to the Portuguese Government.

The Crown of Portugal has not yet received any satisfaction for the repeated acts of violence committed in the Island of Bulama, by one of the British cruisers, against the peaceful subjects of Her Majesty.

Several Portuguese vessels, met with south of the Line, with slaves on board, have been captured by British cruisers, against the express spirit of the additional Convention of the 28th of July, 1817, and its separate Article; and the British Government, having refused to sign the Treaty for the Abolition of the Slave Trade, as agreed upon by Viscount de Sá da Bandeira, and his Lordship, as is proved to evidence in this note, endeavours were made to insinuate the belief that Portugal refuses to concur in the said Treaty, and upon this specious foundation a Bill was proposed to Parliament, in order that the said vessels might continue to be captured by their cruisers, and to authorize their Tribunals to confiscate them.

This measure is entirely opposed to the said Convention of 1817, and is the most explicit and solemn avowal, on the part of the British Government, that they do not consider themselves authorized by Treaties to order such captures to be made; and a spontaneous and public acknowledgment of the illegality with which they have hitherto been made by their cruisers.

Such a measure is the most flagrant violation of the right of nations; for the failure of the consent on the part of a sovereign to a treaty can never be substituted by the decision of the legislative body of a foreign nation.

It is therefore with great justice that Her Majesty ordered her minister to protest at the Court of London against such an offence to the most sacred right of the sovereignty and independence of her crown, making at the same time an appeal to all the Powers of Europe and America, who, Her Majesty hopes, will not look with indifference on this unheard-of proceeding, already reprov'd in Great Britain by several of her great statesmen and able jurisconsults.

The Undersigned, having thus answered the two notes of his Lordship, of the 28th of April and 5th of May of the present year, avails himself, &c.

(Signed)

B. DA R. DE SABROSA.

Second Enclosure in No. 113.

Lord Howard de Walden to Baron de Sabrosa.

Cintra, September 16, 1839.

THE Undersigned has had the honour to receive this morning a note addressed to him, under date of the 11th instant, by the Baron da Ribeira de Sabrosa, Secretary of State, &c., entering into various arguments, intended as answers to parts of the notes, presented by the Undersigned to his Excellency by order of Her Majesty, on the 28th of April and 5th of May, relative to the breaking off of the late negotiations for a Treaty between Great Britain and Portugal, for the effectual abolition of the Slave Trade carried on under the Portuguese flag.

As it may be the intention of the Baron da Ribeira de Sabrosa to publish this note at once, without giving the Undersigned time to enter into its details; and as his Excellency would thus be enabled to send it forth, to produce effect upon the public, as was done in regard to the note of the Viscount de Sá da Bandeira, of the 6th of October, 1838, which was published officially in the "Diario do Governo," without the reply to it,—a proceeding strongly contrasted with the loyal proceedings of the British Government, by whom all the papers connected with the Slave Trade negotiations were laid before the British Parliament, in the most comprehensive form, the Undersigned must defer, from want of time, the general analysis of the note of his Excellency, and reply at once to the point on which his Excellency seems to have worked most (for what object it is difficult to understand, as it does not tell in the least upon the two questions, on which the Viscount de Sá da Bandeira and the Undersigned were at direct variance, viz., the questions of piracy and the guarantee), and respecting which he has called, in aid of misrepresentations (the Undersigned cannot believe them intentional), private and confidential letters from himself to the Viscount de Sá da Bandeira, and a letter from the attaché of Her Majesty's Legation to a clerk in the Foreign Office.

The Undersigned has now, however, only distinctly to deny, once more for all, that he had ever consented to sign the Treaty, as it stood on his departure from Lisbon on the 23rd May.

The Undersigned is not a little astonished at the Baron da Ribeira de Sabrosa's renewing the attempt to ascribe, solely to his precipitate departure, the "non signature" of the Treaty, as said to have been consented to by the Viscount de Sá da Bandeira. The Undersigned having personally made his Excellency acquainted with the tenor of the proposed joint declaration, under which alone he had consented to affix his signature to the Treaty, as likely to stand, even if, firstly, the promised "declaration" as to piracy, and, secondly, the stipulation for the proposed guarantee, had been brought forward simultaneously, in the more satisfactory shape, which he was induced, by the Viscount de Sá da Bandeira, to expect to the last moment they would be. The Undersigned now begs to refer the Baron da Ribeira de Sabrosa to the draft of the document, which was delivered by the Undersigned to the Viscount de Sá da Bandeira, which was as follows:—"At a conference held this day between the Viscount de Sá da Bandeira and Lord Howard de Walden, Lord Howard declared that he did not feel authorized, under his instructions, to affix his signature to any Treaty for the abolition of the Slave Trade, which did not contain a provision for making that traffic piracy. The Viscount de Sá da Bandeira, on the part of the Portuguese Government, stated that the force of circumstances alone prevented his acquiescing in such a stipulation in the proposed Treaty; but having declared, in the name of the Queen of Portugal, Her Most Faithful Majesty's willingness to become party, by either a joint or simultaneous act, to any general measure adopted by other European powers for the same object; and the Viscount de Sá da Bandeira and Lord Howard having both also weighed the various inconveniences, which might arise from a delay at this moment in the actual signature of the Treaty, containing important stipulations, so entirely in conformity, in so many important respects, with the other principles and details of the project as presented to the Portuguese Government, have agreed to affix their signatures to the Treaty, *sub spe rati*; under the mutual pledge, that in the event of the Treaty

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not being accepted as it stood, by Her Majesty's Government, the act of its signature should remain secret, and that the document should be cancelled, and be considered, to all intents and purposes, null and void in all its parts, as if the said signature had never taken place."

This establishes the basis on which the Undersigned, acting in the most conciliatory spirit, and determined to put the real disposition of the Viscount de Sá da Bandeira, or the party he represented, to the test, would have consented to affix his signature to the Treaty, distinctly not pledging Her Majesty's Government to the adoption of it, on receiving, at the same time, a satisfactory declaration (instead of patent article) as to a future engagement to proclaim Slave Trade piracy, and a demand for a guarantee, restricted within reasonable limits, based on the offer made by the Undersigned.

It was on these points, on neither of which the Viscount de Sá da Bandeira had consented to meet the propositions of the Undersigned when the Undersigned left Lisbon, that the signature of the Undersigned, even under the special condition above recorded, had depended. With regard to the private letters collected and quoted by the Baron da Ribeira de Sabrosa, it is hardly necessary to remark that the first, Mr. Craven's, was an answer to the pretension of a clerk in the Foreign Office to alter, without the authority of the Plenipotentiaries, the text of Articles which had been agreed upon, and which were in the course of copying, apparently in a most dilatory manner, creating the impression of a disposition on the part of persons under the Viscount de Sá da Bandeira's directions, not to further even the manual labour of preparing a document for signature; the second, a letter from the Undersigned, some time previous to his departure, is evidence of his own desire to adopt, as far as was possible, the Viscount de Sá da Bandeira's proposed amendments, though it is unfortunately no evidence of the subsequent success of his endeavours; the third letter from the Undersigned tells upon the dilatoriness of the Foreign Office, and stimulates the Viscount de Sá, by stating to him that some sheets of the Portuguese text were still kept back.

The fourth letter made use of, and a confidential one, also from the Undersigned, only proves that on *the 20th, the Sunday previous to his departure*, the question as to the piracy declaration was still unsettled, although the Undersigned still entertained hopes, that the Viscount de Sá might be induced to render it satisfactory.

This is fully corroborated by the Note addressed to the Viscount de Sá da Bandeira by the Undersigned, on the 20th of May, two days previous to his last conference, in which he encloses projects of two Articles on the question of piracy, and which concludes with an earnest appeal to the Viscount de Sá da Bandeira, the Minister to whom the glory is due of having, during the short period of dictatorship, proclaimed the abolition of the Slave Trade, to take into his most serious consideration, in the same philanthropic spirit by which he was on that occasion influenced, the consequences which will be involved in the rejection of his proposal, on the part of Great Britain, to make Slave Trade piracy, which made a condition *sine quâ non* of the conclusion of "the proposed Treaty, by the loss of which such immense benefits to be conferred on the human race, and advantages to the possessions of the Crown of Portugal in Africa, will be destroyed." And by the report made by the Undersigned to Her Majesty's Government, on the 22nd of May, in which he states that, "having had his last conference with the Viscount de Sá da Bandeira, and his Excellency having stated to him the necessity under which he felt himself, of again submitting the project of Treaty to the Council of Ministers, and that he was not prepared with the promised declaration as to the piracy question, and, moreover, that it was indispensable to obtain some more precise assurance than that the Undersigned had proposed, relative to the assistance to be afforded to Portugal in the event of disturbances in the Portuguese Colonies; the Undersigned had considered that, in any longer delaying his departure from Lisbon, he should not be acting in a manner suitable to the circumstances of the case. If anything were likely to bring the Portuguese Government to a sense of their present position, perhaps nothing would be more likely to open their eyes, as a warning, than the Undersigned's departure. The Viscount, on finding that the Undersigned was not to be detained any longer, promised that he would make such a declaration, in a note addressed to him, as would satisfy Her Majesty's Government."

If further confirmation were necessary, it is to be found in the Viscount de Sá da Bandeira's own document, dated 22nd, addressed to the Undersigned after his

departure, received on the 28th, and forwarded by Mr. Jerningham on the 29th of May, in which the Viscount de Sá enters into an explanation of the views of the Portuguese Government, in a tone very little in accordance with his professed disposition on the departure of the Undersigned from Lisbon on the 23rd of May.

The Undersigned, &c.

(Signed) HOWARD DE WALDEN.

His Excellency the Baron da Ribeira de Sabrosa,
&c. &c. &c.

No. 114.

Lord Howard de Walden to Viscount Palmerston.

Cintra, September 20, 1839.

(Extract.)

(Received October 1.)

I HAVE been informed, that it is the intention of the Baron da Ribeira de Sabrosa to attempt to renew the negotiations for the conclusion of the Treaty for the suppression of the Portuguese Slave Trade; that he had consented to call the Duke of Palmella into consultation as to the course to be pursued.

I learnt, however, a few days ago, that the Baron had not then done so.

I was, however, told, more than a fortnight ago, that there was disposition on the part of the Baron da Ribeira de Sabrosa to negotiate, "and that the only point about which the Baron would hold out, as a *sine quâ non*, more for the point of honour of obtaining some concession from Her Majesty's Government, than, in fact, for the principle, would be against the perpetuity of the Treaty."

No. 115.

Viscount Palmerston to Lord Howard de Walden.

Foreign Office, October 5, 1839.

Despatch the same as the Circular on Negotiations with Portugal, dated October 12, 1839.

(See No. 15.)

No. 116.

Lord Howard de Walden to Viscount Palmerston.

Cintra, September 28, 1839.

MY LORD,

(Received October 7.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches, marked "Slave Trade," up to that of the 3d instant inclusive.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

No. 117.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, October 12, 1839.

I HEREWITH transmit, for your information, a copy of a letter from the Board of Admiralty, enclosing copy of a communication from Commander Tucker, of Her Majesty's sloop "Wolverine," reporting the measures taken by that officer, in conjunction with the Governor-General of Angola, for suppressing the Slave Trade under the flag of Portugal; but this partial arrangement must, of course, be superseded by the general orders, recently issued by the Admiralty to Her Majesty's

cruizers on the Coast of Africa, and elsewhere, with respect to the suppression of the Slave Trade under the flag of Portugal.

I am, &c.
(Signed) PALMERSTON.

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

Enclosure in No. 117.

Sir John Barrow to Mr. Strangways.

SIR,

Admiralty, September 21, 1839.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you herewith, for the information of Viscount Palmerston, the accompanying copy of a letter from Commander Tucker, of Her Majesty's sloop "Wolverine," stating his proceedings, in conjunction with the Governor-General of Angola, for the suppression of the Slave Trade carried on under the Portuguese flag in that neighbourhood; also the copy of a Provisional Convention for the above object, signed jointly by the Governor and Commander Tucker.

I am, &c.
(Signed) JOHN BARROW.
The Hon. W. Fox Strangways,
&c. &c. &c.

First Sub-Enclosure in No. 117.

Commander Tucker to Admiral Elliot.

Her Majesty's sloop "Wolverine," June 14, 1839,

SIR,

Off the River Gaboon.

I HAVE the honour to inform you that I arrived at St. Paul de Loando late on the 27th ultimo, and reported on the 28th to his Excellency Antonio Manoel de Noronha, Governor-General of Angola and its Dependencies, that I had boarded at Ambriz on the 23d, a brigantine belonging to Rio Janeiro, under Portuguese colours, with Portuguese papers, fitted for the Slave Trade; and that, judging from appearances, I thought she would sail on that day (the 28th), or the next day (the 29th), and that I had received positive information, that six large brigantines, under Portuguese colours, had sailed from thence, with full cargoes of slaves, during the last seven weeks. His Excellency immediately ordered the "Urania" corvette, J. M. de Amaral, Commander, to sea, and she sailed about midnight that night, with orders, I was informed, to go to Ambriz and examine the vessel.

Finding his Excellency professed to be inimical to the Slave Trade, and considering that whatever his orders might be he had not sufficient force, or that the officers had not sufficient energy, to put a stop to the Slave Trade carried on under the Portuguese flag, he having two vessels of war (corvettes) only on the coast under his orders, which had been in harbour at St. Paul de Loando since the 3d of April, I considered it would be highly advantageous, and very conducive towards the total suppression of the Slave Trade to the south of the line, if his Excellency and the Government of Her Most Faithful Majesty would accept the co-operation of Her Majesty's ships and vessels of war on this Coast, to the southward of the Line; I therefore offered his Excellency the co-operative services of Her Majesty's ships and vessels employed to the southward of the line for the suppression of the Slave Trade carried on in vessels under the Portuguese flag, with Portuguese papers, which he most readily accepted, on which we arranged the agreement, or provisional convention, a copy of which I herewith beg to transmit.

With respect to the 1st Article, I beg to inform you, that having since ran the Coast down to the northward and examined the River Congo as high as Pontra de Lantra (35 miles), I have not been able to discover (except near Dando, a few miles from St. Paul de Loando) a Portuguese fort, nor could I hear of any authorized Portuguese Agent at any of the places I touched at, and the only Portuguese flags seen were hoisted at Ambriz and Cabenda, at what were said to be the Barracoons, or places where the slaves are kept, preparatory to embarkation.

I have, &c.
(Signed) WILLIAM TUCKER, *Commander.*
Admiral Elliot,
&c. &c. &c.

Second Sub-Enclosure in No. 117.

(Translation.)

Convention.

FOR the more easy and effectual suppression of the Slave Trade, by the orders that the Government of Her Most Faithful Majesty has given to his Excellency Antonio Manoel de Noronha, the Governor-General of Angola and its dependencies (which, notwithstanding that they are by themselves sufficient to arrive at the desired object), his Excellency accepts the co-operation offered by William Tucker, Esq., Commander of Her Majesty's sloop "Wolverine," and senior officer of Her Majesty's ships and vessels employed for the suppression of the Slave Trade on the western Coast of Africa.

They therefore agree to the following Provisional Convention, depending upon the approbation of their respective Governments:—

1st. The coast from Molembo to the eighteenth degree of south latitude, will be respected as the dominions of Her Most Faithful Majesty.

2d. The Portuguese and English ships and vessels of war (when in sight) shall mutually co-operate to capture any vessel or vessels with slaves on board, which shall be sent to St. Paul de Loando to be adjudged; and the Captains and others interested punished with all the rigour of the Portuguese laws, especially according to the Portuguese Decree of the 10th of December, 1836.

3d. If any Englishman, under the orders of the Senior Officer commanding Her Britannic Majesty's ships and vessels of war on the western Coast of Africa, meets in any part of the ocean, south of the Equator, any vessel, with a Portuguese passport, having a cargo of slaves on board, he shall be empowered to take her and send her to St. Paul de Loando, to be adjudged according to the preceding Article.

4th. Neither the Senior Officer commanding Her Britannic Majesty's ships or vessels of war on the western Coast of Africa, nor any officer under his orders, shall be responsible for any damages or expenses, for the vessels taken in that manner with slaves on board, and sent to St. Paul de Loando to be adjudged.

5th. The Portuguese Decree of the 10th of December, 1836, not expressing if the value of the ship or vessel, taken for the contravention of the same Decree, shall be or not divided between the Captors, according to the Portuguese laws relating to the condemnation and division of prizes made during war, it has been agreed that the value of the ships and vessels taken by the English men-of-war, agreeably to the above Articles, with a cargo of slaves on board, and sent by the Captors to St. Paul de Loando to be adjudged, in case of condemnation, shall be deposited in the coffers of the Junta da Jaconda, of the province of Angola, to await the decision of the two Governments. In affirmation of which, his Excellency the Governor-General of Angola and its dependencies has ordered me, Vincente Perez da Gama, Secretary (*ad interim*), to write this Convention on the 29th day of May, 1839, which is also written in English by William Henry Bateman, Clerk of Her Britannic Majesty's sloop "Wolverine."

(Signed) WILLIAM TUCKER, (b)
*Commander of Her Britannic Majesty's Sloop "Wolverine,"
and Senior Officer of Her Britannic Majesty's Ships and
Vessels on the Western Coast of Africa.*

(Signed) VINCENTE PEREZ DE GAMA,
Capitad d' Engros. e Secretairo ad interim de Governo.
(Sealed.)

(Signed) ANTONIO MANUEL DE NORONHA.
*Govern: General da Provincie de Angola el nas
Dependencias.*

(Signed) WILLIAM HENRY BATEMAN,
Clerk of Her Britannic Majesty's Sloop "Wolverine."
(Sealed.)

Signed and Sealed at the Palace of the Governor-General of Angola and its Dependencies at St. Paul de Loando, this 29th day of May, 1839.

(Signed) WILLIAM HENRY BATEMAN.
Clerk, &c.

No. 118.

*Lord Howard de Walden to Viscount Palmerston.**Lisbon, October 3, 1839.**(Received October 16.)*

(Extract.)

I AM informed that news has been received by the Portuguese Government of a Convention having been signed by the Governor of Angola, Admiral Noronha, and the Commander of Her Majesty's Naval Forces on the Coast of Africa, relative to the suppression of the Slave Trade.

I understand the principal feature of this arrangement to be, that Portuguese vessels captured by Her Majesty's cruisers were to be sent to Loando, to be tried at that place by the tribunals of the country.

I do not know what decision has been taken by the Portuguese Government upon this transaction, but I know that it has caused great satisfaction, as likely to be embarrassing and displeasing to Her Majesty's Government.

P.S. Since the above was written, the transaction in question having been noticed by the newspapers, the Government have published the document in the *Diario do Governo*, though withholding from it a strictly official character.

No. 119.

*Lord Howard de Walden to Viscount Palmerston.**Lisbon, October 4, 1839.**(Received October 13.)*

(Extract.)

I HAVE the honour herewith to transmit a copy of a note, which I have received from the Baron da Ribeira de Sabrosa, dated the 28th of September, in comment on the note which I addressed to his Excellency on the 16th of September, in anticipation of his contemplated publication of his *ex-parte* statement on the Slave Trade question without a reply to it. I add a copy of a note which, in rejoinder, I have addressed to his Excellency.

(Translation.)

First Enclosure in No. 119.

*Baron de Sabrosa to Lord Howard de Walden.**Office of Foreign Affairs, September 28, 1839.*

THE Undersigned, President of the Ministers, charged with the Department of Foreign Affairs, had the honour of receiving the note which Lord Howard de Walden, Envoy Extraordinary, &c. addressed him on the 15th instant, in which his Lordship seems to evince some apprehension of the effect that might be produced, if not accompanied by his Lordship's reply, by the publication of the note addressed to his Lordship by the Undersigned, under the date, not of the 9th as his Lordship mentions by chance, but of the 11th instant, in answer to his Lordship's notes of the 28th of April and 5th of May of the present year. The excessive consideration on the part of Her Majesty's Government towards that of Great Britain, in delaying the publication of their correspondence with his Lordship, gave occasion, perhaps, to Portugal appearing indefensible in this controversy, which it was so much endeavoured to disfigure in England. If, therefore, it happened that one or the other note of Viscount de Sá da Bandeira and those of the Undersigned have been lately published in the "*Diario do Governo*," for the purpose that the real state of the question may be known without further delay, there is no reason why his Lordship should have any apprehension that his notes would not be published also: Her Majesty's Government have the highest interest in their publication. The collection of the important documents relating to the negotiation of a Treaty between Portugal and Great Britain for the total abolition of the

Slave Trade will soon be out of the press, and his Lordship will find in the said collection the note which the Undersigned is now answering.

His Lordship says, that he denies once for all his ever having consented to signing the Treaty, such as it stood when his Lordship left Lisbon, on the 23d of May, 1838. He avers that he has never agreed with Viscount de Sá da Bandeira, on his omitting to declare Slave Trade piracy, and transcribes in the same note, with the most formal contradiction, the project of a declaration which his Lordship had proposed to the said Viscount to be signed by both, in which his Lordship, entirely omitting the pretended declaration of piracy, and, contenting himself with the simple declaration of Portugal following in this respect the example of other Powers of Europe, he bound himself to sign *sub spe-rati* the same Treaty which he had agreed to, and which he praised very much by saying, "that it contains important stipulations, in great conformity in many weighty points with other principles and circumstantial dispositions of the project presented by his Lordship to the Portuguese Government." How can all this combine with his Lordship's assertion of his having never agreed to the Treaty? How can such praising of its stipulations conform itself with the bitter censure made, in his Lordship's, notes of the 28th of April and 5th of May of the present year? How is it that these very stipulations agreed upon and so much praised up by his Lordship are now rejected under the name of pretensions of the Portuguese Government, and combated as such? Both this project of declaration presented by his Lordship, and his subsequent note of the 20th of May, 1838, in which he gives the assurance that the declaration of the Slave Trade piracy, as the *sine quâ non* condition for signing the Treaty, had been presented *pro formâ* by his Lordship, because it suited the political views of his Government that such a representation should be made known, and his Lordship was so convinced of the impossibility that such a declaration should be made by the Portuguese Government, that he not only agreed to the Treaty without it, but even in his *most confidential* letter, annexed in copy to the note of the Undersigned of the 11th instant, he insinuated the answer to be given to this demand on the part of his Government, and in accordance with this *insinuation* Viscount de Sá da Bandeira answered the aforesaid note of the 20th of May, with his note of the 23d of the same month.

The misunderstanding, which his Lordship declares he ever laboured under with Viscount de Sá da Bandeira respecting the Additional Article, with regard to Great Britain guaranteeing to Portugal her ultramarine possessions, was of very little consequence at the time of his departure for England.

His Lordship promised, in the counter project of the Additional Article, that an effective succour should be given to Portugal whenever it was demanded, for the purpose of maintaining the tranquillity and safety of the said possessions; and the nature, quantity, and duration of this succour was to be regulated by a special Convention, which shall be immediately negotiated between the two Governments.

In the last project of the Additional Article presented by Viscount de Sá da Bandeira, the above-mentioned succour was stipulated, as a proof of the solicitude of the British Government in fulfilling the Treaty of Alliance and Guarantee existing between the two Crowns, it was likewise left to depend on the nature, quality, and quantity of this succour, and the manner in which it ought to have been applied for by the Portuguese authorities, and furnished by those of Great Britain, thus constituting the object of a negotiation between the two Governments, which ought to have been immediately commenced, and completed when the ratifications should be exchanged.

From this plain exposition it may be seen how the difference existing at the beginning was already simplified; therefore, when once the negotiation had been brought to this point, it is clear that the said difference might have been very easily settled, and the Treaty signed, the other part of it having been already agreed upon, if his Lordship had postponed his departure for London.

As Viscount de Sá da Bandeira is not at present at the head of this Department, he has it not in his power to answer the observations which his Lordship thought proper to communicate to London, as it is seen in his note upon what had personally occurred between them respecting this negotiation; but there exists in this department incontestable documents, which prove all that both the said Viscount has exposed in his notes of the 22d of May and 6th of October, 1838, and the Undersigned in his letter of the 11th instant.

The original Project of Treaty exists, in which all the amendments proposed by the said Viscount and approved of by his Lordship, are written in his Lordship's own hand; and, in order to give them greater authenticity, all the sheets of that document are signed by both.

The said document was conferred at this office by Mr. Craven, Secretary to the British Legation, in order to be copied out fair and signed, and this certainly could not be done previous to its being concluded.

The said Secretary very positively and formally stated in his letter, the copy of which was annexed to the note of the Undersigned of the 11th instant, *that his Lordship considered the Treaty with the said Viscount to be concluded.*

Even his Lordship declared in his letter, the copy of which was annexed to the above-mentioned note, "that he had adapted very well *all* the amendments of the Viscount to the different Articles of the Treaty," and desires to hasten their being copied fair.

The letter also exists in which his Lordship has insinuated the answer, which he judged most suitable to be returned by the Portuguese Government, as a justification for the omission of declaring in the Treaty, Slave Trade to be piracy. How can it be possible that all these facts should exist, unless his Lordship had been in perfect harmony with Viscount de Sá da Bandeira? How will it still be doubted, that there existed a Treaty definitively agreed upon between the two Plenipotentiaries?

The Undersigned thinks he ought no longer to persist in his arguments, in answer to the subterfuges with which an attempt is made in the last note of his Lordship, to throw a shade over these facts, as the Undersigned appreciates the delicacy of the situation in which his Lordship was placed by the notes he forwarded in reply to Viscount de Sá da Bandeira, in which no attempt is made to disprove any declaration made by his Lordship, but to deny the existence of proofs, which, being written in his Lordship's own hand, cannot but appear indisputable.

The Undersigned avails, &c.

(Signed) B. DA R. DE SABROSA.

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

Second Enclosure in No. 119.

Lord Howard de Walden to Baron de Sabrosa.—(No date given.)

THE Undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has had the honour to receive a note from the Baron da Ribeira de Sabrosa, Secretary of State for Foreign Affairs to Her Most Faithful Majesty, purporting to be an answer to the note addressed by the Undersigned to his Excellency on the 16th September.

The hurried publication of the note in question, in the manner at once anticipated by the Undersigned, without the reply to it, would naturally lead the Undersigned to believe that there was premeditated design in the misrepresentations of the said note, an imputation so serious that the Undersigned will rather ascribe the misrepresentations in question to his Excellency's want of information, and his facility of imbibing party impressions from other persons, on whom from his not having been acquainted with the transactions of that moment he probably has to rely.

If his Excellency had not given almost a personal character to the contents of his note, as regards the Undersigned, the Undersigned would not have further intruded upon the official correspondence between the Government of Great Britain and Portugal anything connected with his name; indeed were it not his public duty, with reference to accuracy, not to leave some points in his Excellency's note unnoticed, the tone of it is so little in accordance with that of courteous, it may even be said of civilized diplomatic correspondence, that it would be more suitable to his station to pass it over in silence.

The Baron da Ribeira de Sabrosa appears to have it in view to make the public believe, that the Viscount de Sá da Bandeira was most anxious to sign an effective

Treaty for the suppression of the iniquitous traffic in slaves, carried on under the protection of the Portuguese flag, while the Undersigned in a most shameful way disappointed the zealous and honourable and confiding expectations of his Excellency the Viscount.

As his Excellency the Baron da Ribeira de Sabrosa states that a complete exposition of all the correspondence on this subject is about to be published by the Portuguese Government, the Undersigned is contented to abide the decision of the public, as to whether it was himself or the Viscount de Sá, who step by step, from May, 1837, had to struggle to obtain every concession necessary to render the simplest article of the proposed Treaty in any way effective, and whether it was the Undersigned or the Viscount de Sá who had to complain of the incessant and vexatious delays, on the most frivolous pretences, which were daily created during the negotiations, and, when apparently overcome, with pertinacity revived; and whether, when the Undersigned proposed to save time in copying out at once such articles *as were* contingently agreed to, it was in Her Majesty's Legation, or the Portuguese Foreign Office, that even in the mere *clerical labour* of writing, reluctance to expedite the work was most manifest.

If the Undersigned, instead of here concluding this note, refers to any other matter of detail, it is simply for the sake of accuracy as to facts, and for the purpose of obviating mystification.

His Excellency, in commenting upon the statement of the Undersigned, that "the Viscount de Sá had expressed his expectation that in the course of a week he hoped to be able to overcome remaining difficulties, but that after a fortnight he was informed that the project of treaty had again to be referred to the Council of Ministers, and the declaration as to piracy was not yet prepared," remarks, that the Undersigned does not say "by whom he was so informed (*mas não diz por quem*), as if for the purpose of questioning his authority." The Undersigned has the honour to acquaint the Baron da Ribeira de Sabrosa, that it was by the Viscount de Sá da Bandeira himself he was so informed, and that the official report of this fact is published in the papers laid before Parliament, in the Despatch, marked No. 112, from the Undersigned to Viscount Palmerston, and dated May 22d, 1838.

The Baron da Ribeira de Sabrosa having more than once referred to the note addressed to the Undersigned, bearing the date of the 22d May, as implying concessions on the part of the Viscount de Sá da Bandeira to the Undersigned, such as ought to have induced the Undersigned to sign the proposed Treaty, the Undersigned without entering into the analysis of this note, which was in no way in accordance with the tone of the Viscount de Sá, from which the Undersigned had been induced to hope that he might receive a very different document *before his departure*, begs to record, that this note, was not written on the 22d, nor was it delivered till several days after the departure of the Undersigned, and then at so late an hour before the sailing of the subsequent packet, as to preclude the possibility of a copy even being taken of it for Her Majesty's Legation.

The Baron da Ribeira de Sabrosa is pleased to conceive a discrepancy between an offer on the part of the Undersigned to sign the proposed Treaty, under certain conditions as recorded in the draft of the secret Memorandum referred to in his note of the 16th September, and his declaration of not having consented to sign the Treaty, as it stood on his departure for London. It is difficult to understand the perplexity of the Baron da Ribeira de Sabrosa; all mystery, however, is solved by the mere reference to the fact that the Memorandum was given in a draft, as a project of agreement to be signed by both parties, as the sole condition under which the Undersigned would affix his signature at all to the proposed Treaty, in the event of the two points, so obstinately contested by the Viscount de Sá, being previously conceded to the satisfaction of the Undersigned.

This condition not only was not realized previous to the departure of the Undersigned, but the note of the Viscount de Sá da Bandeira, called that of the 22d May, was in no way in accordance with the expectations held out to the Undersigned by the Viscount de Sá, and which the Undersigned perceived pretty clearly would have been the case, had he waited for the Viscount de Sá da Bandeira's consent to an effective Treaty.

The Baron da Ribeira de Sabrosa thinks it important for the case of the Portuguese Government, to lay emphatic stress on the existence in the archives of the Foreign Office of the draft of a Treaty, on which various amendments proposed and adopted by the two Plenipotentiaries in the course of this unsuccessful negotiation, appear in the handwriting of the Undersigned. Can his Excellency have taken

the trouble to look into the papers laid by the British Government before the British Parliament? in that correspondence, printed months ago, that document is published, with the detailed remarks of the British Government thereupon.

As the Baron da Ribeira de Sabrosa refers to the archives of the Foreign Office for important documents, telling upon the spirit in which the Viscount de Sá conducted the negotiations for the suppression of the Slave Trade, the Undersigned will beg to refer the Baron da Ribeira de Sabrosa to the further papers, those connected with the Treaty under negotiation when the Viscount de Sá da Bandeira assumed office in 1836, by which it will be found that the Treaty was then in an infinitely more advanced state as to the negotiation and copying out even for signature, than that lately under negotiation with the Undersigned. The Baron will also find the draft of the Treaty *originally* proposed by the Viscount de Sá in 1837 with his "*observations*" thereupon, calculated to render even this his first proposition as offensive as possible to Her Majesty's Government.

The Undersigned would also refer the Baron da Ribeira de Sabrosa to the draft of the Treaty for the abolition of the Slave Trade with the French Minister, the negotiations of which were broken by the Viscount de Sá da Bandeira in nearly the same stage as those with the Undersigned, by the unexpected advancement by the Viscount de Sá at the last moment of inadmissible pretensions, totally unconnected with the object in view, the effectual suppression of the Slave Trade under the Portuguese flag.

The Baron da Ribeira de Sabrosa will also find in the archives of the Foreign Office, that an apparent overture was made by the Viscount de Sá da Bandeira to Count Raventlow, the Chargé d'Affaires of His Danish Majesty, but in regard to which, when met in a spirit calculated to bring on negotiations, not another step was taken by the Viscount de Sá, and that at the time of Count Reventlow's departure, the Count's note had not even been replied to by the Viscount de Sá da Bandeira.

The proceeding of the Viscount de Sá on the non-fulfilment even of the Treaty with Spain for the navigation of the Douro (actually signed and ratified), by interposing the most vexatious opposition to the supplementary Articles, on which the coming into operation of the Treaty depended, is also worthy of notice, all combining to give a character of no trivial importance to the general system adopted by the Viscount de Sá in his negotiations, when supposed to be treating with reluctance, which is proved, stage by stage, to have been the case, as regards the Treaty under negotiation with the Undersigned for the suppression of the Portuguese Slave Trade.

The Baron da Ribeira de Sabrosa states, that as the Viscount de Sá da Bandeira does not now hold the Portfolio of the Foreign Department, he is not able to reply to the observations, which the Undersigned considered his duty to make to his Court, as to what had passed personally between them both in the negotiation in question. The Baron da Ribeira de Sabrosa has been at no loss, however, to have recourse to private and most confidential notes (*cartas*) when conceiving that they could dexterously be made to serve his end, through anything but courteous or correct commentaries.

The Baron da Ribeira de Sabrosa states, that on reference to the correspondence between the Viscount de Sá da Bandeira and himself (alluding particularly to a "most confidential" note (*carta*) from the Undersigned), the note said to be addressed to the Undersigned on the 22d of May will be seen to have been founded on the propositions and suggestions (*insinuaçoos*) of the Undersigned; but, it is to be repeated, that the said note was not delivered to the British Chargé d'Affaires till just previous to the sailing of the packet of the week subsequent to the departure of the Undersigned, and, moreover, so little is it in accordance with what the Undersigned was told to expect, that the Viscount de Sá da Bandeira in that very note declared, as a reason *for not assimilating* the Portuguese law in regard to *piratical Slave Trade* to the British law, that the Undersigned proposed to visit that crime with death. When in his note of the 20th of May, said by the Baron da Ribeira de Sabrosa to be the basis of the Viscount de Sá's note, two projects of Articles were submitted to the Viscount, both of which *distinctly record* that the penalty shall be of the class of the severest secondary punishments, the penalty of death never having been proposed by the Undersigned. The other question was that of the guarantee. Now, what was the basis of this guarantee required by the Viscount de Sá?—1st. To guarantee to the Crown of Portugal the dominions of the said Crown in Africa, which were to be according to a specification in an Article of the Treaty; 2ndly, to afford, in fulfilment of the promised guarantee, an effective assistance, by sea and by land, when required by the Por-

tuguese Government of the British Government, or by the Portuguese Authorities in Africa of the British Authorities in *Africa* or in *India*; it being to be understood that the Governor-General of Mozambique was to be authorized to require the said assistance of the Governor of the Cape of Good Hope, of Bombay, or of the island of the Mauritius; that the Governor-General of Angola was to be entitled to require the said assistance from the Governor of the Cape of Good Hope or of Sierra Leone; and that the other Governors of other Portuguese *establishments* were to be also empowered to require assistance from the British Governors in Africa; the said British Governors being required to afford assistance in proportion to their means and the urgency of the case.

Did the Viscount de Sá da Bandeira desist from any one of these demands? Why, he brought forward at the last moment a condition as to the ratification of *this Treaty*, which the Baron da Ribeira de Sabrosa labours to impress upon the public, by his *ex parte* publication, the Viscount de Sá da Bandeira was *willing to sign*, which would have enabled him not only to reproduce any or all of them, but to have annexed even further pretensions and details, more preposterous and impracticable, thus laying the basis for projects and counter-projects, references, and instructions, and delays interminable, through which he could at any time have declared his signature null and void.

With reference to the progress which had apparently been made in the negotiation of the Treaty between the Viscount de Sá da Bandeira and the Undersigned, it may not be superfluous to remark to the Baron da Ribeira de Sabrosa, that the essence of a Treaty depends upon its completion in all its bearings; that advantages are yielded by one party for the purpose of obtaining compensatory concessions from the other; that it is not until the moment arrives when all discussions are terminated, that a Treaty can be looked upon as in the state in which the ultimate decision of either Plenipotentiary can be binding; and that it is only then, on the mutual and satisfactory understanding on all points, that any one Article previously conditionally agreed to can be binding to either party, the Plenipotentiary who proposes, or the Plenipotentiary who accepts. The Undersigned is not desirous to disguise his motive for having made such much more considerable concessions to the Viscount de Sá da Bandeira, than he was directly authorized to do by the tenor of his instructions. He did so, first because had he not so acted, he must have broken off the negotiations with the Viscount de Sá da Bandeira at once, and he had hoped during the course of discussions with his Excellency, believing him to be too much influenced in his resistance, so contradictory to his apparent policy when colleague of the Marquis of Loulé in 1836, by political considerations, distinct from the principle of the protection of the Slave Trade, that circumstances might arise which would render him a more independent agent than he had been, in the opinion of the Undersigned, when he brought forward his first counterproject in 1837, which, being so totally at variance with all the engagements of existing Treaties, not a single conference took place. In this view the Undersigned was not entirely deceived. The Treaty indeed was brought to a point, when the Undersigned thought *there was a chance* provided the *ratifications could be exchanged before the breaking up of Parliament, and become at once an effective law*, that Her Majesty's Government might, although obviously in part objectionable, yet take it as a whole. That this was the feeling of the Undersigned towards the close of the negotiations, the Viscount de Sá da Bandeira was perfectly aware; but it would appear that the very object the Undersigned had in view was exactly the one which did not suit the Viscount de Sá da Bandeira's policy, as he stipulated with pertinacity in the last Article, that the period to be allowed for the exchange of ratifications was to be six months, and that the Treaty was not to come into operation on the East of Africa for six months, and on the West for four months, after its ratification. Towards the close of the negotiations the Undersigned also discovered that the Viscount de Sá da Bandeira, notwithstanding his professed readiness to sign, and his engagements as to the ratification in six months, or sooner if possible, was prepared to object to the *ratification* previous to the Treaty being presented to the Cortes!—the time for the meeting of the Cortes not being till the beginning of January. It is only necessary to refer to the proceedings of the Cortes, to be sensible that if the answer to the speech from the throne is made to occupy months, the question of the Slave Trade Treaty was not likely to have precedence, and thus more time would have been obtained for the slave trader and his infamous transactions. Thus (independently of the questions of piracy, of the guarantee, its extent and details, the condition of ratification in the proposed additional Article, combined with the *deliberate engagement* in the body

of the Treaty to ratify within six months) the reserved intention of making even the ratification depend upon the previous sanction of the Cortes, the meeting of which body was not to take place till the beginning of January, at once neutralized the object, which, in the opinion of the Undersigned, might have induced Her Majesty's Government to accept an imperfect Treaty, for the sake of its coming into early operation, trusting to future and more enlightened ministers to remedy the defects which were prejudicial to the complete and effective operation of the Treaty, for the object professed to be had in view, in common with the British Government, by the Portuguese Government.

In thus referring to the course pursued by the Viscount de Sá in regard to the late negotiations, in which the Baron da Ribeira de Sabrosa would represent the Viscount de Sá da Bandeira as the zealous, and the Undersigned as the reluctant and impracticable, Plenipotentiary, the Undersigned is ready to recognize, as regards the important question of the abolition of the Slave Trade, apparently a very different spirit and policy from that he has observed in the Baron da Ribeira de Sabrosa. The Baron da Ribeira de Sabrosa is entitled to enjoy, undisputed by the Viscount de Sá da Bandeira, the gratitude of the slave traders for the more open recognition of the Slave Trade under the deceptive guise of necessity. The Viscount de Sá da Bandeira invariably and openly declared his belief that, for the benefit of the Portuguese colonies, the Slave Trade should be effectually suppressed, and it is to considerations of home policy (distinct from Colonial) that his reluctance to carry out this important principle at once by strong and practical measures has been ascribed by many; these circumstances in some degree justified the hope, that the time was not far distant when the obstacles, which had prevented his signing an effective Treaty might be overcome.

The Undersigned feels at liberty to admit, that he has never been led away by any such hopes held out by the Baron da Ribeira de Sabrosa. His Excellency has acknowledged that he does not understand the philanthropy of the British nation on this subject; he has expressed his opinion that the abolition of the Slave Trade "*must be gradual*," (although it is prohibited by the public law of the country,) and standing forth as the practical champion of a slave trader, he has denounced as the object of impeachment by himself "that minister who could be capable of entering into any negotiation, without first receiving due reparation for the insult offered to the flag, which floated over the '*Flor de Loanda*' on the south of the Equator, or of accepting conditions, which, while they dishonoured our flag, obliged us *with our own hands* to seal the loss or ruin of our colonies."

It is also right to acknowledge that it was under his Excellency's administration, and under the conviction of the hopelessness of obtaining the co-operation of Portugal (by treaty) in suppressing the Slave Trade, that the British House of Commons adopted unanimously the resolution of enabling, Her Majesty to carry into effect single handed, as far as was in their power, the object of the Slave Treaties between Portugal and Great Britain, which had been obtained at the sacrifice of such immense sums of money by the British nation.

The Undersigned has but little doubt of the sincerity of the regret entertained by the Viscount de Sá da Bandeira, now that he is no longer minister, and is unbiassed by conflicting considerations of party politics, at not having brought the Treaty in question to a satisfactory termination; but that the course adopted by the Baron da Ribeira de Sabrosa in his correspondence, will fail in its object to convince an impartial public, that there existed on the part of the Viscount de Sá any intention to seize an effective Treaty, if any at all, the Undersigned is perfectly satisfied. It was the view of throwing every light on the subject that he originally called upon the Baron da Ribeira de Sabrosa to make public the papers connected with the negotiations of the Treaty, in less garbled form than had been done by the Viscount de Sá in presenting them to the Cortes, and that he now protests, in the most formal manner, against the unprecedented and unwarrantable course adopted by the Portuguese Government, in having published officially three long notes of the Portuguese Government, forming a part of that correspondence, extending over a period of sixteen months, without either the original note to, which one pretends to be an answer, or any one note or line, addressed by the Undersigned to the Portuguese Government, in reply to any of these notes.

In conclusion the Undersigned will only further add, that as in the line of argument adopted by the Baron da Ribeira de Sabrosa it is also attempted to cast upon the Undersigned the sole responsibility of not having consented to adopt a Treaty, such as the Baron da Ribeira de Sabrosa states the Viscount de Sá da Bandeira would have signed, (reserving always the means of evading its ratification!) the

test of his having already exceeded the limit of his instructions, before he broke off with the Viscount de Sá da Bandeira at last in despair, of which fact the Viscount de Sá was aware, is to be found in the declaration of Lord Palmerston, that "the Undersigned had neither authority or instructions to agree to the Treaty as it was proposed by the Viscount de Sá, and that if he had done so it would not have been ratified on the part of Her Majesty," and his disapproving even of the proposed condition under which the Undersigned had offered to be the *bearer of the Treaty*, although Her Majesty's Government would have *in no way been pledged to it*.

(Signed) HOWARD DE WALDEN.

The Baron da Ribiera de Sabrosa,
 &c. &c. &c.

No. 120.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, October 7, 1839.

(Received October 13.)

MY LORD,

I ENCLOSE a copy of the *Diario do Governo* of the 4th instant, in which is published a Convention said to have been signed between the Commander of Her Majesty's naval forces on the Coast of Africa, and the Governor-General of Angola, relative to the suppression of the Slave Trade under the Portuguese Flag.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

Enclosure in No. 120.

From the Diario do Governo.

Lisbon, October 3, 1839.

ON account of the pressure of more urgent matter, it was not possible for us till this day to insert a curious document, which we found in the *Athleta*. Though the editor does not state from whom he had it, we will not on that account dispute its authenticity. It appears, that in consequence of the conferences which the commander of an English brig, and of other ships destined for carrying into effect the suppression of the Slave Trade on the Coast of Angola, held with the Governor of that Province, the Convention given underneath was concluded.

It is certain that Senhor Noronha has the most positive instructions for causing the Decree of the 10th December, 1836, to be strictly carried into execution, and it may have happened that that worthy functionary, always zealous in complying with the orders of Her Majesty's Government, and ignorant of what has occurred in Europe, may have entered into this Convention. However that may be, under the present circumstances, when the existence of such stipulations is affirmed, it cannot be inconsistent with propriety to offer them to the consideration of those conversant with this important question. If the British Government had treated this subject in the same manner as its agent on the West Coast of Africa, it would long ago have required very little more towards the conclusion of a Treaty between Portugal and Great Britain, for the desired suppression of that execrable Traffic. Mr. Tucker, in the first place, admits that the Portuguese Government has made efforts for giving effect to the Decree of the 10th December, 1836, which has sometimes with evident bad faith been attempted to be denied. In the second place, in offering his assistance, he does not fail to acknowledge, that the ships of war sent by the Government of Her Majesty to the Coast of Africa, might be sufficient for obtaining that end. In the third place, he agrees, that the captured Portuguese ships ought to be adjudicated by national judges, and according to the Portuguese laws. In the fourth place, he acknowledges, as is fitting, the limits of those settlements, and finally covenants that, if any doubt should arise about the division of the value of the prizes, such value is to remain deposited at Loanda, until a further decision be taken, by common accord, by both the Governments. All this should be

considered as provisional, and be submitted to the two courts for approbation, while Admiral Noronha, by way of compensation, granted to the English cruizers the right of capturing to the South of the Equator such of our ships as were encountered with slaves.

Here follows the Convention in English, with a Portuguese Translation.
(For Convention, see Enclosure in No. 117, page 169.)

No. 121.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, October 7, 1839.

(Extract.)

(Received October 14, 1839.)

I HAVE the honour to enclose a printed copy of documents, relative to the late negotiations between Her Majesty's Government and that of Portugal, for the effectual suppression of the Slave Trade, carried on under the Portuguese flag.

Your Lordship will perceive, that they afford a most incomplete exposition of the correspondence and negotiations in question.

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

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

Enclosure in No. 121.

Documentos Officiaes relativos á negociação do Tractado entre Portugal e a Gram-Bretanha para a Suppressão do Trafico da Escravatura.
Mandados imprimir por ordem da Camara dos Senadores.

ADVERTENCIA.

DESDE que em Londres se concluiu, entre Portugal e a Gram-Bretanha, a Convenção Adicional de 28 de Julho de 1817, e o seu subsequente Artigo separado, de 11 de Setembro do mesmo anno, para a repressão do Trafico da Escravatura, não deram logar as diversas mudanças politicas, que poucos annos depois tão rapidamente foram occorrendo na Monarchia Portugueza, a que se podesse tractar de sobre este importante objecto se fazerem outras Convenções, até que, desaffrontado já este Reino do jugo da Usurpação, esteve a ponto de concluir-se um novo Tractado, em 1836, pelo Sr. Duque de Palmella com o Ministro Britannico nesta Côte, Lord Howard de Walden, para a abolição do sobredito Trafico.

Ficou interrompida a Negociação com a Revolução de Setembro; e tendo o Governo Portuguez espontaneamente prohibido aquelle Trafico em todos os Dominios Portuguezes, pelo Decreto de 10 de Dezembro de 1836, estabelecendo por elle restricções muito mais rigorosas do que se estipulavam no dito novo Tractado, forçoso foi, para se proseguir neste, altera-lo em parte, a fim de o pôr em harmonia com o citado Decreto; formando-se assim um Contra-Projecto de Tractado, em que tambem se adoptaram alguns Artigos analogos aos do Tractado concluido entre a França e a Suecia, em 26 de Maio d'aquelle anno de 1836, para reprimir o mencionado Trafico, e que é em tudo conforme com as Convenções para o mesmo fim celebradas, entre a Gram-Bretanha e a França nos annos de 1831 e 1833, ás quaes accederam diversas outras Potencias.

Havia por consequencia toda a razão de esperar que o Governo Britannico se não recusasse a pactuar com Portugal estipulações identicas ás que convencionára com aquellas Potencias. Não succedeu porém assim. O dito Contra-Projecto, não foi admittido pelo Governo Britannico; e tendo o seu Ministro nesta côte proposto condições mais onerosas do que as do Contra-Projecto, e muito mais do que as do primitivo Tractado por elle negociado com o Sr. Duque de Palmella, fizeram-se-lhe amplas concessões; mas quando o Tractado estava já convencionado, e acabando

de tirar-se a limpo para se assignar, faltando só finalizar a discussão de um Artigo Adicional, o dito Ministro se retirou para Londres.

Apresentou depois o Encarregado de Negocios Britannico, G. S. S. Jerningham, por ordem expressa do seu Governo, um novo Projecto de Tractado, contendo estipulações ainda mais onerosas a Portugal do que quantas tinham sido anteriormente propostas pelo Governo Britannico, o qual de mais exigia que fosse assignado o Tractado naquella conformidade, *sem alteração, nem demora*.

A consciencia do que era devido ao decóro da Corôa, e á independencia Nacional, fez rejeitar *in limine* este Projecto pelo Governo Portuguez ; ao mesmo tempo que o sincero desejo, que tinha, de tornar mais effectiva a já decretada abolição do Trafico da Escravatura, o determinou ainda a offerecer-se a assignar o Tractado tal qual fôra convencionado entre o Visconde de Sá da Bandeira, e Lord Howard de Walden, e admittir alguma modificação no Artigo Adicional, cuja discussão ficára por ultimar.

Esta é a resumida historia desta Negociação, que concorrerá para mais facilitar a intelligencia do conteudo nos seguintes Documentos, relativos á mesma Negociação, mandados imprimir pela Camara dos Senadores ; e dos quaes é evidente que o Governo Portuguez sempre se prestou a celebrar o mencionado Tractado, e que só as exorbitantes exigencias do Governo Britannico é que obstaram á sua final conclusão.

Advertisement.

(Translation.)

After the additional Convention of the 28th July, 1817, and its subsequent separate Article, of the 11th September of the same year, for the repression of the Slave Trade, had been concluded between Portugal and Great Britain, the different political changes which a few years after so rapidly occurred in the Portuguese Monarchy, afforded no leisure for attempting to enter into other Conventions on this important subject, till, this kingdom having been delivered from the yoke of usurpation, a fresh Treaty was on the point of being concluded, in 1836, by the Duke of Palmella with the British Minister at this Court, Lord Howard de Walden, for the abolition of that traffic.

The negotiation was interrupted by the Revolution of September ; and the Portuguese Government having spontaneously prohibited that traffic in all the Portuguese dominions, by the Decree of the 10th December, 1836, whereby much more rigorous restrictions were established than had been stipulated in the said new Treaty, it became necessary, in order to continue the latter, to alter it in part, for the purpose of its accordance with the Decree abovementioned, so as to form a counter-project of Treaty, in which also were adopted some Articles analogous to those of the Treaty concluded between France and Sweden, on the 26th May of that year, 1836, for the repression of that traffic, and which agrees in every thing with the Conventions entered into for the same purpose between Great Britain and France in the years 1831 and 1833, to which several other Powers acceded.

There was, therefore, every reason to hope that the British Government would not refuse to agree with Portugal upon the same stipulations which it had laid down with those Powers. But it proved otherwise. The said Counter-project was not admitted by the British Government ; and its Minister at this Court having proposed more oppressive terms than those set forth in the Counter-project, and far more so than those of the original Treaty negotiated by him with the Duke of Palmella, ample concessions were made him ; but when the Treaty was already settled, and was being to be copied out fair for signing, nothing being required but to wind up the discussion about an additional Article, the said Minister withdrew to London.

The British Chargé d'Affaires, G. S. S. Jerningham, afterwards presented, by the express order of his Government, a new project of Treaty, containing stipulations yet more oppressive to Portugal, than all those previously proposed by the British Government, which, moreover demanded that the Treaty should be signed as it stood, *without alteration or delay*.

The sense of what was due to the dignity of the Crown, and to the national independence, caused this project to be rejected *in limine* by the Portuguese Government ; at the same time the sincere desire which it felt of rendering the already decreed abolition of the Slave Trade more effective, determined it still to profess its readiness to sign the Treaty such as it had been adjusted between Viscount de

Sá da Bandeira and Lord Howard de Walden, and to introduce some modification into the additional Article, whose discussion had been left incomplete.

Such is the summary history of this negotiation, which will contribute to facilitate the understanding of what is contained in the following documents relative to that negotiation which have been ordered to be printed by the Chamber of Senators, and from which it is evident that the Portuguese Government has ever been disposed to conclude the said Treaty, and that nothing but the exorbitant demands of the British Government have obstructed its definitive conclusion.

No. 1.

Tractado negociado entre o Sr. Duque de Palmella e Lord Howard de Walden em 1836.

SUA MAGESTADE A RAINHA de Portugal e dos Algarves, e Sua Magestade o REI do Reino Unido da Gram-Bretanha e Irlanda, animados ambos do mais sincero desejo de cooperarem para a total extincção do barbaro Trafico da Escravatura, e de porem o ultimo complemento á obra começada pelos Tractados de 1815 e 1817 entre as duas Corôas, que serviram de primeiro modelo aos subsequentes Convenios, pelos quaes a maior parte das Potencias Christãs se tem desde então mutuamente associado para o mesmo fim; E considerando que a separação do Brazil da Corôa de Portugal annullou de facto a unica reserva, que havia sido estipulada no Tractado de 1815, e habilita agora os dous Governos a declararem totalmente abolido o Trafico da Escravatura para os seus respectivos Subditos; Resolveram proceder á conclusão de um Tractado para o fim especial de nelle promulgar, da maneira mais formal e solemne, a sobredita declaração, e Nomearam respectivamente para este objecto na qualidade de seus Plenipotenciarios, etc. etc.; os quaes tendo-se communicado reciprocamente os seus Plenos Poderes correspondentes; e tendo-os achado em boa e devida fórma convieram nos seguintes Artigos.

ARTIGO I.

O Trafico da Escravatura é declarado para sempre, e totalmente abolido em todas as Possessões da Corôa Portugueza, assim como já o está nas de Sua Magestade Britannica.

ARTIGO II.

Sua Magestade a RAINHA de Portugal e dos Algarves se obriga por este Artigo a dar, immediatamente depois da troca das Ratificações do presente Tractado, e successivamente de tempos a tempos, á medida que se torne necessario, as mais efficazes providencias para evitar que de qualquer maneira os seus Subditos tomem parte no Trafico da Escravatura, e se use da sua Bandeira em o promover; e especialmente a promulgar dentro de seis mezes, depois da dita troca, em todos os seus Dominios, uma Lei penal, que imponha o mais severo castigo a todos aquelles de seus Subditos, que, debaixo de qualquer pretexto, tomarem alguma parte no Trafico da Escravatura.

ARTIGO III.

Sua Magestade a RAINHA de Portugal e dos Algarves, para dar maior amplitude á estipulação contida no Artigo I. deste Tractado, se obriga tambem a tomar as disposições necessarias para que se promulguem Leis penaes, analogas ás que se acham estabelecidas nos Dominios da Gram-Bretanha, com o fim de impedir o Trafico da Escravatura.

ARTIGO IV.

Para mais completamente prevenir toda a infracção do espirito do presente Tractado, as duas Altas Partes Contractantes mutuamente renovam o consentimento, já estipulado na Convenção de 28 de Julho de 1817, de que aquelles Navios das suas respectivas Marinhas Reaes, que para esse fim forem munidos das Instrucções especiaes, de que abaixo se fará menção, possam visitar os Navios Mercantes de ambas as Nações, que houver motivo razoavel de se suspeitar, que andam empregados no Trafico da Escravatura, ou que foram equipados para esse fim, ou que tem estado, durante a viagem, em que forem encontrados pelos ditos Cruzadores, empregados no Trafico da Escravatura, contra as disposições deste Tractado: e de que os mesmos Cruzadores possam deter, e mandar, ou conduzir os ditos navios a fim de serem julgados da maneira abaixo convencionada.

Para estabelecer o reciproco direito de visita de maneira tal que seja adoptado para se conseguir o objecto deste Tractado, e ao mesmo tempo para evitar duvidas, disputas, e queixas, o dito direito de visita será entendido da fôrma, e segundo as regras seguintes :

1. Elle nunca será exercido senão por Navios de Guerra expressamente authorizados para esse fim, na conformidade das estipulações deste Tractado.

2. Em nenhum caso será o direito de visita exercido a respeito de um Navio da Marinha Real de qualquer das duas Potencias, mas sómente a respeito dos Navios Mercantes.

3. Todas as vezes que um Navio Mercante fôr visitado por um Navio de Guerra, o Commandante deste apresentará ao Commandante do Navio Mercante o documento, pelo qual está devidamente authorizado para esse fim, e lhe entregará uma Certidão por elle assignada, em que se refira o seu posto no serviço naval do seu paiz, e o nome do Navio, que commanda, e se declare tambem que o unico objecto da visita é averiguar se o Navio Mercante anda empregado no Trafico da Escravatura, ou se está esquipado para o dito Trafico. Quando a visita fôr feita por um Official do Cruzador, que não seja o Commandante, o mesmo Official apresentará ao Capitão do Navio Mercante uma cópia da Ordem especial acima mencionada assignada pelo Commandante do Cruzador, e deverá da mesma sorte, entregar-lhe uma Certidão, que assignará, declarando nella o seu Posto na Marinha Real, o nome do Commandante, por cujas ordens elle procede a fazer a visita, o nome do Cruzador, em que anda embarcado, e o objecto da visita, como já acima se especificou.

Se pela visita se conhecer que os papeis do Navio estam em devida fôrma, e que elle anda empregado em negociações licitas, o Official deverá declarar por escripto no Diario da Derrota do Navio que se lhe fez a visita em execução das ordens especiaes acima mencionadas, e o Navio será deixado em liberdade de proseguir a sua viagem. O posto do Official, que fizer a visita não deve ser inferior ao de Tenente da Marinha Real, salvo se o Commando, ou por fallecimento, ou por outra causa, tiver n'aquelle tempo recaido em Official de Patente inferior.

4. O reciproco direito de visita e de detenção, não será exercido no Mar Mediterraneo, nem nos mares da Europa, que jazem de fóra do Estreito de Gibraltar, e ao Norte do 37° Parallelo da Latitudo do Norte, e que estam dentro, e a Leste do Meridiano de Longitudo 20° grãos a Oeste de Greenwich.

ARTIGO V.

A fim de regular o modo de pôr em pratica as disposições do Artigo precedente convencionou-se :

1. Que todos os Navios das Marinhas Reaes de ambas as Nações, que daqui por diante forem empregados em impedir o Trafico da Escravatura, serão munidos pelos seus respectivos Governos de uma cópia, em lingua Portugueza e Ingleza, do presente Tractado, das Instrucções para os Cruzadores a elle annexas debaixo da letra "A" e do Regulamento dos Tribunaes de Justiça Mixtos, a elle annexo debaixo da letra "B" que serão respectivamente considerados como uma parte integrante do Tractado.

2. Que cada uma das Altas Partes Contractantes communicará á outra successivamente os nomes dos diversos Navios que se acham munidos de taes Instrucções, a força de cada um, e os nomes de seus diversos Commandantes.

3. Que se em algum tempo houver justo motivo para suspeitar que algum Navio Mercante, que navegar debaixo da Bandeira, e debaixo do Comboi de algum Navio, ou Navios de Guerra, de qualquer das Partes Contractantes anda empregado, ou pretende empregar-se, no Trafico da Escravatura, ou está esquipado para esse fim, ou tem, durante a viagem, em que foi encontrado, estado empregado em traficar em escravos, será licito ao Commandante de qualquer Navio da Marinha Real de alguma das Duas Altas Partes Contractantes, que estiver munido das ditas Instrucções, como acima se disse, communicar as suas suspeitas ao Commandante do Comboi, o qual, acompanhado do Commandante do Cruzador, deverá proceder á visita do Navio suspeito, e no caso de que a suspeita pareça bem fundada, segundo o theor deste Tractado, então o dito Navio será conduzido, ou mandado a um dos pontos, onde estiverem estabelecidos os Tribunaes de Justiça Mixtos a fim de soffrer a sentença applicavel ao seu caso.

4. Convencionou-se tambem, que os Commandantes dos Navios das duas Reaes Marinhas respectivas, que forem empregados n'este serviço, deverão cingir-se strictamente ao exacto theor das sobreditas Instrucções.

ARTIGO VI.

Como os dous Artigos precedentes sam inteiramente reciprocos, as Duas Altas Partes Contractantes se obrigam mutuamente a indemnisar quaesquer perdas, que os seus respectivos Subditos possam soffrer pela detenção arbitraria, e illegal de seus Navios ; bem entendido que esta indemnisação ficará invariavelmente a cargo do Governo, cujo Cruzador houver sido culpado de tal detenção arbitraria e illegal, e que a visita, e detenção dos Navios especificados no Artigo IV. deste Tractado, ham de ser effectuadas sómente por aquelles Navios Portuguezes, ou Britannicos, que formarem parte das duas respectivas Marinhas Reaes, e tão sómente por aquelles dos mesmos Navios, que estiverem munidos das Instrucções especiaes annexas ao presente Tratado na fórma das estipulações delle. Satisfazer-se-há a indemnisação das perdas, de que tracta este Artigo, no praso de um anno contado do dia, em que o Tribunal de Justiça Mixto proferir a sentença.

ARTIGO VII.

Para fazer julgar, com a menor demora e inconveniente possivel, os Navios, que tenham de ser detidos, segundo o theor do Artigo IV, deste Tractado, deverão estabelecer-se tão depressa seja praticavel, dous Tribunaes de Justiça Mixtos, compostos de um igual numero de individuos de ambas as Nações, nomeados para este fim pelos seus respectivos Soberanos.

Estes Tribunaes deverão residir, um nos Dominios de Sua Magestade a RAINHA de Portugal e dos Algarves, e outro em uma Possessão de Sua Magestade Britanica ; e os dous Governos deverão ao tempo da troca das Ratificações do presente Tractado, declarar, cada um pelo que toca aos seus proprios Dominios, em que logar ham de respectivamente residir os ditos Tribunaes, reservando-se cada uma das Duas Altas Partes Contractantes o direito de mudar ao seu arbitrio o lugar da residencia do Tribunal estabelecido nos seus proprios Dominios ; com tanto porém, que um dos dous Tribunaes deverá sempre residir na Costa da Africa, e o outro em uma das Possessões de Sua Magestade a RAINHA de Portugal, e dos Algarves.

Estes Tribunaes julgarão as causas a elles submettidas em virtude das estipulações do presente Tractado, sem appellação, e na conformidade dos Regulamentos, e Instrucções, que estam annexas ao mesmo Tractado, e são consideradas como uma parte integrante delle.

ARTIGO VIII.

Convencionou-se por este Artigo entre as Altas Partes Contractantes, que as Commissões Mixtas, que ao presente se acham estabelecidas, e fazendo suas Sessões, em virtude da Convenção concluida entre Portugal e a Gram-Bretanha a 28 de Julho de 1817, continuarão nas mesmas Sessões, e desde que passarem seis mezes depois da troca das Ratificações deste Tractado, e até a ulterior nomeação e definitivo estabelecimento de um Tribunal de Justiça Mixto em virtude do presente Tractado, julgarão sem appellação, na conformidade dos principios, e estipulações do mesmo Tractado, e dos Regulamentos, e Instrucções a elle annexos, os casos dos Navios que forem mandados, ou conduzidos perante ellas ; e quaesquer vacancias, que possam occorrer nas ditas Commissões Mixtas, serão preenchidas da mesma maneira, que se ham de preencher as vacancias dos Tribunaes de Justiça Mixtos, que tem de se estabelecer segundo as estipulações deste Tractado.

ARTIGO IX.

Fica todavia claramente entendido entre as Duas Altas Partes Contractantes, que estipulação alguma do presente Tractado será interpretada como oppondo-se ao direito dos Subditos Portuguezes, de nas suas viagens de ida e volta aos Dominios Portuguezes sobre a Costa de Africa, e Ilhas adjacentes serem acompanhados por Escravos, que *bona fide* pertençam ao seu serviço domestico, e como taes nomeados, e descriptos em Passaporte expedido pela Suprema Authoridade do logar do embarque, com tanto que na qualidade, ou na esquipação do Navio em que elles forem, nada haja que justifique a detenção delle por outros motivos ; no qual caso o dono dos mencionados Escravos ficará sujeito a ser *prima facie* considerado cumplice em uma expedição para o Trafico da Escravatura.

ARTIGO X.

No caso de que o Official Commandante de algum dos Navios das Marinhas Reaes de Portugal, e da Gram-Bretanha, que estiver respectiva, e devidamente

authorisado, segundo o disposto no Artigo IV. deste Tractado, se desviar por qualquer forma das estipulações do dito Tractado, ou das Instrucções a elle annexas, o Governo, que disso se julgar offendido, terá direito a pedir satisfação; e em tal caso o Governo, a quem o tal Official pertencer, se obriga a fazer proceder a um summario sobre o objecto da queixa, e a impor ao mesmo Official um castigo proporcionado á transgressão, que por acinte possa ter commettido.

ARTIGO XI.

Mais se convenciona mutuamente por este Artigo que todos os Navios Mercantes Portuguezes, ou Inglezes, que forem visitados em virtude do presente Tractado, podem ser legitimamente detidos, e mandados, ou conduzidos perante os Tribunaes de Justiça Mixta, estabelecidos em consequencia das estipulações d'elle, se na sua esquipação fôr achada alguma das cousas abaixo mencionadas, a saber:

1. Escotilhas com xadrezes abertos, em logar das escotilhas fechadas usadas nos Navios Mercantes.

2. Separações, ou repartimentos no porão, ou na cuberta, em maior numero do que os que são necessarios para Navios empregados em commercio licito.

3. Pranchas de sobrecellente preparadas para se armarem como uma segunda cuberta, ou cuberta para Escravos.

4. Cadêas, grilhões, e algemas.

5. Maior quantidade de agua, em toneis, ou em tanques, do que se precisa para consumo da tripolação, do Navio, como Navio Mercante.

6. Um numero extraordinario de toneis para agua, ou de outras vasilhas para guardar liquidos; salvo se o Mestre apresentar uma Certidão da Alfandega do logar, donde partiu, em que se declare que os donos do Navio deram uma fiança idonea, de que aquelle extraordinario numero de toneis, ou de outras vasilhas seria sómente empregado em receber azeite de Palma, ou para outros fins de licito commercio.

7. Maior quantidade de bandejas, ou celhas de rancho do que é necessario para uso da tripolação do Navio, como Navio Mercante.

8. Um caldeirão de extraordinario tamanho, e maior do que é necessario para uso da tripolação do Navio, como Navio Mercante; ou mais do que um caldeirão do tamanho ordinario.

9. Uma quantidade extraordinaria de arroz, de farinha do Brazil extrahida da mandioca, vulgarmente chamada farinha de páo, ou de milho grosso, além da que provavelmente se pôde tornar precisa para uso da tripolação, uma vez que o dito arroz, farinha, ou milho grosso não tenha sido lançado no Manifesto, como parte da carga para negocio.

Uma qualquer, ou mais de uma destas diversas circumstancias que se prove será considerada como um testemunho evidente de andar o Navio effectivamente empregado no Trafico da Escravatura; e a menos que por parte do Mestre, ou dos donos, se não prove de uma maneira satisfactoria, que o tal Navio andava, ao tempo da sua detenção, ou apresamento, empregado em alguma empresa licita, será o Navio por isso condemnado, e declarado de boa preza.

ARTIGO XII.

Se alguma das cousas especificadas no Artigo precedente fôr achada em algum Navio Mercante, em nenhum caso se concederá indemnisação de perdas e damnos, ou despezas provenientes da detenção de tal Navio, nem ao Mestre, ou dono d'elle, nem a qualquer outra pessoa interessada na sua esquipação ou carga, ainda mesmo que o Tribunal de Justiça Mixto não proferisse sentença alguma de condemnação em consequencia da sua detenção; será porém o mesmo Tribunal authorizado a pagar pelos fundos das prezas, se o julgar exigido pela equidade, alguma somma de dinheiro porporcionada á estadia, que se houver soffrido, e segundo as circumstancias do caso.

ARTIGO XIII.

Convencionou-se por este Artigo entre as Duas Altas Partes Contractantes, que em todos os casos, em que um Navio fôr detido em virtude deste Tractado pelos seus respectivos Cruzadores, como tendo estado empregado no Trafico da Escravatura, ou como tendo sido esquipado para esse fim, e fôr por consequente sentenciado, e condemnado pelos Tribunaes de Justiça Mixtos, que se han de estabelecer como acima se disse, o dito Navio será, immediatamente depois da sua condemnação, inteiramente desmanchado, e será vendido em pedaços separados, depois que assim houver sido desmanchado.

ARTIGO XIV.

Cada uma das Duas Altas Partes Contractantes se obriga mui solemnemente a garantir a liberdade dos Negros, que em virtude do presente Tractado, possam ser libertados pelo Tribunal de Justiça Mixto residente nas Colonias ou Possessões do seu Governo, e a ministrar, de tempos a tempos, e todas as vezes que lhe fôr pedido pela outra Parte, ou pelos Membros do Tribunal de Justiça Mixto, por cuja sentença os Escravos houverem sido libertados, a mais completa informação do estado, e condição dos ditos Negros a fim de assegurar a devida execução do Tractado a este respeito.

Para este fim se formou o Regulamento annexo a este Tractado debaixo da letra "C," para o tractamento dos Negros libertados por sentença dos Tribunaes de Justiça Mixtos, o qual se declara formar parte deste Tractado; reservando-se as Duas Altas Partes Contractantes o direito de alterar, de commum e mutuo acôrdo, e não de outra maneira, as estipulações, e theor do dito Regulamento.

ARTIGO XV.

Conveio-se mais com as vistas de pôr em immediata execução, da maneira a mais completa, as estipulações do presente Tractado, que, até se haver effectivamente estabelecido uma Commissão nos Dominios Portuguezes, será a Commissão Mixta do Rio de Janeiro authorizada a conhecer, e sentenciar em quantos casos de Trafico da Escravatura, feito debaixo da Bandeira Portugueza, forem levados perante ella havendo occorrido nos mares da America; á qual Commissão Sua Magestade Fidelissima se obriga a accrescentar dous Commissarios por parte de Portugal.

ARTIGO XVI.

As Actas ou Instrumentos annexos a este Tractado, que mutuamente se convencionou, deverem formar uma parte integrante delle, são os seguintes:

"A." Instrucções para os Navios das Marinhas Reaes de ambas as Nações empregados em impedir o Trafico da Escravatura.

"B." Regulamento para os Tribunaes de Justiça Mixtos, que deverão residir nos Dominios de Sua Magestade Fidelissima, e Sua Magestade Britannica na Costa de Africa, ou perto della.

"C." Regulamento a respeito do tractamento do Negros libertados.

ARTIGO XVII.

A abolição do Trafico da Escravatura fica por este Artigo declarada completa. Convencionou-se mais entre as Duas Altas Partes Contractantes, que, se alguma dellas o requisitar, poderão alguns Regulamentos que não influirem no espirito das disposições deste Tractado, ser revistos no fim de dez annos contados da presente data.

ARTIGO XVIII.

O presente Tractado, que consta de 18 Artigos, será ratificado, e as Ratificações delle trocadas no praso de um mez desta data, ou antes se fôr possível.

Em testemunho do que os Plenipotenciarios respectivos assignaram, em originaes duplicados, escriptos nas linguas Portugueza e Ingleza, o presente Tractado, e lhe pozeram o sello das suas armas.

Feito em Lisboa aos . . . de do anno de Nosso Senhor Jesus Christo de 183

(L.S.)

(L.S.)

Está conforme. Secretaria de Estado dos Negocios Estrangeiros em 5 de Abril de 1839.

No impedimento do Official Maior
JOSE VERISSIMO DA SILVA.

ANNEXO A.

(Traducção.)

Instrucções para os Navios das Marinhas Reaes Portugueza, Britannica e empregados em impedir o Trafico da Escravatura.

ARTIGO I.

O Commandante de qualquer Navio pertencente á Marinha Real Portugueza, ou Britannica, que fôr munido destas Instrucções, terá direito de visitar, dar busca, e

deter, dentro dos limites estipulados no. IV Artigo do Tractado, a qualquer Navio Mercante Portuguez, ou Britannico, que fôr effectivamente empregado, ou suspeito de estar empregado no Trafico da Escravatura, ou de estar esquipado para esse fim, ou de ter andado empregado em traficar em Escravos, durante a viagem, em que seja encontrado pelo tal Navio da Marinha Portugueza, ou Britannica, e o dito Commandante consequentemente conduzirá, ou mandará o dito Navio Mercante, tão depressa fôr possível, para ser julgado perante aquelle dos dous Tribunaes de Justiça Mixtos, estabelecidos em virtude do Artigo VII do dito Tractado, que estiver mais perto do logar da detenção, ou a que o mesmo Commandante, sob a sua propria responsabilidade, julgar que se póde mais depressa chegar daquelle logar.

ARTIGO II.

Todas as vezes que um Navio de qualquer das duas Marinhas Reaes, devidamente authorizado, como acima fica dito, encontrar um Navio Mercante, que esteja no caso de ser visitado na fôrma das estipulações do dito Tractado será a visita feita com a maior moderação, e com toda a attenção, que se deve observar entre Nações amigas, e alliadas; e em todos os casos a visita será feita por um Official, que tenha um posto não inferior ao de Tenente nas respectivas Marinhas de Portugal, e da Gram-Bretanha; ou pelo Official, que naquelle tempo fôr segundo Commandante do Navio, pelo qual tal visita se fizer.

ARTIGO III.

O Commandante de qualquer Navio das Marinhas Reaes, devidamente authorizado, como acima fica dito, que detiver algum Navio Mercante em observancia do theor das presentes Instrucções, deverá deixar a bordo do Navio assim detido o Mestre, Piloto, ou Contramestre, e dous ou tres individuos, ao menos, da tripolação delle, a totalidade dos Escravos, se alguns houver, e toda a carga.

O Aprezador deverá, ao tempo da detenção, fazer uma declaração authentica por escripto, que mostre o estado, em que elle achou o Navio detido; sendo esta declaração assignada por elle mesmo, e entregue, ou mandada juntamente com o Navio aprezado, ao Tribunal de Justiça Mixto, perante o qual o dito Navio fôr conduzido, ou mandado para ser julgado. Deverá tambem dar ao Mestre do Navio detido uma Certidão assignada dos papeis apprehendidos a bordo do mesmo, assim como do numero de Escravos achados a bordo no acto da detenção.

Na declaração authentica, que por este Artigo se exige do Aprezador, assim como na Certidão dos papeis apprehendidos, deverá elle inserir o seu proprio nome, o nome do Navio apreizador, a latitude, e longitude do logar onde se effectuar a detenção, e o numero de Escravos achados a bordo do Navio ao tempo da detenção.

O Official encarregado do Navio detido deverá, ao tempo em que levar os papeis do Navio ao Tribunal de Justiça Mixto, entregar no mesmo Tribunal um papel assignado por elle mesmo, e firmado com juramento, em que relate as alterações que tem havido a respeito do Navio, da tripolação, dos Escravos, se alguns houver, e da sua carga, entre o periodo da sua detenção, e o tempo da entrega do dito papel.

ARTIGO IV.

Não se desembarcarão os Escravos senão depois que o Navio, que os levar, tiver chegado ao logar onde deve ser julgado, para que, no caso de não ser julgado de boa preza, a perda dos donos possa mais facilmente resarcir-se; e mesmo, depois da chegada dos Escravos ao dito logar, não se deverão desembarcar sem licença do Tribunal de Justiça Misto.

Se porém houverem urgentes motivos, procedidos da extensão da viagem, do estado da saude dos Escravos, ou de outras causas, que exijam que ou a totalidade, ou uma porção dos Negros, seja desembarcada, antes de poder o Navio chegar ao logar, em que um dos mencionados Tribunaes estiver estabelecido, o Commandante do Navio apreizador poderá tomar sobre si a responsabilidade de então desembarcar os Negros, com tanto que aquella necessidade, e as causas della, sejam referidas em uma Certidão em devida fôrma, e que esta Certidão seja escripta, e lançada naquelle tempo no Diario da derrota do Navio detido.

Os Plenipotenciarios abaixo assignados convieram, na conformidade de Artigo XVI., do Tractado assignado por elles neste dia de de de 183 , em que as precedentes Instrucções, que constam de 4 Artigos, ham de ser annexadas ao dito Tractado, e consideradas como uma parte integrante delle.

[L.S.]

[L.S.]

ANNEXO B.

(Traducção.)

Regulamento para os Tribunaes de Justiça Mixtos, que deverão residir nos Dominios de Sua Magestade Fidelissima, e de Sua Magestade Britannica, na Costa d' Africa, ou perto della.

ARTIGO I.

Os Tribunaes de Justiça Mixtos, que se devem estabelecer, na fórmula das estipulações do Tractado, do qual este Regulamento se declarou ser uma parte integrante, serão compostos da maneira seguinte :

Cada uma das Duas Altas Partes Contractantes nomeará um Juiz, e um Arbitro, que serão authorizados para tomarem conhecimento, e julgarem sem appellação em todos os casos de preza, ou detenção de Navios, que em observancia das estipulações do dito Tractado, forem propostos perante elles.

Os Juizes, e os Arbitros, antes de entrarem a exercer as funcções de seus Cargos, deverão respectivamente prestar juramento, perante o principal Magistrado dos logares, onde os mencionados Tribunaes houverem de respectivamente residir, de que ham de julgar justa, e fielmente, de que não darão preferencia nem aos Reclamantes, nem aos Aprezadores ; e de que ham de obrar em todas as suas decisões na conformidade das estipulações do sobredito Tractado.

A cada um destes Tribunaes será addido um Secretario, ou Registador, nomeado pelo Soberano, em cujo Territorio o tal Tribunal houver de residir. O mesmo Secretario, ou Registador, registará todas as Actas do dito Tribunal, e deverá, antes de entrar para o seu Cargo, prestar juramento perante o Tribunal, para que fôr nomeado, de que se ha de conduzir com o respeito devido á authoridade d'elle, e portar-se com fidelidade e imparcialidade em todas as materias relativas ao dito seu Cargo.

O ordenado do Secretario, ou Registador do Tribunal, que se estabelecer nas possessões de Portugal, será pago por Sua Magestade Fidelissima ; e o do Secretario, ou Registador do Tribunal, que se estabelecer nos Dominios de Sua Magestade Britannica, será pago por Sua Magestade Britannica.

Cada um dos dous Governos satisfará metade da importancia total das despezas accidentaes dos ditos Tribunaes.

ARTIGO II,

As despezas, que fizer o Official encarregado da recepção, manutenção, e cuidado do Navio, Escravos, e Carga detidos, e com a execução da Sentença ; e todos os desembolços occasionados por levar um Navio a ser julgado, serão, no caso de elle ser condemnado, pagos pelos fundos, que provierem dos materiaes do Navio, depois que elle fôr desmanchado ; das provisões do Navio, e daquellas partes da Carga, que consistirem em mercadorias ; e no caso de que o producto da venda de tudo isto não seja sufficiente para pagar taes despezas, o que faltar, será preenchido pelo Governo do Paiz, em cujo Territorio o Navio tiver sido condemnado.

Se o Navio detido ficar desempedido, as despezas occasionadas pelo levar a ser julgado serão pagas pelo Aprezador, excepto nos casos especificados, e de outra sorte regulados no Artigo XII. do Tractado, a que esse Regulamento está annexo, e no Artigo VII. deste Regulamento.

ARTIGO III.

Os Tribunaes de Justiça Mixtos devem decidir da legalidade da detenção daquelles Navios, que os Cruzadores de uma e outra Nação detiverem, na conformidade do dito Tractado. Estes Tribunaes julgarão definitivamente, e sem appellação, todas as questões, que se suscitarem pelo aprezamento, e detenção de taes Navios.

Os procedimentos destes Tribunaes deverão ser os mais summarios possivel, e para esse fim se exige que os Tribunaes decidam cada caso, quanto possa ser praticavel, dentro do termo de vinte dias, a datar do dia, em que o Navio detido tiver sido levado ao porto, onde residir o Tribunal, que o ha de julgar.

A sentença final, em caso algum será demorada além do periodo de dous mezes, quer seja por causa da ausencia das testemunhas, quer por outro algum motivo, excepto a requerimento de alguma das partes interessadas, no qual caso, dando a mesma parte, ou partes fiança idonea, de que ham de tomar sobre si as despezas, e riscos da demora, poderão os Tribunaes, a seu arbitro, conceder uma dilação

adicional, que não excederá a quatro mezes. Será permittido a cada uma das partes empregar aquelle advogado, que julgar proprio, para a coadjuvar na defesa da sua causa.

Todas as partes essenciaes das Áctas dos ditos Tribunaes serão escriptas na lingua do paiz, em que elles respectivamente residirem.

ARTIGO IV.

A fôrma do processo será a seguinte :—

Os Juizes, respectivamente nomeados pelas duas Nações, deverão em primeiro logar passar a examinar os papeis do Navio detido, e tomar os depoimentos do Mestre, ou Commandante, e de dous, ou tres, pelo menos, dos principaes individuos de bordo do dito Navio, assim como a declaração jurada do Aprezador, caso pareça necessaria, a fim de se habilitarem a julgar, e sentenciar, se o mesmo Navio foi, ou não justamente detido, segundo as estipulações do sobredito Tractado, e a fim de que na conformidade desta sentença fique o Navio condemnado, ou desempedido. Acontecendo que os dous Juizes não concordem na sentença, que devem proferir em algum caso perante elles proposto, ou seja a respeito da legalidade da detenção, de o Navio estar, ou não, nos termos de ser condemnado, ou da indemnisação, que se deve conceder, ou de qualquer outra questão, que possa resultar do mencionado apreçamento, ou no caso de que se suscite alguma differença de opinião, quanto ao modo de proceder do dito Tribunal, elles tirarão por sorte o nome de um dos dous arbitros nomeados, como acima se disse, o qual, depois de ter examinado todo o processo, conferenciará sobre o caso com os dous supramencionados Juizes, e proferir-se-há a decisão, ou sentença final, na conformidade da opinião da maioria delles tres.

ARTIGO V.

Se o Navio detido fôr mandado restituir por sentença do Tribunal, o Navio, e a carga, serão *in continenti* entregues no estado, em que então se acharem, ao Mestre, ou á pessoa, que o representar; e o dito Mestre, ou a tal pessoa, poderá requerer perante o mesmo Tribunal uma avaliação das indemnisações, que tiver direito a reclamar. O mesmo Aprezador, e na falta d'elle o seu Governo, ficará responsavel pelas indemnisações, a que fôr julgado, que o Mestre do Navio, ou os donos do dito Navio, ou da sua carga, tem direito.

As Duas Altas Partes Contractantes se obrigam a pagar no praso de um anno, contado da data da sentença, as despesas, e indemnisações, que forem julgadas pelo sobredito Tribunal, ficando já mutuamente entendido, e convencionado, que taes despesas, e indemnisações serão pagas pelo Governo do paiz, de que fôr subdito o Aprezador.

ARTIGO VI.

Se o Navio detido fôr condemnado, será declarado de boa preza, juntamente com a sua carga, de qualquer qualidade que ella seja, á excepção dos Escravos, que tiverem sido trazidos a seu bordo para objecto de commercio; e o dito Navio sujeito ao que se acha estipulado no Artigo XIII, do Tractado desta data, será, assim como a sua carga, vendido em leilão, a beneficio dos dous Governos, obrigados aos pagamentos das despesas acima mencionadas.

Os Escravos receberão do Tribunal uma Carta de Alforria, e serão entregues ao Governo, em cujo territorio estiver estabelecido o Tribunal, que os houver julgado, para serem tractados na fôrma das estipulações, e condições contidas no Regulamento annexo a este Tractado, debaixo da letra "C."

As despesas feitas para a manutenção, e torna-viagem dos Commandantes, e Tripolações dos Navios condemnados, serão pagas pelo Governo, de quem forem subditos os taes Commandantes, e Tripolações.

ARTIGO VII.

Os Tribunaes de Justiça Mixtos tomarão conhecimento, e sentenciarão definitivamente, e sem appellação, em todas as reclamações de indemnisação por despesas causadas aos Navios, e cargas, que houverem sido detidos, segundo as estipulações deste Tractado, mas que não tiverem sido julgados de boa preza pelos ditos Tribunaes; e, em todos os casos, á excepção dos mencionados no Artigo XII, do Tractado, a que este Regulamento está annexo, e em uma subsequente parte deste Regulamento, em que fôr decretada a restituição de taes Navios, e cargas, julgará o Tribunal ao Reclamante, ou Reclamantes, au ao seu bastante procurador, ou procuradores a beneficio d'elle, ou delles, uma justa, e completa indemnisação de todas

as custas do processo, e de todas as perdas, e damnos, que o dono, ou donos, tiverem effectivamente soffrido por um tal aprezamento, ou detenção, isto é:—

1. Em caso de perda total, serão os Reclamantes indemnizados:

A. Do casco do Navio, do seu maçame, aparelho, e mantimentos.

B. De todos os fretes vencidos, e que se possam vir a dever.

C. Do valor da carga, que constar de generos, se a tiver, deduzidos todos os gastos, e despezas, que se deverem fazer com a venda de tal carga, inclusa a Comissão de venda.

D. De todas as outras despezas usuaes em similhante caso de perda total.

2. Em todos os outros casos, em que a perda não fôr total, exceptuados os abaixo mencionados, o Reclamante, ou Reclamantes, serão indemnizados.

A. De todos os prejuizos, e despezas especiaes causadas ao Navio pela datenção; e da perda do frete vencido, ou que se possa vir a dever.

B. Da estalia, que se dever, na conformidade da cedula annexa ao presente Artigo.

C. De qualquer deterioração da carga.

D. De todo o premio de seguro sobre augmento de risco.

O Reclamante, ou Reclamantes, terão direito a um juro a razão de cinco por cento ao anno, da somma que lhes fôr julgada, até que a mesma somma seja paga pelo Governo, a quem pertencer o Navio Aprezador. O importe total de tal indemnisação será calculado na moeda do paiz, a que pertencer o Navio detido, e liquidado ao cambio corrente do dia da sentença.

As Duas Altas Partes Contractantes convieram todavia que, se se provar de uma maneira, que satisfaça os Juizes de ambas as Nações, e sem lhes ser preciso recorrer á decisão de um Arbitro, que o Aprezador fôra induzido em erro por culpa voluntaria, e reprehensivel do Mestre, ou Commandante do Navio detido; neste caso não terá direito o Navio detido a receber pelo tempo da sua detenção, a estalia estipulada no presente Artigo, nem qualquer outra compensação pelas perdas, damnos, ou despezas procedentes da dita detenção.

Tabella da estalia, ou compensação diaria das despezas da demora de um Navio de

			£.
100 toneladas até 120 inclusivè	.		5 por dia.
121 ditas 150 do.	.		6 „
151 ditas 170 do.	.		8 „
171 ditas 200 do.	.		10 „
201 ditas 220 do.	.		11 „
221 ditas 250 do.	.		12 „
251 ditas 270 do.	.		14 „
271 ditas 300 do.	.		15 „

e assim á proporção.

ARTIGO VIII.

Nem os Juizes, nem os Arbitros, nem os Secretarios dos Tribunaes de Justiça Mixtos, poderão pedir, ou receber de qualquer das partes interessadas nos casos, que forem propostos perante os mesmos Tribunaes, emolumento, ou dadiva alguma, debaixo de qualquer pretexto que seja, pelo desempenho dos deveres, que os ditos Juizes, Arbitros, e Secretarios, tem de cumprir.

ARTIGO IX.

Quando as partes interessadas julgarem que tem motivo de se queixar de alguma injustiça evidente da parte dos Tribunaes Mixtos, poderão representa-la aos seus respectivos Governos, que se reservam o direito de se entenderem mutuamente, para removerem, quando o julgarem conveniente, os individuos, de que se compozerem estes Tribunaes.

ARTIGO X.

As Duas Altas Partes Contractantes convieram, em que no caso de fallecimento, enfermidade, ausencia com licença, ou de outro qualquer impedimento legal de um, ou mais Juizes, ou Arbitros, que compoem respectivamente os supra mencionados Tribunaes; o logar do dito Juiz, e do dito Arbitro, será interinamente supprido da maneira seguinte:

1. Da parte de Sua Magestade Britannica, e naquella Tribunal, que houver de se estabelecer dentro das suas Possessões, se a vacancia fôr de um Juiz Britannico, o seu logar será preenchido pelo Arbitro Britannico, e ou neste caso, ou no caso de

que a vacancia seja originariamente de um Arbitro Britannico, o logar do tal Arbitro será preenchido pelo Governador, ou Tenente Governador, residente naquella Possessão, pelo Magistrado Municipal della, e pelo Secretario do Governo; e o dito Tribunal, assim constituido como acima, fará as suas Sessões; e em todos os casos propostos perante elle para serem julgados, procederá a julga-lo, e a proferir Sentença nessa conformidade.

2. Da parte da Gram-Bretanha, e naquelle Tribunal, que houver de estabelecer-se dentro das Possessões de Sua Magestade Fidelissima, se a vacancia fôr do Juiz Britannico, o seu logar será preenchido pelo Arbitro Britannico; e ou neste caso, ou no caso de que a vacancia seja originariamente do Arbitro Britannico, o logar deste será preenchido successivamente pelo Consul Britannico, e Vice-Consul Britannico, se houver um Consul Britannico, ou Vice-Consul Britannico nomeado para aquella Possessão, e nella residente; e no caso de que haja vacancia, tanto do Juiz Britannico, como do Arbitro Britannico, então a vacancia do Juiz Britannico será preenchida pelo Consul Britannico, e a do Arbitro Britannico pelo Vice-Consul Britannico, se houver um Consul Britannico ou Vice-Consul Britannico nomeado para aquella Possessão, e nella residente, e se alli não houver Consul Britannico, ou Vice-Consul Britannico para preencher o logar do Arbitro Britannico então o Arbitro Portuguez será chamado naquelles casos, em que o deveria ser o Arbitro Britannico, quando o houvesse; e no caso de que haja vacancia tanto do Juiz Britannico, como do Arbitro Britannico, e de que não haja nem Consul Britannico, nem Vice-Consul Britannico para preencher interinamente as vacancias, então o Juiz Portuguez, e o Arbitro Portuguez farão as suas Sessões, e em todos os casos propostos perante elles para serem julgados, procederão a julga-los, e a proferir sentença nessa conformidade.

3. Da parte de Portugal, e naquelle Tribunal que houver de estabelecer-se dentro das Possessões de Sua Magestade Fidelissima, se houver vacancia do Juiz Portuguez, o seu logar será preenchido pelo Arbitro Portuguez, e ou neste caso, ou no caso de que a vacancia seja originariamente do Arbitro Portuguez, o logar deste será preenchido successivamente pela Authoridade Civil Superior residente naquella Possessão, pelo principal Magistrado della, e pelo Secretario do Governo, e o dito Tribunal assim constituido como acima, fará as suas Sessões, e em todos os casos propostos perante elle para serem julgados, procederá a julga-los, e a proferir sentença nessa conformidade.

4. Da parte de Portugal, e naquelle Tribunal que houver de estabelecer-se dentro das Possessões de Sua Magestade Britannica, se houver vacancia do Juiz Portuguez, o seu logar será preenchido pelo Arbitro Portuguez, e ou neste caso, ou no caso de que a vacancia seja originariamente do Arbitro Portuguez, o seu logar será preenchido successivamente pelo Consul Portuguez, e pelo Vice-Consul Portuguez, se houver um Consul Portuguez, ou Vice-Consul Portuguez nomeado para aquella Possessão, e nella residente; e no caso de que haja vacancia tanto do Juiz Portuguez, como do Arbitro Portuguez, então a vacancia do Juiz será preenchida pelo Consul Portuguez, e a do Arbitro Portuguez pelo Vice-Consul Portuguez, se houver um Consul Portuguez, e Vice-Consul Portuguez nomeado para aquella Possessão, e nella residente; e no caso de que alli não haja Consul Portuguez, ou Vice-Consul Portuguez para preencher o logar do Arbitro Portuguez, então será chamado o Arbitro Britannico, naquelles casos em que o deveria ser o Arbitro Portuguez, quando o houvesse; e no caso de que haja vacancia tanto do Juiz Portuguez, como do Arbitro Portuguez, e de que não haja nem Consul Portuguez, nem Vice-Consul Portuguez para preencher interinamente as vacancias, e então o Juiz Britannico, e o Arbitro Britannico farão as suas Sessões; e em todos os casos propostos perante elles para serem julgados, procederão a julga los, e a proferir sentença nessa conformidade.

O Governador, ou Tenente Governador da Colonia, onde houver de se estabelecer cada um dos Tribunaes de Justiça Mixtos, deverá, no caso de occorrer uma vacancia, quer seja do Juiz, quer do Arbitro da outra Alta Parte Contractante participa-la *in continenti* ao Governador, ou Tenente Governador da mais proxima Colonia da dita outra Alta Parte Contractante, a fim de que a mesma vacancia se possa preencher no periodo mais breve possivel, e cada uma das Altas Partes Contractantes convêm em positivamente preencher, o mais depressa possivel, as vacancias que possam occorrer nos supra-mencionados Tribunaes por fallecimento, ou por outra qualquer causa.

Os Plenipotenciarios abaixo assignados convieram na conformidade do Artigo XVI. do Tractado por elles assignado no dia de hoje de de 183, em

que o precedente Regulamento, que consta de 10 Artigos, será annexado ao dito Tractado, e considerado como uma parte integrante delle de de 183

(L.S.)

(L.S.)

ANNEXO C.

Regulamento a respeito do tractamento dos Negros libertados.

ARTIGO I.

O objecto, e espirito deste Regulamento é assegurar aos Negros libertados em virtude do Tractado, a que o mesmo Regulamento está annexo, debaixo da letra "C" bom tractamento permanente, e uma plena, e completa Alforria em conformidade com as humanas Intenções das Altas Partes Contractantes.

ARTIGO II.

Logo que a Sentença de condemnação de um Navio accusado de estar implicado no Trafico illicito da Escravatura, fôr proferida pelo Tribunal de Justiça Mixto, estabelecido na fórmula do Tractado, a que este Regulamento está annexo, todos os Negros, que estivessem a bordo do dito Navio, e que para bordo d'elle tivessem sido trazidos pelo Trafico, serão entregues ao Governo a quem pertencer o Cruzador, que fez a preza.

ARTIGO III.

Se o Cruzador, que fez a preza fôr Inglez, o Governo Britannico se obriga a que os Negros serão tractados em exacta conformidade com as Leis, que estão em vigôr nas Colonias Britannicas para o Regulamento dos Negros livres postos a aprendizes.

ARTIGO IV.

Quer o Cruzador, que fez a preza, seja Portuguez, quer Inglez, os Negros serão entregues ás Authoridades do logar, onde residir o Tribunal, perante o qual o caso da preza fôr proposto, e ambos os Governos solememente se obrigam a que elles serão tractados na stricta conformidade das Leis, e Regulamentos actualmente existentes, ou que se houverem de promulgar no Paiz, onde o Tribunal residir, e que tem, e sempre ham de ter, o humano fim de aperfeiçoar, e assegurar, exacta e fielmente, aos Negros libertados o gozo da sua adquirida liberdade, bom tractamento, o conhecimento dos dogmas da Religião Christã, o seu adiantamento em moralidade, e civilisação, e a sua sufficiente instrucção nas Artes mechanicas, a fim de que os ditos Negros libertados se possam pôr em estado de ganharem a sua vida, como Artistas, mechanicos, ou Criados.

ARTIGO V

Com o fim, que depois se exporá no Artigo VI., haverá na Secretaria do Governo do logar, onde o Tribunal de Justiça Mixto residir, um registo de todos os Negros libertados, no qual serão lançados com escrupulosa exactidão os nomes postos aos Negros, os nomes dos Navios, em quem foram apreçados, os nomes das pessoas, a cujo cuidado foram entregues, e qualquer outra circumstancia, ou observação, que possa contribuir para o fim, que se tem em vista.

ARTIGO VI.

O registo, a que o Artigo precedente se refere, servirá para se formar uma Relação geral, a qual o Governador do logar, onde o Tribunal de Justiça Mixto residir, será obrigado a entregar, em cada seis mezes, ao mencionado Tribunal Mixto, sendo-lhe requisitada a fim de fazer constar o numero existente de Negros libertados em virtude deste Tractado, o obito dos que houverem fallecido, o melhoramento do seu estado, e o progresso, que tem feito na sua instrucção, tanto moral, como religioza, assim como no modo de vida, que tiverem tomado.

ARTIGO VII.

Como o principal objecto do Tractado, de que o presente Regulamento fórma uma parte integrante, não é outro mais do que melhorar a condição destas infelizes victimas da avareza, as Altas Partes Contractantes, animadas dos mesmos sentimentos de humanidade, convém em que, se para o futuro parecer necessario adoptar

novas medidas para obter este fim benevolo, em consequencia de se tomarem inefficazes as especificadas neste Regulamento, as ditas Altas Partes Contractantes ham de consultar entre si, e convir em outros meios mais bem adaptados para se conseguir completamente o fim proposto.

ARTIGO VIII.

Os Plenipotenciarios abaixo assignados convieram, na conformidade do decimo quinto Artigo do Tractado por elles assignado a de de , em que o precedente Regulamento, que consta de oito Artigos, será annexado ao dito Tractado, e considerado como uma parte integrante delle.

(L.S.)

(L.S.)

(Translation.)

Treaty negotiated between the Duke of Palmella and Lord Howard de Walden in 1836.

HER Majesty the Queen of Portugal and of the Algarves, and His Majesty the King of the United Kingdom of Great Britain and Ireland, being mutually animated by the most sincere desire to co-operate for the utter extinction of the barbarous traffic in slaves, and finally to complete the work begun by the Treaties of 1815 and 1817 between the two Crowns, which formed the first model for the subsequent Conventions, whereby the greater part of the Christian Powers have united for the same object; and considering that the separation of Brazil from the Crown of Portugal removed in fact the only reservation stipulated in the Treaty of 1815, and now enables the two Governments to declare the traffic in slaves utterly abolished as regards their respective subjects, have resolved to proceed to the conclusion of a Treaty for the special purpose of putting forth in it the above Declaration in the most formal and solemn manner, and have respectively named for this purpose, as their Plenipotentiaries, &c. &c., who, having duly communicated to each other their respective full powers, and found them to be in proper form, have agreed upon the following Articles.

ARTICLE I.

The Slave Trade is declared to be for ever and totally abolished in all the possessions of the Crown of Portugal, in the same manner as it is already in those of His Britannic Majesty.

ARTICLE II.

Her Majesty the Queen of Portugal and of the Algarves engages by this Article, that, immediately after the exchange of the ratifications of the present Treaty, and from time to time, afterwards, as it may become needful, she will take the most effectual measures for preventing her subjects from being in any way concerned in the Slave Trade, and her flag from being used in promoting it; and especially that within six months after the said exchange she will promulgate throughout all her dominions a penal law inflicting a punishment the most severe on all those of her subjects who shall, under whatsoever pretext, take any part whatever in the traffic in slaves.

ARTICLE III.

Her Majesty the Queen of Portugal and the Algarves engages that, in further pursuance of the stipulation contained in the First Article of this Treaty, she will take the necessary means for promulgating penal laws similar to those established in the dominions of Great Britain, for the purpose of preventing the Slave Trade.

ARTICLE IV.

In order more completely to prevent all infringement of the spirit of the present Treaty, the two high contracting parties renew the consent already stipulated in the Convention of the 28th of July, 1817, that those ships of their royal navies respectively, which shall be provided with special instructions for that purpose, as hereinafter mentioned, may visit such merchant-vessels of the two nations as may be suspected, upon reasonable grounds, of being engaged in the traffic in slaves, or of having been fitted out for the purposes thereof, or of having during the voyage in which they are met by the said cruisers, been engaged in the traffic in slaves contrary to the provisions of this Treaty; and that such cruisers may detain and send or carry away such vessels, in order that they may be brought to trial in the manner hereinafter agreed upon.

In order to establish the reciprocal right of visit in such a manner as shall be adopted with the view of attaining the object of this Treaty, and, at the same time, in order to avoid doubts, disputes, and complaints, the said right of visit shall be understood in the manner and according to the rules following:—

1. It shall never be exercised but by ships of war expressly authorized to that end, in conformity with the stipulations of this Treaty.

2. The right of visit shall in no case be exercised with respect to a ship of the royal navy of either of the two Powers, but only with respect to merchant-vessels.

3. Whenever a merchant-vessel shall be visited by a ship of war, the Commander of the latter shall present to the Commander of the merchant-vessel the document by which he is duly authorized for such purpose, and shall deliver to him a certificate signed by him, setting forth his rank in the naval service of his country, and the name of the ship which he commands, and also declaring that the only object of the visit is to ascertain whether the merchant-vessel is employed in the Slave Trade or is fitted out for the said traffic. When the visit is made by an Officer of the cruiser, other than the Commander, that Officer shall present to the Captain of the merchant-vessel a copy of the special order above mentioned, signed by the Commander of the cruiser, and shall, in the same manner, deliver to him a certificate, which he shall sign, declaring in it his rank in the royal navy, the name of the Commander by whose orders he proceeds to make the visit, the name of the cruiser in which he is embarked, and the object of the visit, as has already been specified above.

If it be found by the visit that the ship's papers are in due order, and that she is employed in lawful transactions, the Officer shall declare in writing in the Log-book of the ship that she is visited in execution of the special orders above mentioned, and the ship shall be left at liberty to pursue her voyage. The rank of the Officer who shall make the visit must not be inferior to that of Lieutenant in the royal navy, except when the command, either by death or by some other cause, has during that time devolved on an Officer of inferior grade.

4. The reciprocal right of visit and detention shall not be exercised in the Mediterranean, nor in the seas of Europe lying beyond the straits of Gibraltar and to the north of the 37° parallel of north latitude, and which are within and to the east of the meridian of longitude 20° west of Greenwich.

ARTICLE V.

In order to regulate the mode of carrying the provisions of the preceding Article into execution, it is agreed—

First. That all ships of the Royal Navies of the two nations which shall be hereafter employed to prevent the traffic in slaves, shall be furnished by their respective Governments with a copy, in the Portuguese and English languages, of the present Treaty, of the Instructions for cruisers annexed thereto (sub litterã A.), and of the Regulations for the Mixed Courts of Justice annexed thereto (sub litterã B.), which annexes, respectively, shall be considered as an integral part of the Treaty.

Secondly. That each of the high contracting parties shall, from time to time, communicate to the other the names of the several ships furnished with such Instructions, the force of each, and the names of their several commanders.

Thirdly. That if, at any time, there shall be just cause to suspect that any merchant-vessel under the flag, and proceeding under convoy of any ship or ships of war of either of the contracting parties is engaged, or intended to be engaged, in the traffic in slaves, or is fitted out for the purposes thereof, or has, during the voyage on which she may be met with, been engaged in the traffic in slaves, it shall be lawful for the Commander of any ship of the Royal Navy of either of the two high contracting parties furnished with such instructions as aforesaid, to communicate his suspicions to the Commander of the convoy, who, accompanied by the Commander of the cruiser, shall proceed to the visit of the suspected ship, and in case the suspicion shall appear to be well founded, according to the tenor of this Treaty, the said ship shall be conducted, or sent to one of the points where Mixed Courts of Justice are established, in order to undergo the sentence applicable to their case.

Fourthly. It is further mutually agreed, that the Commanders of the ships of the two Royal Navies respectively, who shall be employed on this service, shall adhere strictly to the exact tenour of the aforesaid instructions.

ARTICLE VI.

As the two preceding Articles are entirely reciprocal, the two high contracting parties engage, mutually, to make good any losses which their respective subjects may incur by the arbitrary and illegal detention of their vessels, it being understood that this indemnity shall invariably be borne by the Government whose cruizer shall have been guilty of such arbitrary and illegal detention; and that the visit and detention of vessels specified in the Fourth Article of this Treaty, shall only be effected by those Portuguese or British ships which may form part of the two Royal Navies respectively, and by those only of such ships which are provided with the special instructions annexed to the present Treaty in pursuance of the provisions thereof. The indemnity of the losses alluded to in this Article is to be paid within the space of a year, to reckon from the day on which the Mixed Court of Justice shall pronounce sentence.

ARTICLE VII.

In order to bring to adjudication, with as little delay and inconvenience as possible, the vessels which may be detained according to the tenour of the Fourth Article of this Treaty, there shall be established, as speedily as may be practicable, two Mixed Courts of Justice, formed of an equal number of individuals of the two nations, named for this purpose by their respective Sovereigns.

These Courts shall reside, one in the dominions of Her Majesty the Queen of Portugal and of the Algarves, and the other in a possession belonging to His Britannic Majesty; and the two Governments, at the period of the exchange of the ratifications of the present Treaty, shall declare, each for its own dominions, in what places the Courts shall respectively reside, each of the two high contracting parties reserving to itself the right of changing, at its pleasure, the place of residence of the Court held within its own dominions; provided, however, that one of the two Courts shall always be held upon the Coast of Africa, and the other in one of the possessions of Her Majesty the Queen of Portugal and of the Algarves.

The Courts shall judge the causes submitted to them, according to the provisions of the present Treaty, without appeal, and according to the regulations and instructions which are annexed to the present Treaty, and which are considered as forming an integral part thereof.

ARTICLE VIII.

It has been agreed by this Article between the high contracting parties, that the Mixed Commissions at present established and holding their sittings under the convention concluded between Portugal and Great Britain, on the 28th July, 1817, shall continue those sittings, and after the lapse of six months from the exchange of the ratifications of this Treaty, and till the further appointment and definitive establishment of a Mixed Court of Justice, pursuant to the present Treaty, shall judge without appeal and according to the principles and provisions of the same Treaty, and the regulations and instructions thereto annexed, the cases of such ships as shall be sent, or brought, before them; and any vacancies that may occur in the said Mixed Commissions shall be filled up in the same manner as are the vacancies in the Mixed Courts of Justice to be established pursuant to the provisions of this Treaty.

ARTICLE IX.

It is, however, clearly understood between the two high contracting parties, that no provision of the present Treaty shall be construed as at variance with the right of the Portuguese subjects to be accompanied in their voyages to and from the Portuguese dominions on the Coast of Africa, and in the adjacent islands, by slaves belonging *bonâ fide* to their domestic service, and named and described as such in the Passport made out by the supreme authority of the place of embarkation, provided that in the quality and fitting out of the ship on board of which they are there be nothing to justify her detention for other reasons; in which case the owner of those slaves shall be liable to be *primâ facie* considered as accomplice in an expedition for the Slave Trade.

ARTICLE X.

In case the Commanding Officer of any of the ships of the Royal Navies of Portugal and Great Britain respectively, duly commissioned, according to the provisions of the Fourth Article of this Treaty, shall deviate, in any respect, from the stipulations of the said Treaty, or from the instructions annexed to it; the Government

which shall conceive itself to be wronged thereby shall be entitled to demand reparation, and, in such case, the Government to which such Commanding Officer may belong binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the said Officer a punishment proportioned to any wilful transgression which may have been committed.

ARTICLE XI.

(Is a literal translation of Article IX. of "Draft A. of a Treaty.")

ARTICLE XII.

(Is a literal translation of Article X. of the "Draft A.," with the following addition): But the same Court shall be authorized to pay out of the prize-fund, if it deem it required by equity, a sum of money proportioned to the demurrage that may have been sustained, and according to the circumstances of the case.

ARTICLE XIII.

It was agreed by this Article between. (The remainder is a literal translation of Article XI. of the "Draft A.")

ARTICLE XIV.

(A literal translation of Article X. of the "Draft A.")

ARTICLE XV.

It was moreover agreed, with the view of carrying into immediate execution, in the completest manner, the provisions of the present Treaty, that until a Commission shall have been effectually established in the Portuguese dominions, the Mixed Commission at Rio de Janeiro shall be authorized to take cognizance of, and pronounce sentence in, all cases of the Slave Trade carried on under the Portuguese flag that shall be brought before it as having occurred in the American seas, to which Commission Her most Faithful Majesty binds herself to add two Commissioners on the part of Portugal.

ARTICLE XVI.

The acts or instruments annexed to this Treaty, and which, it is mutually agreed, shall form an integral part thereof, are as follows:—

A. Instructions for the ships of the Royal Navies of both nations employed in preventing the Slave Trade.

B. Regulations for the Mixed Courts of Justice which are to reside in the dominions of Her most Faithful Majesty and of His Britannic Majesty on the Coast of Africa, or near it.

C. Regulations as to the treatment of liberated negroes.

ARTICLE XVII.

The abolition of the Slave Trade is by this Article declared to be complete. It was also agreed between the two high contracting parties, that, if either of them should require it, some regulations not affecting the spirit of the provisions of this Treaty, may be revised after the expiration of two years calculated from the present date.

ARTICLE XVIII.

The present Treaty, consisting of 18 Articles, shall be ratified, and the ratifications thereof exchanged within the space of one month from this date, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed, in duplicate originals, Portuguese and English, the present Treaty, and have thereunto affixed the seal of their arms.

Done at Lisbon, this day of , in the year of our Lord Jesus Christ, 183 .

(L.S.)

(L.S.)

A true copy. Secretary of State's Office for Foreign Affairs, the 5th of April, 1839.

In the absence of the chief official,
JOSE VERISSIMO DA SILVA.

ANNEX A.

Instructions for the Ships of the Portuguese and British Royal Navies, employed to prevent the Traffic in Slaves.

ARTICLE I.

The Commander of any ship belonging to the Royal Portuguese or British Navy, which shall be furnished with these Instructions, shall have a right to visit, search, and detain, within the limits stipulated in Article IV of the Treaty, any Portuguese or British merchant vessel which shall be actually engaged or suspected to be engaged in the Slave Trade, or to be fitted out for the purposes thereof, or to have been engaged in the Traffic in Slaves during the voyage in which she may be met with by such ship of the Portuguese or British Navy; and such Commander shall thereupon bring or send such merchant vessel, as soon as possible, for judgment before that one of the two Mixed Courts of Justice, established in virtue of the Seventh Article of the said Treaty, which shall be nearest to the place of detention, or which such Commander shall, upon his own responsibility, think can be soonest reached from such place.

ARTICLE II.

Whenever a ship of either of the two Royal Navies, duly authorized as aforesaid, shall meet a merchantman liable to be visited under the provisions of the said Treaty, the search shall be conducted in the mildest manner, and with every attention which ought to be observed between allied and friendly nations; and the search shall in all cases be made by an Officer holding a rank not lower than that of Lieutenant in the Navies of Portugal and Great Britain, or by the Officer who at the time shall be second in command of the ship by which such search is made.

ARTICLE III.

The Commander of any ship of the two Royal Navies, duly authorized as aforesaid, who may detain any merchant vessel, in pursuance of the tenour of the present Instructions, shall leave on board the vessel so detained, the Master, the Mate or Boatswain, and two or three at least of the crew thereof; the whole of the slaves, if any; and all the cargo.

The Captor shall, at the time of detention, draw up in writing an authentic declaration, which shall exhibit the state in which he found the detained vessel; such declaration to be signed by himself, and to be given in or sent, together with the captured vessel, to the Mixed Court of Justice before which such vessel shall be carried or sent for adjudication.

He shall deliver to the Master of the detained vessel a signed Certificate of the papers seized on board the same, as well as of the number of slaves found on board at the moment of detention.

In the authenticated Declaration which the Captor is hereby required to make, as well as in the Certificate of the papers seized, he shall insert his own name, the name of the capturing ship, the latitude and longitude of the place where the detention shall have taken place, and the number of slaves found on board of the vessel at the time of the detention.

The Officer in charge of the vessel detained shall, at the time of bringing the vessel's papers into the Mixed Court of Justice, deliver into the Court a paper signed by himself, and verified on oath, stating the changes which have taken place in respect to the vessel, her crew, the slaves (if any), and her cargo, between the period of her detention and the time of delivering in such paper.

ARTICLE IV.

The slaves shall not be disembarked till after the vessel which contains them shall have arrived at the place of adjudication, in order that, in the event of her not being adjudged legal prize, the loss of the proprietors may be more easily repaired; and, even after the arrival of the slaves at such place, they are not to be landed without the permission of the Mixed Court of Justice.

But if urgent motives, deduced from the length of the voyage, the state of health of the slaves, or from other causes, should require that either the whole or a portion of the negroes should be disembarked before the vessel can arrive at the place at which one of the said Courts is established, the Commander of the capturing ship may take upon himself the responsibility of so disembarking the negroes, provided that such necessity, and the causes thereof, be stated in a Certificate in proper

form, and that this Certificate shall be drawn up and entered at the time, on the Log-book of the detained vessel.

The undersigned Plenipotentiaries have agreed, in conformity with the Sixteenth Article of the Treaty, signed by them on this day, the _____ of 183____, that the preceding Instructions, consisting of four articles, shall be annexed to the said Treaty, and be considered an integral part thereof.

The _____ day of _____, 183____

(L. S.)

(L. S.)

ANNEX B.

Regulations for the Mixed Courts of Justice which are to reside in the Dominions of Her Most Faithful Majesty, and His Britannic Majesty, on the Coast of Africa, or near it.

ARTICLE I.

The Mixed Courts of Justice to be established under the provisions of the Treaty, of which these Regulations are declared to be an integral part, shall be composed in the following manner. The two High Contracting Parties shall each of them name a Judge and an Arbitrator, who shall be authorized to hear, and to decide without appeal, all cases of the capture or detention of vessels which, in pursuance of the stipulations of the aforesaid Treaty, shall be brought before them. The Judges and the Arbitrators shall, before entering upon the duties of their office, respectively make oath before the principal Magistrate of the places in which such Courts respectively shall reside, that they will judge fairly and faithfully; that they will have no preference, either for the Claimants or the Captors; and that they will act, in all their decisions, in pursuance of the stipulations of the aforesaid Treaty.

There shall be attached to each of such Courts a Secretary or Registrar, who shall be appointed by the Government of the country within the territories of which such Court shall reside. Such Secretary or Registrar shall register all the acts of such Court, and shall, previous to entering upon his office, make oath before the Court to which he is appointed, that he will conduct himself with due respect for its authority, and will act with fidelity and impartiality in all matters relating to his said office.

The salary of the Secretary or Registrar of the Court to be established in the possessions of Portugal, shall be paid by Her Most Faithful Majesty; and that of the Secretary or Registrar of the Court to be established in the dominions of His Britannic Majesty, by His Britannic Majesty.

Each of the Governments shall defray half of the aggregate amount of the incidental expenses of such Courts.

ARTICLE II.

The expenses incurred by the Officer charged with the reception, maintenance, and care of the detained vessel, slaves, and cargo, and with the execution of the sentence, and all disbursements occasioned by bringing a vessel to adjudication, shall, in case of condemnation, be defrayed from the funds arising from the sale of the materials of the vessel, after the same shall have been broken up, of the ship's stores, and of such parts of the cargo as shall consist of merchandize; and in case the proceeds arising from this sale should not prove sufficient to defray such expenses, the deficiency shall be made good by the Government of the country within whose territories the adjudication shall have taken place.

If the detained vessel shall be released, the expenses occasioned by bringing her to adjudication shall be defrayed by the Captor, excepting in the cases specified and otherwise provided for under Article XII of the Treaty to which these Regulations form an Annex, and under Article VII of these Regulations.

ARTICLE III.

The Mixed Courts of Justice are to decide upon the legality of the detention of such vessels as the cruizers of either nation shall, in pursuance of the said Treaty, detain.

These Courts shall judge, definitively and without appeal, all questions which shall arise out of the capture and detention of such vessels.

The proceedings of these Courts shall take place as summarily as possible; and

for this purpose the Courts are required to decide each case, as far as may be practicable, within the space of 20 days, to be dated from the day on which the detained vessel shall have been brought into the port where the deciding Court shall reside.

The final sentence shall not in any case be delayed beyond the period of two months, whether on account of the absence of witnesses or for other cause, except upon the application of any of the parties interested; in which case, upon such party or parties giving satisfactory security that they will take upon themselves the expense and risks of the delay, the Courts may, at their discretion, grant an additional delay, not exceeding four months. Either party shall be allowed to employ such counsel as he may think fit, to assist him in the conduct of his cause.

All the essential parts of the proceedings of the said Courts shall be written down in the language of the country in which they shall respectively reside.

ARTICLE IV.

The form of the process shall be as follows:—

The Judges appointed by the two nations respectively shall, in the first place, proceed to examine the papers of the detained vessel, and to take the depositions of the Master or Commander, and two or three at least of the principal individuals on board of such vessel, as well as the declaration, on oath, of the Captor, should it appear necessary, in order to enable them to judge and to pronounce whether the said vessel has been justly detained or not, according to the stipulations of the aforesaid Treaty, and in order that, according to this judgment, the vessel may be condemned or released.

In the event of the two Judges not agreeing as to the sentence which they ought to pronounce in any case brought before them, whether with respect to the legality of the detention, the liability of the vessel to condemnation, or the indemnification to be allowed, or as to any other question which may arise out of the said capture, or in case any difference of opinion should arise between them as to the mode of proceeding in the said Court, they shall draw by lot the name of one of the two Arbitrators so appointed as aforesaid; which Arbitrator, after having considered the proceedings which have taken place, shall consult with the two above-mentioned Judges on the case; and the final sentence or decision shall be pronounced conformably to the opinion of the majority of the three.

ARTICLE V.

If the detained vessel shall be restored by the sentence of the Court, the vessel and the cargo, in the state in which they shall then be found, shall forthwith be given up to the Master, or to the person who represents him; and such Master or other person may, before the same Court, claim a valuation of the damages which he may have a right to demand. The Captor himself, and, in his default, his Government, shall remain responsible for the damages to which the Master of such vessel, or the Owners of the vessel or of her cargo, may be pronounced to be entitled.

The two High Contracting Parties bind themselves to pay, within the term of a year from the date of the sentence, the costs and damages which may be awarded by the above-named Court, it being mutually understood and agreed that such costs and damages shall be made good by the Government of the country of which the Captor shall be a subject.

ARTICLE VI.

If the detained vessel shall be condemned, she shall be declared lawful prize, together with her cargo, of whatever description it may be, with the exception of the slaves who shall have been brought on board for the purposes of commerce; and the said vessel, subject to the regulations in Article XIII. of the Treaty of this date, shall, as well as her cargo, be sold by public sale for the profit of the two Governments, subject to the payment of the expenses hereinbefore mentioned.

The slaves shall receive from the Court a certificate of emancipation, and shall be delivered over to the Government, on whose territory the Court which shall have judged them, shall be established, to be dealt with according to the regulations and conditions contained in the Annex to this Treaty sub litterâ C.

The charges incurred for the support and for the return voyage of the commanders and crews of condemned vessels shall be defrayed by the Government of which such commanders and crews are the subjects.

CLASS B.

ARTICLE VII.

The Mixed Courts of Justice shall also take cognizance of, and shall decide definitively and without appeal, all claims for compensation on account of losses occasioned to vessels and cargoes which shall have been detained under the provisions of this Treaty, but which shall not have been condemned as legal prize by the said Courts, and in all cases, save as mentioned in Article XII, of the Treaty to which these Regulations form an Annex, and in a subsequent part of these Regulations, wherein restitution of such vessels and cargoes shall be decreed, the Court shall award to the claimant or claimants, or to his or their lawful attorney or attorneys, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the owner or owners may have actually sustained by such capture and detention; that is to say:

1st. The case of total loss.

The claimant or claimants shall be indemnified;

A. For the ship, her tackle, equipment, and stores;

B. For all freights due and payable;

C. For the value of the cargo of merchandize if any, deducting all charges and expenses payable upon the sale of such cargo, including commission of sale;

D. For all other regular charges in such case of total loss.

2nd. In all other cases, save as hereinafter mentioned, not of total loss, the claimant or claimants shall be indemnified;

A. For all special damages and expenses occasioned to the ship by the detention, and for loss of freight when due or payable;

B. For demurrage when due, according to the schedule annexed to the present Article;

C. For any deterioration of the cargo;

D. For all premium of insurance on additional risks.

The claimant or claimants shall be entitled to interest at the rate of five per cent. per annum on the sum awarded, until such sum is paid by the Government to which the capturing ship belongs, the whole amount of such indemnifications shall be calculated in the money of the country to which the detained vessel belongs, and shall be liquidated at the exchange current at the time of the award.

The two High Contracting Parties, however, have agreed that if it shall be proved to the satisfaction of the judges of the two nations, and without having recourse to the decision of an arbitrator, that the Captor has been led into error by the fault of the master or commander of the detained vessel, the detained vessel in that case shall not have the right of receiving, for the time of her detention, the demurrage stipulated by the present Article, nor any other compensation for losses, damages, or expences consequent upon such detention.

Schedule of demurrage or daily allowance for a vessel of 100 tons to 120 inclusive, per diem

			£5
121	to	150	6
151		170	8
171		200	10
201		220	11
221		250	12
251		270	14
271		300	15

and so on in proportion.

ARTICLE VIII.

Neither the judges nor the arbitrators, nor the secretaries, of the Mixed Courts of Justice, shall demand or receive from any of the parties concerned in the cases which shall be brought before such Courts any emolument or gift, under any pretext whatsoever, for the performance of the duties which such judges, arbitrators, and secretaries have to perform.

ARTICLE IX.

Should the parties concerned conceive that they see occasion for complaining of some evident injustice on the part of the Mixed Courts, they may state it to their respective Governments, who reserve to themselves the right of coming to a mutual understanding, in order to supersede, if they should think it proper, the individuals of whom those Courts are composed.

ARTICLE X.

The two High Contracting Parties have agreed that, in the event of the death, sickness, absence on leave, or any other legal impediment, of one or more of the Judges or Arbitrators composing the above-mentioned Courts respectively, the post of such Judge or of such Arbitrator shall be supplied, *ad interim*, in the following manner.

1st. On the part of His Britannic Majesty, and in that Court which shall sit within the possessions of His said Majesty; if the vacancy be that of the British Judge his place shall be filled by the British Arbitrator, and either in that case, or in the case where the vacancy be originally that of the British Arbitrator, the place of such Arbitrator shall be filled successively by the Governor or Lieutenant-Governor resident in such possession by the principal Magistrate of the same, and by the Secretary of the Government; and the said Court, so constituted as above, shall sit, and in all cases brought before them for adjudication shall proceed to adjudge the same, and to pass sentence accordingly.

2nd. On the part of Great Britain, and in that Court which shall sit within the possessions of Her most Faithful Majesty, if the vacancy be that of the British Judge, his place shall be filled by the British Arbitrator, and either in that case, or in the case where the vacancy be originally that of the British Arbitrator, his place shall be filled successively by the British Consul and British Vice-Consul, if there be a British Consul or British Vice-Consul appointed to and resident in such Possession; and in the case where the vacancy be both of the British Judge and of the British Arbitrator, then the vacancy of the British Judge shall be filled by the British Consul, and that of the British Arbitrator by the British Vice-Consul, if there be a British Consul and a British Vice-Consul appointed to and resident in such Possession; and if there shall be no British Consul or British Vice-Consul to fill the place of British Arbitrator, then the Portuguese Arbitrator shall be called in, in those cases in which a British Arbitrator, were there any, would be called in; and in case the vacancy be both of the British Judge and British Arbitrator, and there be neither British Consul nor British Vice-Consul to fill *ad interim* the vacancies, then the Portuguese Judge and the Portuguese Arbitrator shall sit, and in all cases brought before them for adjudication shall proceed to adjudge the same, and pass sentence accordingly.

3rd. On the part of Portugal and in that Court which shall sit within the Territories of Her most Faithful Majesty, if the vacancy be that of the Portuguese Judge his place shall be filled by the Portuguese Arbitrator, and either in that case, or in the case where the vacancy be originally that of the Portuguese Arbitrator, the place of such Arbitrator shall be filled successively by the Supreme Civil Authority resident in such Possession, by the principal Magistrate of the same, and by the Secretary of the Government, and the said Court, so constituted as above, shall sit, and in all cases brought before them for adjudication shall proceed to adjudge the same, and pass sentence accordingly.

4th. On the part of Portugal, and in that Court which shall sit within the Possessions of His Britannic Majesty, if the vacancy be that of the Portuguese Judge, his place shall be filled by the Portuguese Arbitrator; and either in that case, or in the case where the vacancy be originally that of the Portuguese Arbitrator, his place shall be filled successively by the Portuguese Consul and by the Portuguese Vice-Consul, if there be a Portuguese Consul or a Portuguese Vice-Consul appointed to and resident in such Possession; and in the case where the vacancy be both of the Portuguese Judge and of the Portuguese Arbitrator, then the vacancy of the Judge shall be filled by the Portuguese Consul, and that of the Portuguese Arbitrator by the Portuguese Vice-Consul, if there be a Portuguese Consul and a Portuguese Vice-Consul appointed to and resident in such Possession; and in the case in which there be no Portuguese Consul or Portuguese Vice-Consul to fill the place of Portuguese Arbitrator, then the British Arbitrator shall be called in in those cases in which a Portuguese Arbitrator, were there any, would be called in, and in case the vacancy be both of the Portuguese Judge and the Portuguese Arbitrator, and there be neither a Portuguese Consul nor a Portuguese Vice-Consul to fill, *ad interim*, the vacancies, then the British Judge and British Arbitrator shall sit, and in all cases brought before them for adjudication shall proceed to adjudge the same, and pass sentence accordingly.

The Governor or Lieutenant-Governor of the settlement wherein either of the Mixed Courts of Justice shall sit, in the event of a vacancy arising either of the

Judge or the Arbitrator of the other High Contracting Party, shall forthwith give notice of the same to the Governor or Lieutenant-Governor of the nearest settlement of such other High Contracting Party, in order that such vacancy may be supplied at the earliest possible period; and each of the High Contracting Parties agrees to supply, definitively, as soon as possible, the vacancies which may arise in the above-mentioned Courts from death, or from any other cause whatever.

The undersigned Plenipotentiaries have agreed, in conformity with the XVIth Article of the Treaty, signed by them on this day, the of 183 , that the preceding Regulations, consisting of ten Articles, shall be annexed to the said Treaty, and considered as an integral part thereof.

the day of 183

(L.S.)

(L.S.)

ANNEX C.

Regulations with respect to the Treatment of liberated Negroes.

ARTICLE I.

The object and spirit of these Regulations is to secure to Negroes, liberated by virtue of the stipulations of the Treaty to which these Regulations form an Annex (marked C), permanent good treatment, and full and complete freedom, in conformity with the humane intentions of the High Contracting Parties.

ARTICLE II.

Immediately after sentence of condemnation shall have been passed by a Mixed Court of Justice, established under the Treaty to which these Regulations form an Annex, on a vessel charged with being concerned in illegal Slave Trade, all Negroes who were on board such vessel, and who were brought on board for the purpose of traffic, shall be delivered over to the Government to whom belongs the cruiser which made the capture.

ARTICLE III.

If the cruiser which made the capture is British, the British Government engages that the Negroes shall be treated in exact conformity with the laws in force in the British Colonies for the regulation of free or of emancipated Negroes.

ARTICLE IV.

Whether the cruiser which made the capture be Portuguese or English, the Negroes shall be delivered over to the authorities of that place where resides the Court before which the case of the capture is brought; and the two Governments solemnly engage that such Negroes shall there be treated strictly according to the Laws and Regulations actually in force, or according to such Regulations as may in future be established in the country where the Court resides, and which Regulations have, and shall always have, in view the humane object of improving and securing, honestly and faithfully, to emancipated Negroes the unmolested enjoyment of their acquired liberty, good treatment, a knowledge of the tenets of the Christian religion, advancement in morality and civilization, and sufficient instruction in the mechanical arts, in order that the said emancipated Negroes may be enabled to earn their own subsistence, whether as artisans, mechanics, or servants.

ARTICLE V.

For the purpose which is explained in Article VI., there shall be kept in the office of the Governor of the locality where the Mixed Court of Justice resides, a register of all emancipated Negroes; in which shall be entered, with scrupulous exactness, the names given to the Negroes, the names of the vessels in which they were captured, the names of the persons to whose care they have been committed, and any other circumstances likely to contribute to the end in view.

ARTICLE VI.

The register to which the preceding Article refers will serve to form a general return, which the Governor of the place where the Mixed Court of Justice resides shall be bound to deliver, every six months, to the aforesaid Mixed Commission, if

disputas, e queixas, o dito direito de visita será entendido da fôrma, e segundo as regras seguintes :

1. Elle nunca será exercido senão por Navios de Guerra, expressamente auctorizados para esse fim, na conformidade das estipulações deste Tractado.

2. Em nenhum caso será o direito de visita exercido, a respeito de um Navio da Marinha de Guerra de qualquer das duas Potencias, mas sómente a respeito de Navios Mercantes.

3. Todas as vezes que um Navio Mercante for visitado por um Navio de Guerra, o Commandante deste, antes de proceder á visita, apresentará ao Commandante do Navio Mercante, o documento, pelo qual está devidamente authorizado para esse fim, e lhe entregará uma Certidão por elle assignada, em que se refira o seu posto no serviço naval do seu paiz, e o nome do Navio, que commanda, e se declare tambem, que o unico objecto da visita, é averiguar se o Navio Mercante anda empregado no Trafico da Escravidão, ou se está esquipado para o dito Trafico. Quando a visita for feita por um Official do Cruzador, que não seja o Commandante, o mesmo Official apresentará ao Capitão do Navio Mercante uma cópia da Ordem especial acima mencionada assignada pelo Commandante do Cruzador, e deverá, da mesma sôrte, entregar-lhe uma Certidão, que assignará, declarando nella o seu Posto na Marinha de Guerra, o nome do Commandante, por cujas ordens elle procede a fazer a visita, o nome do Cruzador, em que anda embarcado, e o objecto da visita como já acima se especificou.

Se pela visita se conhecer que os papeis do Navio estão em devida fôrma, e que elle anda empregado em negociações licitas, o Official deverá declarar por escripto no Diario da derrota do Navio, que se lhe fez a visita, em execução das Ordens especiaes acima mencionadas, e o Navio será deixado em liberdade de proseguir a sua viagem. O Posto do Official, que fizer a visita, não deve ser inferior ao de Tenente da Marinha de Guerra, salvo se o commando, ou por fallecimento, ou por outra causa, tiver naquelle tempo recaído em Official de Patente inferior.

ARTIGO II.

O direito de reciproca visita poderá ser exercido a bordo dos Navios de uma, e de outra Nação, mas tão sómente nas paragens seguintes :

1. Dentro da distancia de cem milhas das Costas dos Dominios Portuguezes, na Africa, que abrangem :

Na Costa Occidental.

(a) O Archipelago de Cabo Verde.

(b) Os territorios na Costa de Guiné com as Ilhas adjacentes, que estão comprehendidos entre a margem septentrional do Rio Casamansa, cujo foz está na latitude septentrional de 12 grãos 35 minutos e 30 segundos, e em 16 grãos e 48 minutos de longitude occidental do meridiano de Greenwich, e o Cabo das Vergas, cujo cume principal se acha na latitude septentrional de 10 grãos e 18 minutos, e na longitude occidental de 14 grãos, e 21 minutos do dito meridiano.

(c) O Governo das Ilhas de S. Thomé, Principe, e suas dependencias.

(d) Os territorios do Governo Geral de Angola, comprehendidos entre o 8° e o 18° grão de latitude meridional.

Na Costa Oriental.

Os territorios do Governo Geral de Moçambique, comprehendidos entre o 10 e o 26° grão de latitude meridional.

A respeito dos quaes Dominios, bem como dos mais, que a Corôa de Portugal possue, se entenderão renovados todos os Tractados de Garantia, Amisade, e Alliança, que por tanto tempo, e tão felizmente tem subsistido entre as duas Corôas de Portugal, e da Gram-Bretanha, e que por este Artigo se reconhecem ficar em plena fôrça e vigor. Fica porém entendido que Sua Magestade Fidelissima não desiste das pertencções da sua Corôa, nem dos direitos della reservados em anteriores Tractados, sobre qualquer porção de territorio da Africa, não declarada no presente Artigo.

2. Dentro da distancia de cem milhas de qualquer outra parte da Costa occidental, ou oriental da Africa.

3. Em igual distancia das Costas da Ilha de Madagascar.

4. Dentro da distancia de cem milhas das Costas da Ilha de Cuba.

5. Em igual distancia das Costas da Ilha de Porto Rico.

6. Em igual distancia das Costas de toda a America Meridional.

Fica porém entendido, que qualquer Navio suspeito, avistado, e perseguido pelos Cruzadores dentro da dita distancia de cem milhas de qualquer das regiões, e Ilhas mencionadas neste Artigo, pôde ser por elles visitado, mesmo fóra destes limites, se, não o tendo nunca perdido de vista, conseguirem alcança-lo a maior distancia.

ARTIGO III.

A fim de regular o modo de pôr em prática as disposições dos Artigos precedentes, convencionou-se :

Primo.—Que todos os Navios de Guerra de ambas as Nações, que daqui por diante forem empregados em impedir o Trafico da Escravatura, serão munidos pelos seus respectivos Governos de uma Cópia, em lingua Portugueza e Ingleza, do presente Tractado, e das Instrucções para os Cruzadores a elle annexas, que serão respectivamente consideradas como uma parte integrante do Troctado.

Secundo.—Que cada uma das Altas Partes Contractantes communicará á outra successivamente os nomes dos diversos Navios, que se acham munidos de taes Instrucções, a força de cada um, e os nomes de seus diversos Commandantes Fica todavia entendido que Sua Magestade Fidelissima poderá segundo o julgar conveniente, ou segundo o permittirem os meios consignados para o serviço da Marinha, mandar Cruzadores Portuguezes só a certas paragens, ou mesmo dispensar-se inteiramente de os mandar.

Tertio.—Convencionou-se tambem, que os Commandantes dos Navios das duas Marinhas de Guerra respectivas, que forem empregados neste serviço deverão cingir-se strictamente ao exacto theor das sobreditas Instrucções.

ARTIGO IV.

Todas as vezes que um Navio Mercante, que navegar debaixo da Bandeira de uma das duas Nações, e por se haver empregado no Trafico da Escravatura, ou por suspeito de estar esquipado para o dito odioso Trafico, fôr detido pelos Cruzadores da outra Nação, devidamente authorizados para este fim, na conformidade das disposições deste Tractado, o dito Navio, assim como o seu Capitão, tripolação, carga, e Escravos, que se acharem a bordo d'elle, serão conduzidos a um porto da Nação, a que o mesmo Navio pertencer, e que as Duas Altas Partes Contractantes tiverem respectivamente designado, a fim de alli se proceder a seu respeito segundo as Leis do paiz, e serão alli entregues ás Authoridades para esse fim destinadas pelos Governos respectivos.

Quando o Commandante do Cruzador não julgar dever encarregar-se da conducção, e entrega do Navio detido, não poderá confiar o cuidado d'elle a um Official de Patente inferior á de Tenente da Marinha.

ARTIGO V.

Se em algum tempo houver justo motivo para suspeitar que algum Navio Mercante, que navegar debaixo do Comboi, ou em conserva de algum Navio, ou Navios de Guerra de qualquer das Partes Contractantes, anda empregado, ou pretende empregar-se, no Trafico da Escravatura, ou está esquipado para esse fim, ou tem, durante a viagem, em que foi encontrado, estado empregado em traficar em Escravos, será licito ao Commandante de qualquer Navio de Guerra de alguma das Duas Altas Partes Contractantes, que estiver munido das ditas Instrucções, como acima se disse, communicar as suas suspeitas ao Commandante do Comboi, ou do Navio de Guerra, o qual por si só procederá a visita do Navio suspeito; e, no caso que conheça que as suspeitas são fundadas, fará conduzir o Navio, assim como o Capitão, e a tripolação, a carga, e os Escravos, que se acharem a bordo, a um porto da sua Nação, a fim de alli se proceder a respeito delles na conformidade das respectivas Leis do pais.

ARTIGO VI.

Mais se convencionou mutuamente por este Artigo, que todos os Navios Mercantes Portuguezes ou Britannicos, que forem visitados em virtude do presente Tractado, podem ser legitimamente detidos, e mandados, ou conduzidos perante as Authoridades Judiciaes dos seus respectivos paizes, para ahi serem julgados na conformidade das Leis delles, e se na esquipação dos mesmos Navios for achada alguma das cousas abaixo mencionadas, a saber.

1. Escotilhas com grades abertas, em vez de serem fechadas, segundo é prática nos Navios Mercantes.

2. Repartimentos, coberta corrida, ou separações em maior numero do que é costume, ou necessario nos Navios, que fazem o Commercio licito.

3. Taboas aparelhadas para formar uma segunda coberta, conforme praticam os Navios de Escravatura.

4. Gargalheiras, algemas, anginghos, ou cadêas.

5. Maior quantidade de agua em pipas, ou tanques, do que a necessaria para o consumo da equipagem de um Navio Mercante.

6. Uma quantidade extraordinaria de pipas, ou barris para conter liquidos, uma vez que o Capitão não possa apresentar Certidão da Alfandega onde despachou, mostrando que os donos do Navio prestaram fiança, e que essas pipas, ou barris são destinados para azeite de palma, ou de peixe, ou para qualquer outro Commercio licito.

7. Maior quantidade de celhas, gamellas, ou bandejas para rancho, do que as necessarias para uso da equipagem de um Navio Mercante.

8. Uma caldeira de maior dimensão do que a usual, e maior do que aliás seria necessario para uso da equipagem; ou diversas caldeiras em maior numero do que as necessarias para este effeito.

9. Uma quantidade extraordinaria de arroz, feijão, carne, e peixe salgado, farinha de pão, mandioca, milho, ou farinhas de qualquer especie, além da que possa ser necessaria para o sustento da equipagem, quando qualquer destes objectos não faça parte da carga, e como tal se não ache no Manifesto.

ARTIGO VII.

Assim que um Navio Mercante, que houver sido detido, e enviado perante as Authoridades Judiciaes do seu paiz, chegar a um dos portos respectivamente designados, o Commandante do Cruzador, que o tiver detido, ou o Official encarregado da sua conducção entregará ás ditas Authoridades, para esse fim nomeadas, uma declaração, por elle assignada, de todos os inventarios, processos verbaes, e outros Documentos especificados nas Instrucções annexas ao presente Tractado; e as ditas Authoridades procederão em consequencia á visita do Navio detido, e da sua carga, assim como á inspecção da sua tripolação, e dos Escravos, que se acharem a bordo, depois de haver previamente dado aviso da hora desta visita, e inspecção ao Commandante do Cruzador, ou ao Official que tiver conduzido o Navio, a fim de que elle possa assistir, ou fazer-se representar nella.

De todos estes actos se formará um processo verbal em original duplicado, que deverá ser assignado pelas pessoas, que a elles tiverem procedido, ou assistido; e um d'estes originaes será entregue ao Commandante do Cruzador, ou ao Official, que tiver sido encarregado da conducção do Navio detido.

ARTIGO VIII.

Proceder-se-ha immediatamente perante os Juizes competentes dos Estados respectivos, e segundo as fórmãs n'elles estabelecidas, contra os Navios detidos, seus Capitães, tripolações, e cargas; e se do processo se provar que os ditos Navios estiveram empregados no Trafico da Escravatura, ou que foram equipados com o fim de fazerem aquelle Trafico, proferir-se-ha sentença sobre a sorte do Capitão, da tripolação, e de seus cúmplices, assim como sobre o destino do Navio, e da sua carga, na conformidade das respectivas Leis de cada paiz.

Em caso de condemnação, uma porção do producto liquido da venda dos ditos Navios, e das suas cargas, será posta á disposição do Governo do paiz a que pertencer o Navio aprezador, para ser distribuida por seu cuidado entre o Estado Maior, e a tripolação desse Navio: a dita porção será de 65 por cento do producto liquido da venda, em quanto esta base poder conciliar-se com a Legislação dos dous Estados.

ARTIGO IX.

Quando um Navio Mercante de uma das duas Nações tiver sido visitado e detido indevidamente, ou sem motivo sufficiente de suspeita, ou quando a visita e detenção tiverem sido acompanhadas de máos tractamentos, e violencias, o Commandante do Cruzador, ou o Official, que tiver ido a bordo do dito Navio, ou em fim aquelle, a quem houver sido confiada a conducção d'elle, será, segundo as circumstancias, responsavel por perdas e damnos para com o Capitão, dono, e carregadores do mesmo Navio. Estas perdas e damnos poderão ser sentenciadas pelo Juiz, perante quem se formar o processo contra o Navio detido, e Capitão, tripolação e carga d'elle; e o Governo do paiz, a que pertencer o Official, que tiver dado motivo a

esta sentença pagará a importancia das ditas perdas, e damnos no termo de um anno, a contar do dia em que fôr proferida a Sentença.

ARTIGO X.

Quando na visita, ou na detenção de um Navio Mercante, effectuada em virtude das disposições do presente Tractado, se tiver commettido algum máo tractamento, ou violencia, mas o Navio não fôr entregue ás Authoridades Judiciaes da sua Nação, o Capitão deverá fazer debaixo de Juramento uma declaração dos máos tractamentos, ou violencias, de que tiver a queixarse, perante as Authoridades competentes do primeiro porto do seu paiz, aonde chegar, ou perante o Agente Consular da sua Nação, se o Navio aportar a um porto Estrangeiro, aonde haja um tal Agente. Esta declaração deverá ser verificada por um interrogatorio feito debaixo de Juramento aos principaes individuos da tripolacção, ou passageiros, que houverem presenteado a visita, e detenção; e de tudo se fará um processo verbal, entregando-se dous duplicados d'elle ao Capitão, que deverá fazer chegar um ao seu Governo, para fundamentar a reclamação, que intentar fazer de perdas, e damnos. Fica porém entendido, que se um caso de força maior impedir o Capitão de fazer a sua declaração, esta poderá ser feita pelo dono do Navio, ou por qualquer outra pessoa interessada na esquipação ou carga d'elle.

Logo que fôr officialmente transmittido por meio das respectivas Legações um duplicado do processo verbal acima mencionado ao Governo do paiz, a que pertencer o Official, a quem se imputarem máos tractamentos, ou violencias, o mesmo Governo fará immediatamente proceder a uma investigação a este respeito; e, se fôr reconhecida a validade da queixa, fará pagar ao Capitão, ao dono do Navio prejudicado, ou a qualquer outra pessoa interessada na esquipação, ou carga d'elle a importancia das perdas e damnos, que lhe forem devidos.

ARTIGO XI.

Fica todavia claramente entendido entre as Duas Altas Partes Contractantes, que estipulação alguma do presente Tractado será interpretada, como oppondo-se ao direito concedido pelo citado Decreto de 10 de Dezembro de 1836, a qualquer Colono Nacional, ou Estrangeiro, que de uma parte dos Dominios Portuguezes em Africa, ou de qualquer paiz não sujeito á Corôa de Portugal fôr estabelecer-se em qualquer parte dos mesmos Dominios no Continente, ou Ilhas Africanas, de transportar comsigo até dez Escravos, com tanto porém que não haja a bordo maior numero de Negros, do que este (exceptuando comtudo os marinheiros Negros incluídos na matricula da tripolacção do Navio, os quaes em nenhum caso serão sufficiente motivo para a detenção d'elle), ou que na qualidade, ou na esquipação do Navio, em que elles forem, nada haja que justifique a detenção d'elle por outros motivos; no qual caso o dono dos mencionados Escravos ficará sujeito a ser *prima facie* considerado complice em uma expedição para o Trafico da Escravatura.

ARTIGO XII.

Convencionou-se por este Artigo entre as Duas Altas Partes Contractantes, que em todos os casos, em que um Navio fôr detido, em virtude deste Tractado, pelos seus respectivos Cruzadores, como tendo estado empregado no Trafico da Escravatura, ou como tendo sido esquipado para esse fim, e fôr por consequente sentenciado, e condemnado pelas Authoridades Judiciaes do seu respectivo paiz, o dito Navio será immediatamente depois da sua condemnação inteiramente desmanchado, e será vendido em pedaços separados, depois que assim houver sido desmanchado.

ARTIGO XIII.

Achando-se já declarados livres pelas Leis dos dous paizes aquelles Escravos, que forem objecto do Trafico prohibido pelas mesmas Leis, ambos os Governos mutuamente promettem pôr toda a sua sollicitude em que elles sejam tractados nos seus respectivos Dominios na stricta conformidade das Leis, e Regulamentos, que nelles actualmente existem, ou que de futuro se houverem de promulgar, e que tem, e sempre ham de ter o humano fim de aperfeiçoar, e assegurar exacta e fielmente aos Negros libertos o gozo da sua adquirida liberdade, bom tractamento, o conhecimento dos Dogmas da Religião Christã, o seu adiantamento em moralidade, e civilização, e a sua sufficiente instrucção nas artes mechanicas, a fim de que elles se possam pôr em estado de proverem á sua subsistencia, como artistas, mechanicos, ou criados.

vancia do theor das presentes Instrucções, deverá ao tempo da detenção fazer uma declaração authentica por escripto, que mostre o estado, em que alle achou o Navio detido; sendo esta declaração assignada por elle mesmo, e entregue, ou mandada, juntamente com o Navio apresado, á Authoridade Judicial competente, perante a qual o dito Navio fôr conduzido, ou mandado para ser julgado. Deverá tambem dar ao Capitão do Navio detido uma Certidão assignada dos papeis apprehendidos a bordo do mesmo, assim como do numero de Escravos achados a bordo no acto da detenção.

Na declaração authentica, que por este Artigo se exige do Apresador, assim como na Certidão dos papeis apprehendidos, deverá elle inserir o seu proprio nome, o nome do Navio Apresador, a latitude, e longitude do lugar, onde se effectuar a detenção, e o numero de Escravos achados a bordo ao tempo da detenção.

O Official encarregado do Navio detido deverá, ao tempo em que levar os papeis do Navio á Authoridade Judicial competente, entregar-lhe um papel assignado por elle mesmo, e firmado com juramento, em que relate as alterações, que tem havido a respeito do Navio, da tripolação, dos Escravos, se alguns houver, e da sua carga, entre o periodo da sua detenção, e o tempo da entrega do dito papel.

ARTIGO V.

Nenhuma das pessoas, que se acharem a bordo de qualquer Navio ao tempo da sua detenção, nem tão pouco parte alguma da carga, ou dos Escravos achados a bordo, poderá ser delle tirada, até que o Navio seja entregue ás Authoridades da sua propria Nação, excepto no caso, em que se julgasse necessario baldear-se o total, ou parte da tripolação, ou dos Escravos achados a bordo, para conservar a sua vida, ou por qualquer outra consideração de humanidade, ou para segurança daquelles, que forem encarregados de conduzir o Navio depois da sua detenção. Neste caso o Commandante do Apresador, ou o Official encarregado da conducção do Navio detido, formará um processo verbal da dita baldeação, no qual declarará os motivos della; e o Capitão, marinheiros, passageiros, ou Escravos, assim baldeados, serão conduzidos com o dito processo verbal ao mesmo porto que o Navio, e a sua carga, e alli serão entregues e recebidos como o mesmo Navio o deverá ser.

ARTIGO VI.

Convencionou-se, que todos os Navios Portuguezes, que em consequencia do dito Tractado a que estas Instrucções estão annexas, forem detidos em qualquer paragem pelos Cruzadores de Sua Magestade Britannica, serão conduzidos, segundo ficar mais proximo, á Ilha da Sant' Tiago de Cabo Verde, á Loanda; ou Moçambique, e alli entregues ás competentes Authoridades Judiciaes Portuguezas.

E que todos os Navios Britannicos, que em consequencia do mesmo Tractado, forem detidos em qualquer passagem pelos Cruzadores de Sua Magestade Fidelissima, serão conduzidos, segundo ficar mais proximo, a Serra Leoa; e alli entregues ás competentes Authoridades Judiciaes Britannicas.

ARTIGO VII.

Se o Commandante de um Cruzador de uma das Altas Partes Contractantes, devidamente munido destas Instrucções, tiver motivo para suspeitar que algum Navio Mercante, que navegar debaixo do Comboi, ou em conserva de algum Navio de Guerra da outra Alta Parte, anda empregado, ou pretende empregar-se no Trafico da Escravatura, ou está esquipado para esse fim, ou tem, durante a viagem, em que foi encontrado, estado empregado em traficar em Escravos, deverá limitar-se a communicar as suas suspeitas ao Commandante do Comboi, ou do Navio de Guerra, e deixar a este o cuidado de proceder por si só á visita do Navio suspeito, e de o entregar, se para isso houver motivo, ás competentes Auctoridades Judiciaes do seu paiz.

Os Plenipotenciarios abaixo assignados convieram, na conformidade do Artigo III. § 1., do Tractado, assignado por elles neste dia de . . . de de 183. . em que as precedentes Instrucções, que constam de sete Artigos, ham de ser annexadas ao dito Tractado, e consideradas coma uma parte integrante delle.

(L.S.)

(L.S.)

Está conforme. Secretaria d'Estado dos Negocios Estrangeiros, em 8 de Abril de 1839.

No impedimento do Official Maior,
JOSE' VERISSIMO DA SILVA.

(Translation.)

Counter Project of Treaty to prevent the Traffic in Slaves, sent with a note dated 4th May, 1837, by Viscount de Sá da Bandeira, to Lord Howard de Walden.

HER Majesty, the Queen of Portugal and the Algarves, and His Majesty the King of the United Kingdom of Great Britain and Ireland, having already decreed in their respective dominions the complete abolition of the barbarous traffic in slaves, and being mutually animated with the desire to render the said abolition effective by adopting with common accord the most efficacious measures to prevent the subjects of the two Crowns from daring to enter that infamous trade, have resolved to proceed to the conclusion of a Treaty to that end, and have named their Plenipotentiaries, who having, &c. have agreed to the following Articles :—

ARTICLE I.

In order more completely to attain the object of the present Treaty, the two High Contracting Parties mutually renew the consent already stipulated in the Convention of the 28th of July, 1817, by which those vessels of their respective navies, which for that purpose were furnished with the Special Instructions hereafter to be mentioned, may visit the merchant ships of both nations which they have reasonable motives to suspect of being employed in the Slave Trade, or which are equipped for that purpose, or which during the voyage in which they were met by the said cruizers, have been employed in the said traffic, and by which the said cruizers may detain, send, or conduct the said vessels, in order to be tried according to the manner hereafter mentioned.

In order to establish the mutual right of search in such a manner that by its adoption the object of this Treaty may be attained and at the same time to avoid doubts, disputes, and complaints, the said right of search is to be identical in form, and according to the following rules :—

1st. It is never to be exercised except by vessels of war specially authorised for this purpose, in conformity with the present Treaty.

2nd. In no case shall the right of search be exercised with regard to any vessel of war of either of the two contracting parties, but only with regard to merchant vessels.

3d. Whenever a merchant vessel is to be visited by a man of war, the Commanding officer of the latter will, previous to proceeding to the search, present to the Captain of the merchant vessel the document by which he is duly authorised to that effect, and will deliver to him a certificate signed by himself, in which is related the post he holds in the navy of his country, the name of the ship under his command, and a declaration that the sole object of the search is to verify whether the merchant vessel was employed in the Slave Trade, or is equipped for that traffic.

When the search is to be executed by an Officer of the cruizer not in command of her, the said Officer will present to the Captain of the merchant vessel a copy of the special order above mentioned, signed by the Commanding Officer of the cruizer, and will in the like manner deliver to him a certificate which he will sign, declaring therein his post in the navy, the name of the Commanding Officer by whose orders he proceeds to make the search, the name of the cruizer he belongs to, and the object of the search as above mentioned.

If by the search it is discovered that the ship's papers are in due form, and that she is engaged in fair trade, the Officer must declare in her log book, that she was searched according to the special orders above mentioned, and the ship will be allowed to proceed on her voyage. The rank of the Officer who makes the search must not be inferior to that of a Lieutenant of the royal navy, unless the command, either by death or any other cause, has fallen at that moment upon an Officer bearing an inferior commission.

ARTICLE II.

The right of mutual search may be exercised on board of the ships of both nations, but only in the following latitudes.

1. Within 100 miles of the Coasts belonging to the Portuguese dominions in Africa which include on the Western Coast,

(a.) The Archipelago of Cape de Verd.

(b.) The territories on the Coast of Guinea with the adjacent Islands, comprehended between the Northern bank of the river Casamansa, whose mouth lies in

12° 35' 30" North Latitude, and in 16° 48' Longitude West of the Greenwich meridian, and the Cape das Vergas, whose principal lies in 10° 18' North Latitude, and 14° 21' West Longitude, by same meridian.

(c.) The Government of the Isles of St. Thomas, Princes Island, and dependencies.

(d.) The territories of the Government General of Angola, included between the 8th and 18th degrees of South Latitude.

On the Eastern Coast the territories of the Government General of Mozambique, included between the 10th and 26th degrees of South Latitude.

With regard to which dominions, as also to the others which are in possession of the Crown of Portugal, all Treaties of guarantee, friendship, and alliance which for so long a time have existed so happily between the two Crowns of Portugal and Great Britain, are understood to be renewed by this Treaty, and are recognised as being in full vigour and force. It is, however, understood that Her Most Faithful Majesty does not renounce the pretensions of the Crown or its rights contained in former Treaties, upon any part whatsoever of the African territory, not mentioned in the present Treaty.

2. Within the distance of 100 miles of any other port of the Western or Eastern Coast of Africa.

3. Within an equal distance of the Coast of the Island of Madagascar.

4. Within 100 miles of the Coast of the Island of Cuba.

5. Within an equal distance of the Coasts of the Island of Porto Rico.

6. Within an equal distance of the Coasts of all South America.

It remains however understood that any suspected vessel seen at a distance and chased by cruizers within the said distance of 100 miles of any of the regions and islands mentioned in this Article, may be visited by them even beyond these limits, if, having never lost sight of her, they succeed in coming up with her at a greater distance.

ARTICLE III.

In order to regulate the mode of putting the dispositions of the preceding Articles into practice, it has been agreed,

1. That all vessels of war of both nations which henceforward may be employed in the prevention of the Slave Trade, shall be furnished by their respective Governments with a Copy in the Portuguese and English languages, of the present Treaty, and of the instructions for cruizers annexed thereto, which shall be respectively considered as an integral part of the Treaty.

2. That each of the High Contracting Parties shall communicate to the other, successively the names of the different ships which are furnished with the said instructions, the rate of each, and the names of the several Commanders.

It remains, however, understood that Her Most Faithful Majesty's Government may, as she deems it convenient, or as the means of the naval service permit, send Portuguese cruizers only to certain Latitudes, or dispense with them altogether.

3. It is further mutually agreed that the Commanders of the ships of the two royal navies who shall be employed on this service, shall adhere strictly to the exact tenor of the aforesaid instructions.

ARTICLE IV.

Whenever a merchant vessel sailing under the flag of either of the two nations, shall, for having been employed in the Slave Trade, or from suspicion of being equipped for that odious traffic, be detained by cruizers of the other nation duly authorised for that purpose in conformity with the rules of this Treaty, the said vessel, with her Captain, crew, cargo, and slaves found on board of her, shall be conducted to a port belonging to her nation, and which the two High Contracting Parties will have respectively designated in order to proceed with regard to her according to the laws of the country, and shall be delivered up to the authorities appointed for that purpose by the two Governments.

When the Commander of the cruiser may not think proper to take charge himself of the conduct and delivery of the ship detained, he cannot commit the care of her to any Officer of inferior rank to a Lieutenant of the Royal Navy.

ARTICLE V.

If at any time there shall be just cause to suspect that any merchant proceeding under convoy or guard of any ship or ships of war of either of the Contracting Parties, is engaged or intended to be engaged in the traffic in slaves, or is fitted out for the purposes thereof, or has during the voyage on which she may be met,

been engaged in the traffic in slaves, it shall be lawful for the Commander of any ship of the Royal Navy of the two High Contracting Parties, furnished with the instructions aforesaid to communicate his suspicions to the Commander of the convoy or man of war, who shall proceed of his own accord to the search of the suspected vessel, and in case that the suspicions appear well founded, he will cause the vessel, with her Captain, crew, cargo, and slaves found on board, to be conducted to a port of her nation to be proceeded with according to the laws of the country.

ARTICLE VI.

It is hereby further mutually agreed that every merchant vessel, Portuguese or British, which shall be visited by virtue of the present Treaty may lawfully be detained and sent or brought before the judicial authorities of their respective countries, to be tried according to their laws, if in her equipment there shall be found any of the things hereinafter mentioned, namely,

1. Hatches with open gratings, instead of being closed as is usual in merchant vessels.
2. Divisions, flush deck or bulk heads in a greater number than are necessary in vessels engaged in lawful trade.
3. Spare planks fitted for laying down a second deck, as is customary in slave ships.
4. Shackles, handcuffs, bolts or chains.
5. A larger quantity of water, in casks or in tanks, than is requisite for the consumption of the crew of a merchant vessel.
6. An extraordinary number of casks or barrels for holding liquid, unless the Master shall produce a certificate from the Custom-house at the place at which he cleared outwards, stating that a sufficient security had been given by the Owners of such vessel that the said casks or barrels were destined for palm or fish oil, or for other purposes of lawful commerce.
7. A greater number of bowls or kids than are requisite for the use of the crew of a merchant vessel.
8. A boiler of an unusual size, and larger than requisite for the use of the crew, or boilers in a greater number than necessary for them.
9. An extraordinary quantity of rice, beans, salt meat or fish, flour, manioc, millet, or flour of any kind beyond what might probably be requisite for the use of the crew, and not being part of the cargo and entered as such in the manifest.

ARTICLE VII.

As soon as a merchant vessel which has been detained or sent before the judicial authorities of its nation, arrives in one of the ports respectively designated, the Commandant of the cruizer who has detained her or the Officer charged with conducting her, shall deliver to the said authorities named to that effect, a declaration signed by himself, of all the inventories, proces-verbal, and other documents specified in the instructions annexed to the present Treaty, and the said authorities will proceed in consequence to search the vessel detained, its cargo, and also to inspect the crew and the slaves found on board after having previously given notice of the hour of the search and inspection to the Commander of the cruizer or the Officer who brought the vessel, so that he may assist or allow himself to be represented in the proceeding.

A proces verbal will be formed in duplicate originals of all these Acts, which must be signed by the persons who will have proceeded or assisted therein, and one of the originals will be delivered to the Commander of the cruizer, or Officer who shall have been charged with the conduct of the detained vessel.

ARTICLE VIII.

The detained vessels are to be proceeded against immediately before the competent judges of the respective countries, and according to the forms established therein; as also their Masters, crews, and cargoes, and if from the proceedings it is proved that the said vessels have been employed in the Slave Trade, or were equipped for the purpose of carrying on that traffic, sentence is to be pronounced on the Captain, crew, and accomplices, as well as upon the vessel and her cargo, in conformity with the laws of each country.

In case of a condemnation, a portion of the proceeds of the sale of the said ships and their cargoes, shall be placed at the disposal of the Government of the country to which the capturing vessel belongs, to be distributed under its direction among the Officers and crew of the said vessel; the said portion shall be 65 per cent of

the proceeds of the sale when this average can be reconciled with the legislation of the two countries.

ARTICLE IX.

When a merchant vessel of one of the two nations has been searched and unduly detained, or without sufficient motives of suspicion, or when the search and detention have been accompanied with ill treatment and violence, the Commander of the cruizer, or the Officer who went on the said vessel, or in short, to whom has been confided the conduct of her, shall be, according to the circumstances, responsible for the losses and damages, to the Captain, Owners, and employers of the said vessel. These losses and damages may be decided upon by the judge before whom the process against the detained vessel, Captain, crew, and cargo, was carried on, and the Government of the country to which the officer belongs who gives rise to such a sentence, must pay the amount of the said losses and damages within a year from the day on which the sentence has been pronounced.

ARTICLE X.

When in the search or in the detention of a merchant vessel, effected in virtue of the dispositions of the present Treaty, any ill treatment or violence is committed but the vessel is not given up to the judicial authorities of his country, the Captain must make a declaration on oath of the ill-treatment and violence of which he may have to complain, before the competent authorities of the first port of his country where he touches, or before the Consular Agent of his nation if the vessel enters the port of a foreign country where such an agent exists. This declaration must be verified by means of an interrogatory made on oath of the principal persons of the crew, or passengers who have witnessed the search and detention, and a proces-verbal be made of the whole, giving two duplicates of the same to the Captain, who will transmit one to his Government, upon which to found his claim for losses and damages.

It remains, however, understood, that if any act of superior force prevents the Captain from making his declaration, the same may be made by the Owner of the vessel, or by any other person interested in her equipment or cargo.

As soon as a duplicate of the proces verbal above mentioned has been officially transmitted by means of the respective Legations, to the Government of the country to which the Officer belongs, to whom the ill-treatment or violence is computed, the said Government will immediately cause an investigation to be entered into to that effect, and if the justice of the complaint is recognised, it will cause the amount of the losses and damages due, to be paid to the Captain or Owner of the injured vessel, or to any other person of the crew or cargo.

ARTICLE XI.

It remains clearly understood between the two High Contracting Parties, that no stipulation of the present Treaty shall be interpreted as opposing itself to the right, accorded by the cited decree of 10th of December, 1836, to any national or foreign colonist, who from any part of the Portuguese dominions in Africa, or from any other country not subject to the Crown of Portugal, shall establish himself in any part of the same dominions on the continent or Islands of Africa, to carry with him as many as ten slaves; supposing however that there are not on board a greater number of negroes than the above, (excepting always the black sailors included in the roll of the ship's crew, which in no case is to furnish a reason for the detention of the vessel,) or that in the quality and equipment of the vessel in which they are there is nothing to justify its detention for other motives, in which case the owner of the above-mentioned slaves becomes liable to be *prima facie* considered as an accomplice in a Slave Trade expedition.

ARTICLE XII.

It is further agreed upon between the two High Contracting Parties, that in all cases in which a vessel shall be detained in virtue of this Treaty by their respective cruizers as having been employed in the Slave Trade, or having been equipped for that purpose, and shall be in consequence sentenced and condemned by the Judicial Authorities of their respective countries, the said vessel shall be immediately after its condemnation entirely taken to pieces, and sold in separate pieces, after having been thus dismantled.

ARTICLE XIII.

Those slaves who were the object of the prohibited trade by the laws of both countries being declared free by the same laws, both Governments promise to use all their care and solicitude to their being treated in their respective dominions in strict conformity to the laws and regulations already existing therein, or which in future shall be promulgated, and which have, and always have, and always shall have the humane object of rendering more perfect, and assuring exactly and faithfully to the liberated negroes the enjoyment of their liberty obtained, good treatment and the Articles of the Christian Religion, and their advancement in morality and civilization, and sufficient instruction in the mechanical arts to provide for their subsistence as artisans, mechanics, and servants.

ARTICLE XIV.

This Treaty will remain in vigour for the space of 10 years after its date, and shall continue for so many more as from that time forward shall follow, as long as either of the High Contracting Parties do not propose to the other the revision of the said Treaty.

ARTICLE XV.

The present Treaty, which consists of 15 Articles, shall be ratified, and the ratifications exchanged within the space of one month from this date, or before if possible.

In witness of which the respective Plenipotentiaries have signed in duplicate originals, written in the Portuguese and English languages, of the present Treaty, and put thereto the seals of their arms.

Concluded at Lisbon on the _____ day of _____ the year _____
(L. S.) (L.S.)

Instructions for the Vessels of the Royal Navies of Portugal and Great Britain, employed in the prevention of the Slave Trade.

ARTICLE I.

The Commander of any vessel belonging to the navies of Great Britain and Portugal who shall be furnished with these instructions, will have the right to search, give chase to, and detain within the limits stipulated in the Article II. of the Treaty signed this day, any merchant vessel, Portuguese or British, that shall be effectually employed, or suspected of being employed, in the Slave Trade, or of being equipped for that purpose, or of having been employed in the Slave Trade, during the voyage in which she was met by the said Portuguese or British man of war; and the said Cómmander shall consequently conduct or send the said merchant vessel as quickly as possible, as well as the Captain and the crew, the cargo and the slaves found on board, to one of the ports hereafter specified, of the nation to which the same vessel belongs, in order to proceed towards her in conformity with the respective laws of each state, and will deliver or cause her to be delivered to the competent authorities designated for that purpose by the executive Governments.

ARTICLE II.

No merchant vessel employed in the Slave Trade can be visited or detained under any pretext whatever, when she is in any port or roadstead belonging to one of the two High Contracting Parties, or within reach of the batteries on land: but should it happen that suspected vessels were met with in this situation, the necessary representations may be made to the authorities of the country, requesting them to take the measures necessary to prevent such abuses.

ARTICLE III.

Whenever a ship of either of the Royal Navies duly authorised as aforesaid, shall meet a merchantman liable to be visited under the stipulations of the said Treaty, the search shall be conducted in the mildest manner, and with every attention which ought to be observed between allied and friendly nations, and the search shall in all cases be made by an Officer holding a rank not lower than that of a Lieutenant in the navies of Great Britain and Portugal respectively, or by the Officer who at the time shall be second in command of the ship by which such search is made.

Convenção entre a França e a Suécia de 21 de Maio de 1835.

ARTIGO I.

PODER-se-ha usar do direito de visita recíproca a bordo dos Navios de uma e outra Nação, mas unicamente nas paragens que abaixo vam marcadas, a saber:

1. Ao longo da costa occidental da Africa, desde Cabo-Verde até à distancia de dez gráus ao Sul do Equador, isto é, do decimo gráu de latitude meridional até ao decimo quinto gráu de latitude septentrional, e até ao trigesimo de longitude occidental contada do meridiano de Paris.

2. Em torno da Ilha de Madagascar, em uma zona de vinte legoas de largo.

3. A' mesma distancia da costa da Ilha de Cuba.

4. A' mesma distancia da costa da Ilha do Porto Rico.

5. A' mesma distancia da costa do Brazil.

Entendendo-se com tudo, que o Navio que fôr suspeito sendo avistado e perseguido pelos Cruzadores dentro da dita circunferencia de vinte legoas, poderá por elles ser visitado mesmo fóra destes limites, se, não o tendo nunca perdido de vista, estes não conseguirem alcança-lo, senão a uma distancia maior da costa.

ARTIGO II.

O direito de visitar os Navios Mercantes de qualquer das duas Nações, nos mencionados limites, sómente poderá ser exercido por Navios de Guerra, cujos Commandantes tenham o posto de Capitão de Mar e Guerra ou, pelo menos, de primeiro Tenente.

ARTIGO III.

Cada Uma das Duas Altas Partes Contractantes communicará todos os annos á outra o numero de Navios, que destina para a repressão do Trafico da Escravidão, os quaes devem ser investidos do direito especificado no Artigo antecedente. Entendendo-se que Sua Magestade o Rei de Suécia e Noruega poderá segundo a sua conveniencia, ou as obrigações, a que está sujeito o serviço da sua Marinha, limitar-se a mandar Cruzadores Suecos ou Noruegueses para certas estações, ou deixar mesmo de os mandar.

ARTIGO IV.

A comminação prescripta pelo Artigo antecedente comprehenderá os nomes dos Capitães, e a indicação da estação, onde cada um dos Navios deverá ser empregado. Se pelo decurso do anno houverem mudanças entre os Cruzadores, dar-se-ha d'isto reciprocamente noticia.

ARTIGO V.

Redigir-se-ham Instrucções concertadas em commum para os Cruzadores de ambas as Nações, os quaes deverão prestar-se mutuamente auxilio em todas as circumstancias, em que possa ser util obrarem de acôrdo.

Os Navios de Guerra reciprocamente authorizados para usarem do direito de visita munir-se-ham de uma authorização especial de cada um dos dous Governos.

ARTIGO VI.

Todas as vezes que um dos Cruzadores perseguir e tomar como suspeito um Navio Mercante, o Commandante, antes de proceder á visita, mostrará ao Capitão as ordens especiaes, que lhe conferem este direito; e logo que reconheça que os despachos são regulares, e licito o seu proceder, fará constar no livro do Derrota que só em virtude das ditas ordens é que a visita teve logar; preenchidas estas formalidades, fica livre o Navio para continuar a sua viagem.

ARTIGO VII.

Os Navios tomados por se empregarem no Commercio da Escravidão, ou por suspeitos de estarem armados para este Trafico odioso, serão, assim como suas tripolações, entregues sem demora á Jurisdicção da Nação, á que pertencerem.

Entendido fica que só serão julgados pelas Leis dos seus respectivos paizes.

ARTIGO VIII.

Em caso algum se poderá usar do direito de visita reciproca a bordo dos Navios de Guerra de uma, ou d'outra Nação.

Os dous Governos concordaram em um signal especial, do qual serão unicamente conhecedores os Commandantes dos Cruzeiros, e de que não terá conhecimento nenhum outro Navio estranho ao Cruzeiro.

ARTIGO IX.

Todas as vezes que um Navio Mercante, navegando debaixo do pavilhão de uma das duas Nações, fôr tomado pelos Cruzadores da outra, devidamente authorizados para este fim, em conformidade dos Artigos precedentes, o Navio, o Capitão e a equipagem, a carga e os Escravos que se achem a bordo, serão conduzidos a um porto, que as Duas Partes Contractantes tenham respectivamente designado, para que ahi se proceda a seu respeito conforme as Leis de cada Estado; e a entrega será feita ás Authoridades para esse fim designadas pelos respectivos Governos.

Quando o Commandante do Cruzador julgar que não deve ser elle quem se encarrega da conducção e entrega do Navio tomado, não poderá confiar esta commissão a um Official de patente inferior á de Tenente da Marinha Militar.

ARTIGO X.

Os Cruzadores de ambas as Nações authorizados para usar do direito de visita e apprehensão, em execução da presente Convenção, conformar-se-ham exactamente, no que diz respeito ás formalidades da visita, e da apprehensão, assim como ás medidas, que hajam de se tomar para a entrega dos Navios suspeitos de fazerem o Commercio da Escravatura á Jurisdicção respectiva, ás Instrucções juntas á presente Convenção, e que são consideradas como fazendo parte integrante della.

As Duas Altas Partes Contractantes reservam-se fazer de commum acôrdo a estas Instrucções as modificações, que as circumstancias possam tornar necessarias.

ARTIGO XI.

Fica expressamente entendido que, se o Commandante de um Cruzador de uma das duas Nações tiver motivo para suspeitar que um Navio Mercante, navegando em Comboi ou em companhia de um Navio de Guerra da outra Nação, tem feito o Commercio da Escravatura, ou foi armado para o Trafico deverá communicar as suas suspeitas ao Commandante do Comboi ou do Navio de Guerra, o qual procederá só á visita do Navio suspeito; e no caso, em que elle venha no conhecimento de que as suspeitas são fundadas, fará conduzir o Navio, assim como o Capitão e a equipagem, a carga, e os Escravos, que estejam a bordo, a um porto da sua Nação, para se proceder a seu respeito em conformidade com as respectivas Leis.

ARTIGO XII.

Logo que um Navio Mercante, apprehendido e enviado perante os Tribunaes como fica dito, chegar a um dos portos respectivamente designados, o Commandante do Cruzador, que o apprehendeu, ou o Official encarregado de o conduzir, entregará ás Authoridades para este fim designadas, uma cópia por elle assignada dos inventarios, termos, e outros documentos especificados nas Instrucções, juntas á presente Convenção; e as ditas Authoridades procederão em consequencia á visita do Navio apprehendido e de sua carregação assim como á inspecção da equipagem e dos Escravos, que possam acharse a bordo, tendo com anticipação avisado o Commandante ou o Official que conduzir o Navio do momento desta visita e inspecção, a fim de que elle possa assistir, ou ser representado nella.

Lavar-se-há um termo em duplicado deste processo, que deverá ser assignado pelas pessoas, que a elle tiverem procedido ou tiverem assistido, e um destes originaes será entregue ao Commandante do Cruzador, ou ao Official encarregado da conducção do Navio apprehendido.

ARTIGO XIII.

Proceder-se-ha immediatamente perante os Tribunaes competentes dos respectivos Estados, e segundo as formulas estabelecidas contra os Navios apprehendidos,

como já fica referido, seus Capitães, e equipagens, carregações; e se do dito processo resultar que os Navios se tem empregado no Trafico da Escravatura, ou que foram armados para esse fim, decidir-se-ha da sorte do Capitão, da equipagem, e de seus cúmplices, assim como do destino do Navio, conforme a Legislação respectiva dos dous paizes.

Havendo confiscação, uma parte do producto liquido da venda dos ditos Navios e suas carregações será posta á disposição do Governo do paiz, a quem pertencer o Navio apprehensor, para por elle ser distribuida pelos Officiaes e equipagem do mesmo Navio. Esta parte, em quanto a base acima indicada se conciliar com a Legislação dos dous Estados, será de sessenta e cinco por cento do producto liquido da venda.

ARTIGO XIV.

Todo o Navio Mercante visitado e apprehendido, em virtude das disposições referidas, presumir-se-ha, não havendo prova em contrario, ter-se destinado ao Trafico da Escravatura ou ter sido armado para esse Trafico, se no arranjo, e no armamento a bordo do dito Navio se encontrar algum dos objectos abaixo especificados, a saber:—

1. Escotilhas de grade, e não de taboas inteiriças como costumam usar ordinariamente os Navios Mercantes.
2. Um maior numero de repartimentos na tolda e na coberta, do que é costume nos Navios Mercantes.
3. Taboas de reserva dispostas para este fim, e proprias para de repente estabelecerem uma coberta dobrada, ou uma coberta volante, ou uma coberta chamada de Escravos.
4. Cadeias, colleiras de ferro, e algemas.
5. Uma quantidade d'agua maior do que aquella que é necessaria para uso da tripolação de um Navio Mercante.
6. Uma quantidade superflua de barris ou de toneis de agua, não apresentando o Capitão um certificado da Alfandega do porto, d'onde sahiu, por onde conste que os armadores deram sufficientes garantias para que estes barris, ou toneis sejam unicamente cheios de azeite de palma, ou empregados em qualquer outro commercio licito.
7. Um maior numero de gamellas e de picheis, do que o necessario a bordo dos Navios Mercantes.
8. Duas ou mais caldeiras de cobre, ou mesmo uma só, mas evidentemente maior do que se exige para uso da tripolação de um Navio Mercante.
9. Em fim, uma quantidade de arroz, de farinha, de mandioca do Brazil ou farinha de páu, de milho, além da que é provavel para uso da tripolação, ou que não venha declarada no Manifesto como pertencendo á carregação Mercantil do Navio.

ARTIGO XV.

Em caso algum se concederão indemnisações, seja ao Capitão, ao armador, ou a qualquer outra pessoa interessada no armamento, ou na carregação de um Navio Mercante, que se encontre munido de um dos objectos especificados no Artigo precedente, ainda quando os Tribunaes não pronunciem condemnação alguma em consequencia da apprehensão.

ARTIGO XVI.

Quando um Navio Mercante de uma das duas Nações fôr visitado e apprehendido indevidamente, ou sem motivo sufficiente de suspeita, ou quando a visita e a apprehensão forem acompanhados de abuso ou de vexames, o Commandante do Cruzador ou o Official, que abordar o dito Navio, ou em fim aquelle que fôr encarregado de o conduzir, será, segundo as circumstancias, obrigado a pagar perdas e danos ao Capitão, armador e carregadores. Estas perdas e danos poderão ser impostas pelo Tribunal perante o qual fôr levado o processo contra o Navio apprehendido, seu Capitão, tripolação, e carregação; e o Governo do paiz, a quem pertencer o Official que der motivo a esta condemnação, pagará o total das perdas e danos dentro do praso de um anno contado do dia da Sentença.

ARTIGO XVII.

Quando na visita ou apprehensão de um Navio Mercante, feita em virtude das disposições da presente Convenção, se commetter abuso ou vexame, se o Navio não

fôr entregue á Jurisdição da sua Nação, o Capitão deverá fazer uma declaração, debaixo de Juramento, dos abusos e vexames, de que tenha a queixar-se, assim como das perdas e danos, que pertender, perante as Authoridades competentes do primeiro porto do seu paiz onde chegar, ou perante o Consul da sua Nação, se o Navio entrar em um porto estrangeiro onde exista um tal Agente. Verificar-se-ha esta declaração por meio d'um interrogatorio, debaixo de Juramento, feito aos principaes homens da equipagem, ou passageiros, que fossem testemunhas da visita ou da apprehensão, e de tudo se lavrará um só Auto, do qual se entregarão duas cópias ao Capitão, que elle se encarregara de remetter ao seu Governo, e lhe servirão de documentos á petição de perdas e danos, que julgar dever fazer. Fica entendido que, se por um caso de força maior o Capitão não poder fazer a declaração, esta poderá ser feita pelo Armador, ou por qualquer outra pessoa interessada no armamento, ou carregação do Navio.

Transmittida officialmente uma cópia do Auto acima mencionado por meio das respectivas Embaixadas, o Governo do paiz, a que pertencer o Official, a quem forem imputados os abusos, ou vexames, fará immediatamente proceder a uma investigação; e, se a validade da queixa for reconhecida, mandará pagar ao Capitão, ao Armador, ou a qualquer outra pessoa interessada no armamento, ou carregação do Navio vexado, as perdas e danos, que se lhe deverem.

ARTIGO XVIII.

Os dous Governos obrigam-se a communicarem-se mutuamente, e sem despeza, e a simples pedido, cópias de todos os processos intentados e de todas as sentenças proferidas relativamente a Navios visitados ou apprehendidos em execução das disposições da presente Convenção.

ARTIGO XIX.

Os dous Governos concordam em afiançar a immediata liberdade á todos os Escravos, que se encontrarem a bordo dos Navios visitados e apprehendidos em virtude das clausulas da presente Convenção, todas as vezes que o crime do Trafico fôr pelos Tribunaes declarado existente; com tudo, no interesse mesmo dos Escravos, os dous Governos, reservão-se de os empregar em serviço domestico, ou como operarios livres, conforme ás suas respectivas Leis.

ARTIGO XX.

As Duas Altas Partes Contractantes concordam em que, todas as vezes que um Navio fôr apprehendido pelos respectivos Cruzadores sob pretexto de fazer o Trafico da Escravatura, e em execução da presente Convenção, fôr posto á disposição dos respectivos Governos, em virtude de uma sentença de confisco emanada dos Tribunaes competentes, para o fim de ser vendido o dito Navio; antes de se proceder á venda, será desmanchado na sua totalidade, ou em parte, se a sua construcção ou arranjo particular der suspeitas de que possa tornar a servir para o Trafico da Escravatura, ou para qualquer outro objecto illicito.

ARTIGO XXI.

A presente Convenção será ratificada, e as ractificações trocar-se ham em Stockolmo no espaço de dous mezes, ou, mais cedo, se possivel fôr.

ANNEXO.

(TRADUCAO.)

Instruções para os Cruzadores.

ARTIGO I.

Todas as vezes, que um Navio Mercante de uma das duas Nações fôr visitado por um Cruzador da outra, o Official que Commandar o Cruzador, mostrará ao Capitão do Navio as Ordens especiaes, que lhe conferem o direito excepcional de visita, e lhe entregará um certificado, por elle assignado, que indique qual é seu Posto na Marinha de Guerra de seu paiz, assim como o nome do Navio, que commandar, certificando que o motivo da sua visita é para verificar, se o Navio faz o Trafico da Escravatura, ou foi armado para esse Trafico. Quando a visita tenha de ser feita por um outro Official, que não seja o Commandante, este Official não

poderá ser de um Posto inferior ao de Tenente de Marinha; e neste caso o Official mostrará ao Capitão do Navio Mercante, uma Cópia das Ordens especiaes acima mencionadas, assignado pelo Commandante do Cruzador, e lhe entregará igualmente um certificado, assignado por elle, indicando o Posto, que occupa na Marinha, o nome do Commandante, cujas ordens executa, o do Cruzador, a que pertence, e o fim da visita, como fica mencionado. Se por meio da visita se achar, que os despachos do Navio estão em ordem, e que é licito o seu proceder, o Official fará menção no livro da Derrota, de que a visita só teve effeito em consequencia das Ordens especiaes acima referidas, e será livre ao Navio continuar a sua viagem.

ARTIGO II.

Se, em resultado da visita, o Official Commandante do Cruzador julgar, que tem motivos sufficientes para suppôr, que o Navio faz o Trafico da Escravatura, ou que foi esquipado, ou armado para este fim, e se decidir em consequencia a apprehendelo e remette-lo á jurisdicção respectiva, fará immediatamente lavrar dous originaes do inventario de todos os papeis achados a bordo, e assignará os dous originaes, juntando ao seu nome o seu Posto na Marinha de Guerra, assim como o nome do Navio, que Commandar.

Lavrará e assignará tambem em original duplicado um auto, declarando a época e o sitio da apprehensão, o nome do Navio, o do Capitão, e os dos homens da equipagem, assim como o numero e estado corporal dos Escravos achados a bordo; este auto deverá, além disto, conter uma descripção exacta do estado do Navio, e da sua carregação.

ARTIGO III.

O Commandante do Cruzador conduzirá, ou enviará sem demora o Navio apprehendido, o Capitão, a equipagem, a carregação, e os Escravos que se acharem a bordo, a um dos Portos abaixo especificados, para que a seu respeito se proceda conforme as Leis respectivas de cada Estado, e fará a entrega ás Authoridades competentes, ou ás pessoas, que para este fim forem especialmente nomeadas pelos respectivos Governos.

ARTIGO IV.

Ninguém será tirado de bordo do Navio apprehendido nem d'elle se poderá tirar parte alguma da carregação, ou dos Escravos, achados a bordo, até que o Navio seja entregue ás Authoridades da sua propria Nação, excepto no caso, em que se julgue necessaria a transferencia da totalidade, ou de parte da equipagem, ou dos Escravos achados a bordo, seja para conservação da sua vida, ou por qualquer outra consideração de humanidade, ou seja para segurança daquelles, que forem encarregados da conducção do Navio depois d'elle apprehendido; neste caso o Commandante do Cruzador, ou o Official encarregado da conducção do Navio apprehendido; lavrará um auto da dita transferencia, no qual declarará os motivos; e o Capitão, marinheiros, passageiros ou Escravos, assim transferidos, serão conduzidos ao mesmo porto, que o Navio e a carregação; e a entrega assim como a recepção, serão feitas do mesmo modo, que as do Navio, em conformidade com as disposições acima declaradas.

ARTIGO V.

Fica estabelecido, que todos os Navios Suecos, ou Noruegueses, que em consequencia da Convenção, em data deste dia, forem apprehendidos pelos Cruzadores de Sua Magestade o Rei dos Francezes, em qualquer Estação em que estejam empregados, serão conduzidos á Ilha de S. Bartholomeu, e entregues á Jurisdicção Sueca da dita Colonia; que todos os Navios Francezes, que em consequencia da Convenção da data deste dia, forem apprehendidos pelos Cruzadores de Sua Magestade o Rei de Suecia e de Noruega, em qualquer Estação que seja, serão conduzidos segundo a proximidade dos pontos, onde estejam estabelecidas Juridicções Francezas, a Gorêa, Ilha de Bourbon, á Martinica, ou a Cayenna, e em todos os casos serão entregues ás Authoridades Francezas destas Colonias.

ARTIGO VI.

Logo que um Navio Mercante apprehendido como fica dito, chegar a um dos portos, ou logares acima designados, o Commandante do Cruzador, ou o Official encarregado da conducção do Navio apprehendido, entregará immediatamente ás Authoridades nomeadas para este fim pelos respectivos Governos o Navio e car-

regação, assim como o Capitão, equipagem, passageiros, e os Escravos achados a bordo, e igualmente os papeis apprehendidos, e um dos dous exemplares do inventario dos ditos papeis, devendo o outro ficar em seu poder.

O mesmo Official remetterá ao mesmo tempo a estas Authoridades, um exemplar do auto acima mencionado com um relatorio das alterações, que possam ter havido desde o momento da apprehensão até ao da entrega, e uma Cópia do relatorio das transferencias, que tivessem podido occorrer, assim como fica providenciado. Entregando estes diversos papeis, o Official attestará a sua sinceridade, debaixo de juramento e por escripto.

ARTIGO VII.

Se o Commandante de um Cruzador das Duas Altas Partes Contractantes, competentemente munido das Instrucções especiaes acima mencionadas, tiver occasião de suspeita que um Navio Mercante, navegando em Comboi, ou em companhia de um Navio de Guerra da outra Parte, se emprega no Trafico dada Escravatura, ou foi armado para esse fim, limitar-se ha a communicar estas suspeitas ao Commandante do Comboi, ou do Navio de Guerra, e deixará a este o cuidado de proceder só á visita do Navio suspeito, e de o entregar á Justiça do seu paiz, se elle estiver nessa caso.

ARTIGO VIII.

Os Cruzadores das duas Nações conformar-se-ham exactamente ao theor das presentes Instrucções, que servem de desenvolvimento ás disposições da Convenção da data deste dia, e ás quaes se acham annexadas. Os Plenipotenciarios abaixo assignados, concordam, em conformidade com o Artigo X. da Convenção por elles assignada em data deste dia, que as Instrucções que precedem, sejam annexadas á dita Convenção, para della fazerem parte integrante.

Stockholmo, 21 de Maio de 1836.

(Translation.)

Convention between France and Sweden of the 21st May, 1835.

ARTICLE I.

The reciprocal right of search may be exercised on board the vessels of each of the two nations, but only within the waters hereinafter described, namely:

1. Along the western coast of Africa, from Cape Verd, to the distance of ten degrees to the south of the Equator; that is to say, from the 10th degree of south latitude, to the 15th degree of north latitude, and as far as the 30th degree of west longitude, reckoning from the meridian of Paris.

2. All round the Island of Madagascar, to the extent of twenty leagues from that island.

3. To the same distance from the Coasts of the Island of Cuba.

4. To the same distance from the Coasts of the Island of Porto Rico.

5. To the same distance from the Coasts of Brazil.

It is, however, understood that a suspected vessel descried, and chased by the cruizers whilst within the said space of twenty leagues, may be searched by them beyond those limits, if, without ever having lost sight of her, they should only succeed in coming up with her at a greater distance from the Coast.

ARTICLE II.

The right of searching merchant vessels of either of the two nations in the waters hereinbefore mentioned, shall be exercised only by ships of war, whose Commanders shall have the rank of Captain, or, at least, that of Lieutenant in the Navy or Army.

ARTICLE III.

Each of the two high contracting parties shall communicate every year, at least, the number of the ships which it destines for the suppression of the Slave Trade, which are to be invested with the right specified in the preceding Article. It being understood that His Majesty the King of Sweden and Norway can, according to his convenience, or to the obligations to which the service of his navy may be subjected, limit himself to sending Swedish or Norwegian cruizers to these stations or omit to send them.

ARTICLE IV.

The communication prescribed by the preceding Article shall contain the names of the Captains, and an indication of the station on which each of the ships is to be employed. If in the course of the year there shall be changes among the cruisers, notice thereof must be given reciprocally.

ARTICLE V.

Instructions shall be drawn up agreed upon in common for the cruisers of both nations, which cruisers shall afford to each other mutual assistance in all circumstances in which it may be useful that they should act in concert.

The ships of war reciprocally authorized to exercise the right of search, shall be furnished with a special authoritation from each of the two Governments.

ARTICLE VI.

Whenever a cruiser shall have chased and overtaken a merchant vessel as liable to suspicion, the Commanding Officer, before he proceeds to the search, shall exhibit to the Captain the special orders which confer upon him the right; and in case he shall ascertain the ship's papers to be regular, and her proceedings lawful, he shall certify upon the log-book of the vessel that the search took place only in virtue of the said orders; these formalities having been completed, the vessel shall be at liberty to continue her course.

ARTICLE VII.

The vessels captured for being engaged in the Slave Trade, or as being suspected of being fitted out for that infamous traffic, shall, together with their crews, be delivered over, without delay, to the jurisdiction of the nation to which they shall belong. It is furthermore distinctly understood, that they shall only be judged according to the laws in force in their respective countries.

ARTICLE VIII.

In no case shall the right of mutual search be exercised upon the ships of war of either nation.

The two Governments shall agree upon a particular signal of which the Commanders of the cruisers only shall be cognizant, and which signal shall not be made known to any other ship not employed upon this service.

ARTICLE IX.

Whenever a merchant vessel, navigating under the flag of one of the two nations, shall have been detained by the cruisers of the other, duly authorized to that effect, conformably to the provisions of the Convention of the 30th November, 1831, such merchant vessel, as also her master, her crew, her cargo, and the slaves who may be on board, shall be carried to such places as shall have been appointed by the Contracting Parties respectively, in order that proceedings may be there instituted respecting them, agreeably to the laws of each country, and they shall be delivered over to the authorities appointed for that purpose by the respective Governments.

When the Commander of the cruiser shall not think proper to take upon himself the carrying in and delivering up the detained vessel, he shall not intrust that duty to an Officer below the rank of Lieutenant in the Navy.

ARTICLE X.

The cruisers of the two nations authorized to exercise the right of visit and detention, in execution of the Convention of the 30th of November, 1831, shall in all that relates to the formalities of the visit and of the detention, as well as to the measures to be taken for delivering up vessels suspected of being engaged in the Slave Trade, to the respective jurisdictions, conform strictly to the Instructions annexed to the present Convention, and which shall be considered as an integral part thereof.

The two High Contracting Parties reserve to themselves the power of making, in these Instructions, by common consent, any modifications which circumstances might render necessary.

ARTICLE XI.

It is clearly understood, that if the Commander of a cruiser of one of the two nations should have reason to suspect, that a merchant vessel navigating under

convoy of, or in company with, a vessel of war of the other nation, has engaged in the Slave Trade, or has been fitted out for the said trade, he is to make known his suspicions to the Commander of the convoy or vessel of war, who shall proceed alone to visit the suspected vessel; and in case the latter Commander should find that the suspicion is well founded, he shall cause the vessel to be taken, together with her Master, her crew, and the cargo, and the slaves who may be on board, into a port of his own nation, in order that proceedings may be instituted with regard to them, agreeably to the respective laws.

ARTICLE XII.

As soon as any merchant vessel, detained and sent before the Tribunals aforesaid, shall arrive at one of the ports respectively pointed out, the Commander of the cruiser which shall have detained her, or the Officer appointed to bring her in, shall deliver to the authorities appointed for that purpose, one copy, signed by him, of all the lists, declarations, and other documents, specified in the Instructions annexed to the present Convention; and the said authorities shall, in consequence, proceed to a survey of the detained vessel and her cargo, and to an inspection of her crew, and of the slaves who may be on board, after having previously given notice of the time of such survey and inspection to the Commander of the cruiser, or to the Officer who shall have brought in the vessel, in order that he, or some person in his behalf, may be present thereat. A declaration (*procès-verbal*) of these proceedings shall be drawn up in duplicate, signed by the persons who shall have acted therein, or been present at the same; and one of the said declarations shall be delivered to the Commander of the cruiser, or to the Officer who shall have been appointed to bring in the detained vessel.

ARTICLE XIII.

The vessels detained as before mentioned, their Masters, crews, and cargoes, shall be forthwith proceeded against before the proper Tribunals in the respective countries, according to the established forms; and if, in consequence of such proceedings, the said vessels shall be found to have been employed in the Slave Trade, or to have been fitted out for the purposes thereof, the Master, the crew, and the accomplices, as well as the ship and cargo, shall be dealt with conformably to the respective laws of the two countries.

In case the said vessels shall be confiscated, a portion of the proceeds arising from their sale shall be paid into the hands of the Government to which the Captor belongs, to be distributed among the Officers and crew of the capturing ship. This portion shall be sixty-five per cent. of the net produce of the sale, as long as such a distribution of the proceeds is consistent with the respective laws of the two countries.

ARTICLE XIV.

Every merchant vessel of either of the two nations visited and detained in pursuance of the Convention of the 30th of November, 1831, and of the provisions hereinbefore recited, shall, unless proof be given to the contrary, be held and taken of right to have engaged in the Slave Trade, or to have been fitted out for the purposes of such traffic, if any of the particulars hereinafter specified shall be found in her outfit or equipment, or on board of her, viz:—

1. Hatches fitted with open gratings, instead of being close hatches, as usual in merchant vessels.

2. More divisions or bulk heads in the hold, or on deck, than necessary for trading vessels.

3. Spare planks, either actually fitted in that shape, or fit for readily laying a second deck, or a movable deck, or a deck called a slave deck.

4. Shackles, bolts, or handcuffs.

5. A supply of water more than sufficient for the consumption of her crew, as a merchant vessel.

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

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

CLASS B.

8. Two or more copper boilers, or even one evidently larger than requisite for the use of her crew, as a merchant vessel.

9. Finally, a quantity of rice, of farina, of flour of the manioc of Brazil, or cassada, of maize; beyond any probable requisite provision for the use of her crew, and such rice, flour, maize, or Indian corn, not being entered on the manifest as part of the cargo for trade.

ARTICLE XV.

No compensation shall in any case be granted either to the Master, or to the Owner, or to any other person interested in the equipment or lading of a merchant vessel in which any of the particulars specified in the preceding Article shall be found, even if the Tribunals should not pronounce any condemnation in consequence of her detention.

ARTICLE XVI.

When a merchant vessel of either of the two nations shall have been visited and detained illegally, or without sufficient cause of suspicion, or when the visit and detention shall have been attended with any abuse or vexatious acts, the Commander of the cruizer, or the Officer who shall have boarded the said vessel, or the Officer who shall have been appointed to bring her in, as the case may be, shall be liable to costs and damages to the Master, and to the Owners of the vessel and cargo.

These costs and damages may be awarded by the Tribunal before which the proceedings against the detained vessel, her Master, crew, and cargo, shall have been instituted; and the Government of the country to which the Officer who gave occasion for such award shall belong, shall pay the amount of the said costs and damages within the period of one year from the date of the award.

ARTICLE XVII.

If in the visit or detention of a merchant vessel, made in virtue of the provisions of the Convention of the 30th November, 1831, or of the present Convention, any abuse or vexation shall have been committed, but the vessel shall not have been delivered over to the jurisdiction of her own nation, the master of the vessel shall make a declaration, on oath, of the abuses or vexations of which he has to complain, and of the costs and damages to which he lays claim, before the competent authorities in the first port of his own country at which he may arrive, or before the Consular Agent of his nation, if the vessel proceeds to a foreign port where there is such an agent. This declaration shall be confirmed by an examination, under oath of the principal persons of the crew or passengers who have witnessed the visit or detention; and one formal declaration (*procès-verbal*) of the whole shall be drawn up, and two copies thereof delivered to the Master, who shall forward one of them to his own Government in support of his claim for costs and damages. It is understood that if any compulsory circumstances should prevent the Master from making his declaration, it may be made by the Owner, or by any other person interested in the vessel or in her cargo.

On the official transmission of one copy of the formal declaration (*procès-verbal*) above mentioned, through the channel of the respective Embassies, the Government of the country to which the Officer charged with abuses or vexations shall belong, shall forthwith institute an inquiry into the matter, and, if the validity of the complaint be admitted, the said Government shall cause to be paid to the Master or owner, or to any other person interested in the vessel which has been molested, or in her cargo, the amount of costs and damages which may be due to them.

ARTICLE XVIII.

The two Governments engage reciprocally to communicate each to the other, free of expense, and upon application being made, copies of all the proceedings instituted, and judgments given, relative to vessels visited or detained in execution of the provisions of the Convention of the 30th November, 1831, and of the present Convention.

ARTICLE XIX.

The two Governments agree to insure the immediate freedom of all slaves who shall be found on board vessels visited and detained in virtue of the stipulations of the principal Convention hereinbefore referred to, or of the present Convention,

whenever the offence of trafficking in slaves shall have been established by the sentence of the respective Tribunals. They reserve to themselves, however, for the welfare of the slaves themselves, the right to employ them as servants or free labourers, conformably to their respective laws.

ARTICLE XX.

The two High Contracting Parties agreed, that in all cases in which a vessel, under the Convention of the 30th of November, 1831, or under this Supplementary Convention, shall be detained by their respective cruizers as having been engaged in the Slave Trade, or fitted out for the purposes thereof, and shall be placed at the disposal of either Government for the purpose of being sold, in consequence of a sentence of confiscation pronounced by a competent Tribunal, the said vessel shall be broken up, in whole or in part, before the sale, whenever its peculiar construction or outfit shall give reason to fear that it may be again employed in the Slave Trade, or any other illicit traffic.

ARTICLE XXI.

The present Convention shall be ratified, and the Ratifications shall be exchanged at Stockholm, within the space of two months, or sooner if possible.

ANNEX.

Instructions to Cruizers.

ARTICLE I.

Whenever a merchant vessel of either of the two nations shall be visited by a cruiser of the other, the officer commanding the cruiser shall exhibit to the master of such vessel the special orders which confer upon him the exceptional right of visit, and shall deliver to him a certificate, signed by him, specifying his rank in the navy of his country, with the name of his ship which he commands, and declaring that the only object of such visit is to ascertain whether the vessel is engaged in the Slave Trade, or is fitted out for the purposes of such traffic. When the visit is made by another officer of the cruiser than her commander, this officer shall not be under the rank of lieutenant in the navy; and, in this case, such officer shall exhibit to the master of the merchant vessel a copy of the special orders above-mentioned, signed by the commander of the cruiser, and shall likewise deliver to him a certificate, signed by him, specifying the rank which he holds in the navy, the name of the commander under whose orders he is acting, and of the cruiser to which he belongs, and the object of his visit, as hereinbefore recited. If it shall be ascertained by the visit that the ship's papers are regular, and her proceedings lawful, the officer shall certify upon the log-book of the vessel that the visit took place only in virtue of the special orders above-mentioned, and the vessel shall be permitted to continue her course.

ARTICLE II.

If in consequence of the visit, the officer commanding the cruiser shall be of opinion that there are sufficient grounds for believing that the vessel is engaged in the Slave Trade, or has been fitted out for that traffic, and if he shall, in consequence, determine to detain her, and to have her delivered up to the respective jurisdiction, he shall forthwith cause a list to be made out, in duplicate, of all the papers found on board, and he shall sign this list and the duplicate, adding to his name his rank in the navy, and the name of the vessel under his command. He shall, in like manner, make out and sign, in duplicate, a declaration stating the place and time of the detention, the name of the vessel, that of her master, and those of the persons composing her crew, and also the number and condition of the slaves found on board. This declaration shall further contain an exact description of the state of the vessel and her cargo.

ARTICLE III.

The Commander of the cruiser shall, without delay, carry or send the detained vessel, with her Master, crew, cargo, and the slaves found on board, to one of the ports hereinafter specified, in order that proceedings may be instituted in regard to them, conformably to the respective laws of each country; and he shall deliver the

same to the competent authorities, or to the persons who shall have been specially appointed for that purpose by the respective Governments.

ARTICLE IV.

No person whatever shall be taken out of the detained vessel, nor shall any part of her cargo, nor of the slaves found on board, be removed from her until after such vessel shall have been delivered over to the authorities of her own nation; excepting only when the removal of the whole, or of part of the crew, or of the slaves found on board, shall be deemed necessary, either for the preservation of their lives, or from any other consideration of humanity, or for the safety of the persons who shall be charged with the navigation of the vessel after her detention. In this case, the Commander of the cruiser, or the Officer appointed to bring in the detained vessel, shall make a declaration of such removal, in which he shall specify the reasons for the same; and the Masters, sailors, passengers, or slaves so removed, shall be carried to the same port as the vessel and her cargo, and they shall be received in the same manner as the vessel, agreeably to the regulations hereinafter set forth.

ARTICLE V.

It is agreed, that all Swedish and Norwegian vessels which, in pursuance of the Convention dated this day, may be taken by the cruisers of His Majesty the King of the French, on whatever station they may be seized, shall be taken to the Island of St. Bartholomew, and delivered up to the Swedish jurisdiction in that colony; that all French vessels which, in pursuance of the Convention dated this day, shall be seized by the cruisers of His Majesty the King of Sweden and Norway, on whatever station it may be, shall be taken, according to the proximity of the points which the French jurisdiction may be established, to Goree, Isle of Bourbon, Martinique, or Cayenne, and in all cases shall be delivered up to the French authorities of these Colonies.

ARTICLE VI

As soon as a merchant vessel, which shall have been detained as aforesaid, shall arrive at one of the ports or places above-mentioned, the Commander of the cruiser, or the Officer appointed to bring in the detained vessel, shall forthwith deliver to the authorities duly appointed for that purpose by the respective Governments, the vessel and her cargo, together with the Master, crew, passengers, and slaves found on board, as also the papers which shall have been seized on board the vessel, and one of the lists made out in duplicate of the said papers, the other remaining in his possession. Such Officer shall, at the same time, deliver to the said authorities one of the declarations made out in duplicate, as hereinbefore specified, adding thereto a statement of any changes which may have taken place from the time of detention to that of the delivery, as well as a copy of the declaration of any removals which may have taken place as above provided for. In delivering over these several documents, the Officer will make attestation of their truth on oath, and in writing.

ARTICLE VII.

If the Commander of a cruiser of either of the High Contracting Parties, who shall be duly furnished with the aforesaid special Instructions, shall have reason to suspect that a merchant vessel, sailing under convoy or in company with a ship of war of the other party, is engaged in the Slave Trade, or has been fitted out for the purpose of that traffic, he shall confine himself to the communicating his suspicions to the Commander of the convoy or of the ship of war, and he shall leave it to the latter to proceed alone to a visit of the suspected vessel, and to deliver her up, if the case require it, to the jurisdiction of her own country.

ARTICLE VIII.

The cruisers of the two nations shall conform strictly to the tenor of these instructions, which are to be considered as a development of the clauses of the principal Convention of the 30th November, 1831, as well as of the Convention to which they are annexed.

Stockholm, May 21, 1836.

(Translation.)

No. 5.

Note from Viscount de Sá da Bandeira to Lord Howard de Walden. May 8, 1838.—(In Portuguese.)

(See Class B., 1839, page 184.)

(Translation.)

No. 6.

Circular of the Marquis of Aracarty.—(In Portuguese.)

Government House, Mozambique, November 11, 1837.

(See Class B., 1839, page 185.)

(Translation.)

No. 7.

Note from Lord Howard de Walden to Viscount de Sá da Bandeira, May 10, 1838.—(In English and Portuguese.)

(See Class B., 1838, page 186.)

No. 8.

Confidential Note from Lord Howard de Walden to Viscount de Sá da Bandeira, and Memorandum therein enclosed, May 11, 1838.—(In English and Portuguese.)

(Cópia.)

Lisbon, May 11, 1838.

No. 22.—*Confidential.*—The undersigned Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of Lisbon has the honour to acquaint the Viscount de Sá da Bandeira, Secretary of State for Foreign Affairs to Her Most Faithful Majesty, that having transmitted to Her Majesty's Government a Copy of the Memorandum which he delivered to his Excellency confidentially relative to the assistance which Her Majesty's Government might be disposed to afford to Her Most Faithful Majesty in the event of any troubles arising in the Portuguese colonial possessions excited by those hostile to the abolition of the Slave Trade, Her Majesty's Government have been pleased to adopt this Memorandum, and to authorize* the undersigned to declare to his Excellency, that if the Portuguese Government conclude the treaty which has been proposed for the abolition of the Slave Trade, Her Majesty's Government will be willing to promise the contingent assistance, limited both in its nature and as to the time within which it is to be afforded, which is mentioned in the aforesaid Memorandum.

The undersigned avails himself of this occasion to renew to his Excellency the assurances of his highest esteem and consideration.

(Signed) HOWARD DE WALDEN.

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

Nota Confidencial de Lord Howard de Walden ao Sr Visconde de Sá da Bandeira.

(Traducção.)

Lisboa, 11 de Maio de 1838.

No. 22.—*Confidencial.*—O abaixo assignado Enviado Extraordinario, e Ministro Plenipotenciario de Sua Magestade Britannica, na Côrte de Lisboa, tem a honra de participar ao Visconde de Sá da Bandeira, Secretario de Estado dos Negocios Estrangeiros de Sua Magestade Fidelissima; que tendo transmittido ao Governo de Sua Magestade uma Cópia do Memorandum, que elle entregou confidencialmente a Sua Ex^a., relativo ao auxilio, que o Governo de Sua Magestade poderia estar disposto a conceder a Sua Magestade Fidelissima, no caso de haverem algumas desordens nas Possessões Coloniaes Portuguezas, excitadas por aquelles que são hostís á abolição do Commercio da Escravatura, o Governo de Sua Magestade houve por bem adoptar este Memorandum, e authorizar o abaixo assignado a declarar a sua Ex^a., que se o Governo Portuguez concluir o Tractado, que foi pro-

* See Class B., 1838, No. 101, page 180.

posto, para a abolição do Commercio da Escravatura, o Governo de Sua Magestade de boa vontade, prometterá o auxilio eventual, limitado tanto na sua natureza, como no tempo, dentro do qual deve ser concedido, como se menciona no sobreredito Memorandum.

O abaixo assignado aproveita esta occasião, para renovar a Sua Ex^a. os protestos da sua mais alta estima e consideração.

HOWARD DE WALDEN.

A Sua Ex^a. o Visconde de Sá da Bandeira,
 &c. &c. &c.

(Translation.)

No. 9,

Despatch from Lord Palmerston to Lord Howard de Walden, dated May 12, 1838, sent in Copy to Viscount de Sá da Bandeira by Lord Howard de Walden, and Address of the House of Lords of May 19, 1838, therein enclosed.—(In English and Portuguese.)

(See Class B., 1838, page 180.)

(Translation.)

No. 10.

Note from Lord Howard de Walden to Viscount de Sá da Bandeira, May 20, 1838, with two Projects of an Article upon Piracy.—(In English and Portuguese.)

(See Class B., 1838, page 191.)

(Translation.)

Nos. 11, 12, 13, and 14.

Treaty agreed upon (Convencionado) between Viscount de Sá da Bandeira and Lord Howard de Walden, 1838, and Annex A. B. and C. thereto.—(In Portuguese and English.)

(See Class B., 1839, page 193.)

No. 15.

Artigo Adicional, proposto pelo Sr. Visconde de Sá do Bandeira a Lord Howard de Walden.

PARA prevenir quaesquer inconvenientes que possam resultar de se pôr em execução nos Dominios Portuguezes na Africa o Tractado concluido, entre Sua Magestade Fidelissima, e Sua Magestade Britannica para a total abolição do Trafico da Escravatura, e hoje assignado, promete Sua Magestade Britannica em Seu Nome, e no de seus Successores o seguinte:

1. Garantir á Corôa de Portugal os Dominios da mesma Corôa na Africa, que se acham especificados no Artigo . . . do dito Tractado, hoje assignado.

2. Prestar, em apoio da garantia promettida no paragrafo antecedente, um auxilio effectivo, naval, e terrestre, ao Governo de Sua Magestade Fidelissima quando por este fôr pedido ao Governo Britannico, ou quando fôr directamente pedido pelas Authoridades Portuguezas da Africa ás Authoridades Britannicas da Africa, ou da India; ficando porém entendido, que o Governador Geral de Moçambique poderá pedir ao Governador do Cabo da Boa Esperança, ou de Bombaim, ou da Ilha Mauricia, o dito auxilio, não requisitando nunca além de dous vasos de guerra, e de quinhentos homens de tropa de desembarque; e que o Governador Geral de Angola poderá pedir ao Governador do Cabo da Boa Esperança, ou de Serra Leôa, o dito auxilio, não requisitando nunca além de tres vasos de Guerra, e de oitocentos homens de tropa de desembarque, podendo os Governadores dos mais Estabelecimentos Portuguezes da Africa pedir auxilio aos Governadores Britannicos da Africa, e devendo estes prestar-lho proporcionado aos meios de que poderem dispor, e á urgencia que delle houver.

O presente Artigo Adicional terá a mesma força e vigor, como se fosse inserido palavra por palavra no dito Tractado assignado hoje, e será ratificado, e a ratificação trocada ao mesmo tempo.

Em fé, e testemunho do que os Plenipotenciarios respectivos o assignaram, e firmaram com o Sello das suas Armas.

Feito em Lisboa aos . . . de de

Está conforme. Secretaria de Estado dos Negocios Estrangeiros, em 8 de Abril de 1839.

No impedimento do Official Maior,

JOSE' VERISSIMO DA SILVA.

(Translation.)

Additional Article on Guarantee, proposed by Viscount de Sá da Bandeira, to Lord Howard de Walden.

IN order to prevent any inconveniences which might result from carrying into execution, in the Portuguese dominions in Africa, the Treaty concluded between Her Most Faithful Majesty and Her Britannic Majesty, for the total abolition of the Slave Trade, signed this day, Her Britannic Majesty promises in her name, and in that of her successors, as follows :

1st. To guarantee to the Crown of Portugal the dominions of that Crown in Africa, enumerated in Article of the said Treaty, signed this day.

2dly. To furnish, in support of the guarantee promised in the preceding paragraph, an effective assistance, both by sea and land, to the Government of Her Most Faithful Majesty, whenever the latter may demand it from the British Government, or whenever it may be demanded, directly by the Portuguese authorities in Africa from the British authorities in Africa, or in India ; it being, however, understood that the Governor-General of Mozambique may demand the said assistance from the Governor of the Cape of Good Hope, or of Bombay, or of the Mauritius, but must never require more than two ships of war and 500 troops for disembarkation ; and the Governor-General of Angola may demand the said assistance from the Governor of the Cape of Good Hope, or of Sierra Leone, but must never require more than three ships of war and 800 troops for disembarkation. And that the Governors of the other Portuguese settlements in Africa may demand assistance from the British Governors in Africa ; and that the latter shall be bound to supply it in proportion to the means at their disposal, and to the urgent need thereof.

The present additional Article shall have the same force and vigour as if it were inserted word for word in the said Treaty signed this day, and shall be ratified, and the ratification exchanged at the same time.

In faith and testimony whereof, the Plenipotentiaries, &c.

No. 16.

Contra Projecto de Garantia proposto ao Sr. Visconde de Sá da Bandeira por Lord Howard de Walden.

(Cópia.)

(Traducção.)

GUARANTEE COUNTER-PROJECT.

CONTRA PROJECTO DE GARANTIA.

*Counter-Project of Additional Article.**Contra Projecto de Artigo Adicional.*

IN order to guard against any opposition which may result from the execution in the Portuguese Possessions in Africa of the Treaty concluded between Her Most Faithful Majesty and Her Britannic Majesty, for the total abolition of the traffic in slaves, of a character which may endanger the tranquillity or safety of the said possessions, whether fomented by natives or foreigners, Her Britannic Majesty promises an effectual aid to the Government of Her Most Faithful Majesty when such aid shall be requested of the British Government.

A FIM de estar prevenido contra qualquer opposição que, nas Possessões Portuguezas na Africa, possa resultar da execução do Tractado concluido entre Sua Magestade Fidelissima, e Sua Magestade Britannica, para a abolição total do Trafico da Escravatura, de um caracter tal, que possa perigar a tranquillidade, ou segurança das ditas Possessões, quer seja fomentada por naturaes, ou por Estrangeiros, Sua Magestade Britannica promete um efficaz socorro ao Governo de Sua Magestade Fidelissima, quando tal socorro fôr exigido do Governo Britannico.

The object, nature, amount, and duration of such auxiliary assistance shall be regulated by special engagements to be the subject of immediate negotiation between the two Governments.

O objecto, natureza, extensão, e duração de semelhante socorro auxiliar será regulado por uma convenção especial, que ha de ser objecto de negociação immediata entre os dous Governos.

Está conforme. Secretaria d'Estado dos Negocios Estrangeiros, em 8 de Abril de 1839.

No impedimento do Official Maior,

JOSE' VERISSIMO DA SILVA.

No. 17.

Artigo Adicional ultimamente proposto pelo Sr. Visconde de Sá da Bandeira a Lord Howard de Walden.

SENDO possível que depois da publicação do Tractado concluído hoje entre Sua Magestade Fidelíssima, e Sua Magestade Britannica para a total abolição do Tráfico da Escravatura, se manifestem desordens em alguns dos Dominios de Sua Magestade Fidelíssima em Africa, fomentadas debaixo de qualquer pretexto por subditos de Sua Magestade Fidelíssima, ou por Estrangeiros, e que taes desordens possam pôr em perigo a tranquillidade e a segurança dos mesmos Dominios, e querendo Sua Magestade Britannica dar mais uma prova da sua solicitude em cumprir com os Tractados de Alliança, e Garantia que felizmente existem entre as duas Corôas, promette em seu Nome, e no de Seus Herdeiros, e Successores, prestar a Sua Magestade Fidelíssima auxílios efficazes para manter o socego e a segurança dos seus Dominios em Africa, quando taes auxílios lhe sejam pedidos pelo Governo de Sua Magestade Fidelíssima.

A natureza, qualidade, e quantidade destes auxílios, e maneira como as Authoridades de Sua Magestade Fidelíssima em Africa os poderão requisitar ás Authoridades de Sua Magestade Britannica nas suas Possessões Africanas, e a forma de ellas os prestarem serão objecto de uma negociação especial entre os dous Governos que immediatamente deverá começar e achar-se terminada quando se trocarem as Ratificações do Tractado de que este Artigo faz parte integrante.

O presente Artigo adicional terá a mesma força e vigor como se fosse inserido palavra por palavra no dito Tractado.

Está conforme. Secretaria de Estado dos Negocios Estrangeiros, em 27 de Março de 1839.

No impedimento do Official Maior,

JOSE' VERISSIMO DA SILVA.

(Translation.)

Additional Article ultimately proposed by Viscount de Sá da Bandeira to Lord Howard de Walden.

It being possible that on the publication of the Treaty concluded this day between Her Most Faithful Majesty and Her Britannic Majesty, for the total abolition of the Slave Trade, disorders may arise in some of the dominions of Her Most Faithful Majesty, in Africa, incited under whatever pretext, either by subjects of Her Most Faithful Majesty, or by foreigners, and that such disorders may endanger the tranquillity and security of those dominions; and Her Britannic Majesty desiring to afford a further proof of her solicitude in fulfilling the Treaties of alliance and guarantee happily subsisting between the two Crowns, Her Majesty engages in her name, and in those of Her Heirs and Successors, to give to Her Most Faithful Majesty such efficacious assistance as she may need for maintaining quiet and security in her African dominions, whenever such assistance, shall be applied for by the Government of Her Most Faithful Majesty.

The nature, quality, and quantity of such assistance, the manner in which the authorities of Her Most Faithful Majesty may require it from the authorities of Her Britannic Majesty, in her African possessions, and the manner in which the latter shall afford it, shall be the subject of a special negotiation between the two Governments, which shall be commenced immediately, and shall have been brought to a conclusion at the time of exchanging the ratifications of the Treaty of which the present article forms an integral part.

The present additional article shall have the same force and vigour as if it had been inserted word for word in the said Treaty.

(Translation.)

No. 18.

Note from Viscount de Sá da Bandeira to Lord Howard de Walden, dated May 22, 1838, in reply to the Note of the said Lord of the 20th of the said month, and to the Despatch of Lord Palmerston of the 12th of the said month (received in Lisbon, May 28, 1838).—In Portuguese.

(See Class B., 1839, page 206.)

(Translation.)

No. 19.

Note from Viscount de Sá da Bandeira to Mr. Jerningham, dated May 29, 1838, inviting him to ask from his Government Full Powers to sign the Treaty agreed upon with Lord Howard de Walden.

(See Class B., 1839, page 205.)

(Translation.)

No. 20.

Note from Mr. Jerningham to Viscount de Sá da Bandeira, dated May 30, 1838, acknowledging the receipt of the preceding Note.

(See Class B., 1839, page 216.)

(Translation.)

No. 21.

Note from Mr. Jerningham to Viscount de Sá da Bandeira, dated August 1, 1838, announcing his having received Full Powers.

(See Class B., 1839, page 303.)

(Translation.)

No. 22.

Note from Mr. Jerningham to Viscount de Sá da Bandeira, dated August 1, 1838, sending him a new Project of Treaty.

(See Class B., 1839, page 302.)

(Translation.)

Nos. 23, 24, 25, and 26.

Draft of Treaty enclosed in the preceding, with its Annexes A. B. C.

(See Class B., 1839, page 221, and the 4th column of the following pages.)

(Translation.)

No. 27.

Note from the Viscount de Sá da Bandeira to Mr. Jerningham, dated October, 1838, in reply to his Note of the 1st of August, which accompanied the new Project of Treaty.

(See Class B., 1839, page 310.)

(PART II.)

Documentos relativos á Negociação de Tractado entre Portugal, e a Gram Bretanha para a Abolição do Tráfico da Escravatura mandados publicar por Ordem do Governo de Sua Magestade em additamento aos que a Camara dos Senadores mandon imprimir.

(Translation.)

Documents relative to the Negotiation of the Treaty between Portugal and Great Britain, for the Abolition of the Slave Trade, published by order of the Government of Her Majesty, in addition to those which the Chamber of Senators caused to be printed.

CLASS B.

(Translation.)

No. 1.

Note of the 28th April, 1839, from Lord Howard de Walden to the Baron da Ribeira de Sabrosa.—(in English and Portuguese.)

(See Class B., 1839, further Series, page 71.)

(Translation.)

No. 2.

Note of the 5th May, 1839, addressed to the Baron da Ribeira de Sabrosa, by Lord Howard de Walden.—(in English and Portuguese.)

(See Class B., 1839, further Series, page 92.)

(Translation.)

No. 3.

Note which was addressed on the 11th September, 1839, by Baron da Ribeira de Sabrosa to Lord Howard de Walden, in reply to his two Notes of April 28, and May 5, of the same year.—(in Portuguese, with the three private and confidential Notes thereto annexed, in English and Portuguese.)

(See page 138.)

(Translation.)

No. 4.

Note which, under date of the 15th (16th) September of 1839, was addressed to Baron da Ribeira de Sabrosa, by Lord Howard de Walden.—(in English and Portuguese.)

(See page 165.)

(Translation.)

No. 5.

Note from Baron da Ribeira de Sabrosa, of the 28th of September, 1839, in reply to the Note of Lord Howard de Walden, of the 15th (16th) of the said month and year.

(See page 170.)

No. 6.

Relatorio and Decree of December 10, 1836.

(See Class B., 1837, page 41.)

No. 122.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, October 16, 1839.

I HAVE received your Despatch marked Slave Trade, of the 30th of September last, in which you state that you have been informed that the Baron de Ribeira da Sabrosa intends to attempt again to enter into negotiation for a Treaty for the suppression of the Slave Trade; and that the only condition on which the Baron would insist as a *sine quâ non*, would be that the duration of the Treaty should be limited; and that he would make this demand more as a point of honour, and for the sake of obtaining some apparent concession from the British Government, than in consequence of any particular value which upon principle he would attach to such limitation.

You will state to any persons, to whom you may think it useful to communicate the fact, that the British Government, having resolved to take into its own hands the task of suppressing the Slave Trade, which is carried on under the Portuguese flag, and having obtained from Parliament the Powers necessary to enable them to

do so, stand in need of no further Treaty with Portugal upon this subject; and that, so far are they from having the slightest disposition to make, what the Portuguese Government calls, a concession to Portugal in regard to this matter, that, if the Portuguese Government should offer now to sign the Treaty, which that Government rejected some months ago, it is probable, that Her Majesty's Government would require as a *sine quâ non*, that the Treaty should contain some more distinct and satisfactory engagement, that Portugal should by its laws declare Slave Trade to be Piracy. In short, it is Portugal, and not Great Britain that must make concessions in this matter, and by so doing, atone in some degree for her former misconduct.

I am, &c.
(Signed) PALMERSTON.

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

No. 123.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, October 19, 1839.

I HEREWITH transmit, for your information, a copy of a Despatch, and of its Enclosure, which I have addressed to Her Majesty's Ambassador at Paris, on the subject of the desire expressed by the Court of Lisbon, that France should mediate between Great Britain and Portugal, in order to settle the differences which have arisen between those two Powers, upon the subject of Slave Trade.

I am, &c.
(Signed) PALMERSTON.

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

Enclosure in No. 123.

Viscount Palmerston to Earl Granville.

Foreign Office, October 18, 1839.

(See Class C.)

No. 124.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, October 8, 1839.

MY LORD,

(Received October 21.)

I HAVE the honour to enclose the Diario do Governo, of the 7th instant, containing a Portaria, confirming the Convention agreed to between Lieutenant Tucker and Admiral Noronha, the Governor-General of Angola, and which was transmitted to your Lordship in my Despatch of the 7th instant.

It is remarkable, that in the Diario do Governo, of three days before, in which the Convention in question was published, it was given out that the Government had no *official* information on the subject, yet to day the above mentioned Portaria is published, approving the said Convention for the "weighty reasons" given by the Admiral, and which Document bears the antecedent date of the 30th of September.

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

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

(Translation.)

Enclosure in No. 124.

Diario do Governo, October 7.

*Office of the Secretary for the Affairs of the Marine and the Colonies.—
Marine Department.*

HER Majesty the Queen, orders the Secretary's Office for the Affairs of the Marine and the Colonies, to make known to Vice Admiral Antonio Manoel de

Noronha, Governor-General of the Province of Angola, that considering the weighty reasons stated in his Despatch No. 51, of the 30th of May last, and desirous moreover to give irrefragable testimony of the sentiments of justice and humanity which always animate that August Lady, in the philanthropic undertaking of putting an end in all her Dominions to the Traffic in Slaves, she has thought good to approve provisionally of the said Governor's receiving the Convention which has been offered to him for this desirable purpose by Lieutenant William Tucker, Commander of the Naval Forces of Her Majesty the Queen of Great Britain on the Western Coast of Africa; the Convention entered into with this view, and signed by the above mentioned Governor of Angola, and William Tucker, on the 29th of May, 1839, being to be carried into execution.

(Signed)

FRANCISCO DE PAULO DE
AGUIAR OTTOLINI.

*Palace of the Necessidades,
September 30, 1839.*

No. 125.

*Lord Howard de Walden to Viscount Palmerston.**Lisbon, October 11, 1839.**(Received October 21, 1839.)*

MY LORD,

I HEREWITH enclose a copy of a note which I have thought it right to address to the Portuguese Government, pointing out the unfair character of the selection of Documents relative to the Slave Trade Question, which have been published by them for the ostensible purpose of furnishing the public with a full exposition of the proceedings of the Portuguese Plenipotentiaries, in their negotiations for the conclusion of a Treaty with Great Britain, for the effectual suppression of the Slave Trade under the Portuguese flag.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

&c.

&c.

&c.

Enclosure in No. 125.

*Lord Howard de Walden to his Excellency Baron de Sabrosa.**Lisbon, October 11, 1839.*

THE Baron da Ribeira de Sabrosa, Secretary, &c., in laying before the public a selection of documents connected with the long pending negotiations with different ministers in Portugal for the suppression of the Slave Trade, has made two very important omissions.

The first is a note addressed to the Undersigned, Her Britannic Majesty's Plenipotentiary, &c., by the Duke of Palmella, on the 10th July, 1835, being the basis on which the various Plenipotentiaries of Her Most Faithful Majesty conducted negotiations with the Undersigned previous to the Revolution of September.

The Undersigned, for the sake of correctness, begs to record that the Duke of Palmella was the Plenipotentiary who opened the negotiations with him in 1835, and that the negotiations in reference to the Treaty, denominated by the Baron da Ribeira de Sabrosa, "as agreed to between the Duke of Palmella and Lord Howard de Walden in 1836," ("*Convencionado entre o Duque de Palmella e Lord Howard de Walden,*") were conducted not by the Duke of Palmella, 1836, but in the early part of that year by the Marquis of Loulé, and subsequently taken up, and were on the point of being concluded satisfactorily to both parties by the Count Villa Real, at the breaking out of the Revolution of September.

The second is a document, entitled Observations on the project of Treaty proposed to the Government of Her Most Faithful Majesty by Her Britannic Majesty's Government for the total abolition of the Slave Trade, with which the counter-project of Treaty presented by the Viscount de Sá on his re-opening negotiations relative to the suppression of the Slave Trade subsequently to the Revolution was accompanied.

The Undersigned feels it his duty specially to notice at once the suppression of this last paper in question, being a very remarkable one, as his Excellency lays so much stress on the presentation of a counter-project as an ultimatum on the part of Her Majesty's Government after four years negotiation. The document referred to would at once render perfectly clear the spirit in which Viscount de Sá da Bandeira first undertook, as Portuguese Plenipotentiary, the negotiations for the Treaty for the Abolition of the Slave Trade under the Portuguese flag; and the tone of this declaration, with which the Viscount de Sá da Bandeira accompanied the first presentation of the counter-project in question, previous even to entering into any negotiation or discussion on it, would not have entitled him at least to complain, had the ultimatum of Her Majesty's Government been presented at once without any intervening negotiation whatever, instead of after so many months of vexatious and fruitless endeavours to meet the professed views of the Portuguese Government.

The Undersigned, with a view to render clear to his Excellency at once the purport of his remarks, begs to state that he refers directly to the passages in which the Viscount de Sá da Bandeira says "that if the British Government shall refuse to admit in the new Treaty the alterations, without which the Portuguese Government neither can nor ought to conclude it, in that case the additional Convention of the 28th July, shall remain in force only for 15 years, reckoned from the 10th of December, 1836, the date of the Decree for the Abolition of the Slave Trade, and thus will continue to exist the Mixed Commissions and stipulations of the Convention, prejudicial, and in no way honourable to the Portuguese nation; it being, however, to be known, that they are further of the burthensome and oppressive legacies which the absolute Government has imposed upon them, and that whatever there is odious in their character, will not fall upon the actual Government, who will make it appear to the nation, that in disregard to the justice of their attempts, they were not able to obtain better conditions;" and declares, "that it shall no way be permitted to the British cruizers to exceed with reference to Portuguese ships what is stipulated in the additional Convention, and the instructions annexed to it, (which are interpreted by the Viscount de Sá as having reference only to the North of the Line, in deliberate disregard of the official admissal of the Duke of Palmella, the Plenipotentiary, who negotiated and signed the Treaty,) and which in the way above referred to, was to remain in force only 15 years more."

The Undersigned will only further remark, that it is to be regretted that the note of the Duke of Palmella, (the Plenipotentiary, who negotiated and signed the original Slave Trade Treaty, and the additional Convention referred to by the Viscount de Sá da Bandeira,) addressed to the Undersigned, under date of the 10th July, 1835, was not also published in juxtaposition with this notable paper of the Viscount de Sá's, as that document at least would afford some light, on something like authority, as to the real character and extent of the solemn engagements which were contracted by him on behalf of the Crown of Portugal with that of Great Britain, and thus the public would be enabled to judge between the comparative soundness of policy and authority of the discordant expositions of the respective Plenipotentiaries, who have taken on behalf of Portugal such a prominent part in the transactions connected with the Slave Trade.

The Undersigned, &c.

(Signed) HOWARD DE WALDEN.

No. 126.

Viscount Palmerston to Baron de Moncorvo.

Foreign Office, October 22, 1839.

THE Undersigned, &c., has received and laid before Her Majesty's Government the note which the Baron de Moncorvo, &c., addressed to him on the 14th of August last, enclosing a copy of a circular note which had been addressed by the Portuguese Minister for Foreign Affairs to the Courts who were parties to the Treaties and Conventions which were concluded at the Congress of Vienna in 1815.

The object of that circular is to complain of certain measures which Great Britain has determined to take, with a view to put down the Slave Trade hitherto carried

on under the flag of Portugal; and the Portuguese Government represents the conduct of Great Britain towards Portugal in this matter as unprovoked, oppressive, and unjust, and as being a flagrant violation of the law of nations, and a direct attack upon the rights of an independent State. Her Majesty's Government have deemed it expedient to communicate to the Courts, to which the Portuguese note has been addressed, copies of the papers which contain the substance of the negotiation between Great Britain and Portugal on this matter; and the Undersigned has the honour to transmit to the Baron de Moncorvo a copy of the note which, by Her Majesty's Command, the Undersigned has addressed to the Ministers who are accredited to this Court by the Powers which were parties to the Treaties of the Congress of Vienna in 1815.

The Undersigned, &c.

(Signed) PALMERSTON.

The Baron de Moncorvo,
&c. &c. &c.

Enclosure in No. 126.

Viscount Palmerston to the Ministers of the Powers, parties to the Congress of Vienna, September 30, 1839.

(See No. 13.)

No. 127.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, October 23, 1839.

I HEREWITH transmit, for your Lordship's information, copies of letters which, by Her Majesty's Command, I have addressed to the Lords Commissioners of the Admiralty, signifying Her Majesty's pleasure, first, that orders shall be given to the Commanders of Her Majesty's cruisers to detain Portuguese slave-vessels, wherever met with, and slave-vessels hoisting no flag and destitute of any papers proving their nationality; secondly, that British Courts of Vice-Admiralty shall be established abroad for the adjudication of such vessels; and thirdly, that negroes found on board such vessels shall be landed at the nearest British port or settlement, to be there placed under the care of the Governor or other Officer in command.

Directions have also been given to the Governors of Her Majesty's forts and settlements abroad, to make the necessary arrangements for the care and support of negroes, who may be landed and set free under these orders.

I am, &c.

(Signed) PALMERSTON.

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

First Enclosure in No. 127.

(Immediate.)

Viscount Palmerston to the Lords of the Admiralty.

MY LORDS,

Foreign Office, August 15, 1839.

I HAVE received the Queen's Commands, in conformity with Her Majesty's recent Answer to an Address from the House of Lords, to signify to your Lordships Her Majesty's pleasure, that orders should immediately be given to Her Majesty's cruisers employed in the suppression of the Slave Trade, to seize, detain, and send in all vessels under the Portuguese flag, wherever met with, either north or south of the line, which may be found with slaves on board, or equipped for Slave Trade.

I suggest to your Lordships, that the Commanders of Her Majesty's cruisers should be directed to send such vessels, as above described, to the nearest British port or settlement, and that the negroes found on board such vessels should be immediately landed at that nearest British port or settlement, and should be placed under

the care of the Governor or other Officer in command ; and that the Naval Officers should be informed that further instructions will be sent to them, as to the manner in which the vessels and their cargoes, and the crews belonging to them, should be disposed of.

I have, &c.

(Signed) PALMERSTON.

The Lords Commissioners of the Admiralty,
&c. &c. &c.

Second Enclosure in No. 127.

Viscount Palmerston to the Lords Commissioners of the Admiralty.

MY LORDS,

Foreign Office, August 31, 1839.

I TRANSMIT herewith to your Lordships a copy of an Act of Parliament, recently passed for the suppression of the Slave Trade, and I have to signify to your Lordships Her Majesty's pleasure, that the necessary steps be taken for establishing Courts of Vice-Admiralty, at any places within Her Majesty's Dominions and Colonies abroad, where such Courts may be requisite for the adjudication of vessels which may be captured under the provisions of this Act, and where such Courts may not now exist.

I am, &c.

(Signed) PALMERSTON.

The Lords Commissioners of the Admiralty,
&c. &c. &c.

Third Enclosure in No. 127.

Viscount Palmerston to the Lords of the Admiralty.

MY LORDS,

Foreign Office, September 14, 1839.

WITH reference to my letter of the 15th of August, 1839, to your Lordships, signifying Her Majesty's pleasure that orders should be given to Her Majesty's cruizers to seize and detain all Portuguese slave-ships, wherever met with ; to send such vessels to the nearest British port, or settlement ; and to land the negroes and place them under the care of the Governor, or other Officer in command ; I have to signify to your Lordships Her Majesty's pleasure that orders should be given to the Commanders of Her Majesty's cruizers, employed in the suppression of the Slave Trade, that all vessels so detained shall be brought for adjudication before the Court of Vice-Admiralty established in that British Colony which may most easily be reached from the place of detention, or in that Colony where the detained vessel might lie most safely during the trial ; and that the crews of such vessels be sent to that part of the Portuguese dominions, to which it may be most convenient to convey them, in order that they may there be delivered up to the Portuguese Authorities ; and if in any case it should be practicable, without material inconvenience, to send with these crews any evidence that would be sufficient to procure their conviction before a Portuguese tribunal upon a charge of Slave Trading, it would be desirable that such evidence should be sent with them. I have further to signify to your Lordships Her Majesty's pleasure, that instructions be given to the Commanders of Her Majesty's cruizers above mentioned, that if any vessel which they may have searched in accordance with their instructions shall be found to be engaged in Slave Trade, or to be equipped for Slave Trade, but to have no papers proving her to be entitled to the protection of any flag ; and if, therefore, it should be impossible for the captor to establish the competency of any Mixed Commission, or of the ordinary tribunals of any foreign country, to take cognizance of such vessel, and to pronounce sentence upon her as belonging to the country for which such Mixed Commission, or such ordinary tribunal, is authorized to act ; then and in such case the Commanders of Her Majesty's cruizers are to send such vessels, as in the cases above mentioned, for adjudication by some Court of British Vice-Admiralty, under the provisions of the Act of Parliament recently passed on this subject ; and the slaves on board such vessels are to be landed in the Colony or Settlement to which the vessel

may be so sent, and are there to be placed under the care of the Governor or other Officer in command.

I have, &c.

(Signed) PALMERSTON.

The Lords Commissioners of the Admiralty,
&c. &c. &c.

Fourth Enclosure in No. 127.

(Immediate.)

Mr. Strangways to the Secretary of the Admiralty.

SIR,

Foreign Office, September 14, 1839.

I AM directed by Viscount Palmerston to request that you will move the Lords Commissioners of the Admiralty to transmit a copy of the late Act for the suppression of the Slave Trade, to all the Officers commanding Her Majesty's cruizers employed for the suppression of the Slave Trade, and at the same time to acquaint those Officers that nothing therein contained is intended to confer any new right of search, as to any vessel sailing under the flag of a State with which Great Britain has not a Treaty granting a mutual right of search; and that, with respect to vessels sailing under the flag of a State with which Great Britain has a Treaty granting a mutual right of search, that Act of Parliament is not intended to authorize the Officer to visit and search such vessels, in any other way than that which is prescribed by such Treaties and by the instructions annexed thereto.

I have, &c.

(Signed) W. FOX STRANGWAYS.

The Secretary of the Admiralty,
&c. &c. &c.

Fifth Enclosure in No. 127.

Viscount Palmerston to the Lords of the Admiralty.

MY LORDS,

Foreign Office, October 1, 1839.

I HAVE to move your Lordships to transmit to the several Courts of Admiralty and Vice Admiralty which are, and may be, established within the possessions of Her Majesty, copies of the Act of the 2d and 3d Victoria, cap. 73, and of the acts referred to in the 6th section of the Act first named, for the information and guidance of those Courts, in the several duties devolving upon them under those Acts.

And I have to suggest to your Lordships to call the attention of those Courts to the expediency of providing for the eventual breaking up and sale of vessels condemned under authority of those Courts; and to the disposal of the proceeds of those vessels, and of their cargoes, according to the provisions of the 5th and 6th section of the Act first named.

And I have further to suggest to your Lordships to give such directions as may be necessary to the Commanders of Her Majesty's vessels, on the stations where the said courts are, or may be, established, to select and purchase, whenever it may be expedient for Her Majesty's service, vessels condemned by sentence of those Courts.

I have, &c.

(Signed) PALMERSTON.

The Lords Commissioners of the Admiralty,
&c. &c. &c.

No. 128.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, October 26, 1839.

WITH reference to my Despatch to your Lordship, Slave Trade, of the 5th instant, I herewith transmit to you, for your information, a Copy of the Reply

which I have addressed to the note of the Baron de Moncorvo, enclosed in my Despatch above-mentioned, upon the subject of the Circular addressed by the Government of Portugal to the Courts, who were parties to the Treaties and Conventions which were concluded at the Congress of Vienna in 1815.

I am, &c.

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

(Signed) PALMERSTON.

Enclosure in No. 128.

Viscount Palmerston to Baron Moncorvo. October 22, 1839.

(See No. 126.)

No. 129.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, October 20, 1839.

(Received October 29.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches, marked "Slave Trade," up to that of the 12th instant.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

No. 130.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, October 30, 1839.

I HAVE received and laid before the Queen, your Despatch, marked Slave Trade, of the 8th instant, enclosing a Portaria, by which the Portuguese Government confirm the Convention, relative to the Slave Trade, entered into between Lieutenant Tucker and the Governor-General of Angola, on the 29th of May, 1839.

I have to refer you to my Despatch of the 12th instant, and to desire that you will present a note to the Portuguese Minister, informing him that Her Majesty's Government have not confirmed the above-mentioned Convention, which was entered into by Lieutenant Tucker from laudable motives, but without authority; and that the reason why Her Majesty's Government have declined to confirm that Convention is, that the necessity for it has been superseded by the General Instructions, which have been given to Her Majesty's cruizers, with respect to the seizure and disposal of vessels found Slave Trading under the flag of Portugal.

I am, &c.

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

(Signed) PALMERSTON.

No. 131.

Mr. Backhouse to Lord Howard de Walden.

MY LORD,

Foreign Office, November 4, 1839.

WITH reference to the Despatch addressed to you by Lord Palmerston on the 23d of October last, "Slave Trade," I am directed by his Lordship to transmit, for your information, the accompanying Copy of a Circular, which has been addressed to Her Majesty's Diplomatic Agents, Commissioners, and Consuls abroad, communicating to them the measures recently taken by Her Majesty's Government for carrying into execution the Act of the 2d and 3d Victoria, cap. 73, for the suppression of the Slave Trade.

I have, &c.

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

(Signed) J. BACKHOUSE.

CLASS B.

Enclosure in No. 131.

Viscount Palmerston's Circular of November 2, 1839.
(See No. 18.)

No. 132.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, November 7, 1839.

I HAVE received and laid before the Queen your Lordship's Despatch, marked Slave Trade, of the 11th of October last, enclosing the Copy of a note which you addressed on that day to the Baron da Ribeira de Sabrosa, pointing out how unfairly the Portuguese Government has selected the Documents relative to the Slave Trade question, which have been published by the Portuguese Government, and I have the satisfaction to acquaint your Lordship, that Her Majesty's Government approve of your having presented the note in question.

I am, &c.

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

(Signed) PALMERSTON.

No. 133.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, October 3, 1839.

MY LORD,

(Received November 10.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches, marked Slave Trade, to that of the 26th instant inclusive.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

No. 134.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, November 10, 1839.

MY LORD,

(Received November 18.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches marked "Slave Trade," to that of the 30th October, 1839.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

No. 135.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, November 19, 1839.

WITH reference to my previous correspondence with your Lordship, respecting the Convention recently entered into between Commander Tucker and the Governor-General of Angola, for the suppression of Portuguese Slave Trade, I herewith transmit to you copies of a further letter upon this subject, which has been received at this office from the Admiralty, and of the answer which I have directed to be returned to that communication.

The Convention referred to clearly shows, that the secret reason, which made the Portuguese Government so anxious to obtain the guarantee of Great Britain for the

African Colonies of Portugal, was an intention thereby to entrap the British Government into an acknowledgment of the rights of the Portuguese Crown to parts of the African Coast, which do not in fact belong to Portugal.

I am, &c.

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

(Signed) PALMERSTON.

First Enclosure in No. 135.

Sir John Barrow to Mr. Fox Strangways.

SIR,

Admiralty, November 2, 1839.

REFERRING to former letters on the subject of the Convention for the more speedy suppression of Slave Trade, entered into by Commander Tucker, of Her Majesty's sloop "Wolverene," with the Governor-General of Angola, I am commanded by my Lords Commissioners of the Admiralty, to transmit to you, for the information of Viscount Palmerston, the copy of a letter from Rear-Admiral Elliot, stating his intention of acquainting the Governor-General of Angola, that it would be necessary to alter the first Article of the said Convention, by which, as it now stands, the claim of the Portuguese Crown to the whole Coast, from the fifth to the eighth degree of south latitude, would seem to be admitted.

I have, &c.

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

(Signed) JOHN BARROW

Sub-Enclosure in No. 135.

Admiral Elliot to Mr. Wood.

SIR,

Melville, Simon's Bay, August 20, 1839.

IN enclosing, for the consideration of my Lords Commissioners of the Admiralty, the accompanying copy of a letter from Commander Tucker, of Her Majesty's Sloop "Wolverene," and senior Officer on the West Coast of Africa, with its annexed copy of a Convention he had entered into with the Governor-General of Angola, for the more speedy suppression of the Slave Trade, carried on in vessels under the Portuguese flag, I beg to observe that the first Article, as now worded, would admit the claim of the Portuguese Crown to the whole Coast, from the fifth to the eighth degree of south latitude, which is at present in possession of the native tribes; an acknowledgment of which seems to be carefully avoided in the second Article to the additional Convention with Portugal, of the 28th July, 1817; I shall, therefore, acquaint the Governor-General of Angola, that it will be necessary to alter this Article, so as to confine the acknowledged limits within the bounds specified in the Convention of 1817, alluded to, viz., from the eighth to the eighteenth degree of south latitude.

I have, &c.

(Signed) GEO. ELLIOT,
Rear-Admiral and Commander-in-Chief.

Charles Wood, Esq.
&c. &c.

Second Enclosure in No. 135.

Mr. Fox Strangways to Sir John Barrow.

SIR,

Foreign Office, November 19, 1839.

I HAVE laid before Viscount Palmerston your letter of the 2nd instant, with its Enclosures, from Rear-Admiral Elliot, upon the subject of the Convention, recently entered into by Commander Tucker with the Governor-General of Angola, for the suppression of Portuguese Slave Trade. Lord Palmerston directs me to request that you will state to the Lords Commissioners of the Admiralty, that Her Majesty's Government entirely approve of the intention of Admiral Elliot to acquaint the Governor of Angola, that the first Article of that Convention must be altered, so as to confine the limits of the Portuguese dominions in Africa within the bounds

already specified in former Conventions between Great Britain and Portugal on Slave Trade. Such a communication would have been a very proper and necessary precaution, if the Convention in question were to have been ratified and carried into effect; but Lord Palmerston directs me to request that you will state to their Lordships, that the Admiral should be instructed, that the Convention itself must fall to the ground, and cannot be ratified, in consequence of the orders which have already been issued, with respect to the capture of slave-trading vessels under the Portuguese flag.

I have, &c.
(Signed) W. FOX STRANGWAYS.

Sir John Barrow, Bart.,
&c. &c. &c.

No. 136.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, November 23, 1839.

I HEREWITH transmit, for your information and guidance, the copies of a correspondence which has passed between this office and the Admiralty, relative to three Portuguese subjects taken on board the slave-barque "*Maria Carlota*," recently condemned by the Mixed British and Brazilian Court of Commission at Rio de Janeiro, and who have been sent to England by the Officer in command of Her Majesty's squadron at that port.

I am, &c.
(Signed) PALMERSTON.

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

First Enclosure in No. 136.

Mr. Moore O'Farrall to Mr. Strangways.

SIR,

Admiralty, November 15, 1839.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of Viscount Palmerston, the accompanying copy of a letter from Commodore Sullivan, reporting the condemnation of the Portuguese slave-barque "*Maria Carlota*," in the Mixed Commission Court at Rio de Janeiro; also that he had sent home, at the request of Her Majesty's Chargé d'Affaires at the said Court, three Portuguese prisoners taken in the above-named vessel; and I am to request, that you will move his Lordship to furnish my Lords with instructions as to the disposal of the said men, who are now on board Her Majesty's ship "*Astræa*," at Falmouth.

I have, &c.
(Signed) MOORE O'FARRALL.

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

First Sub-Enclosure.

Commodore Sullivan to the Secretary to the Admiralty.

SIR,

H. M. Ship "Stag," Rio de Janeiro, September 17, 1839.

I HAVE the honour to acquaint you, for the information of my Lords Commissioners of the Admiralty, that the Portuguese slave-barque "*Maria Carlota*," captured by Her Majesty's sloop "*Grecian*," for being fitted for the Slave Trade, has been condemned in the Mixed Commission Court of this port, and that I have sent (at the request of Her Majesty's Chargé d'Affaires to this Court) three Portuguese prisoners, taken in the "*Maria Carlota*" and "*Leal*," to England, in Her Majesty's packet "*Sheldrake*," to be at the disposal of Her Majesty's Government.

I have, &c.
(Signed) J. SULLIVAN, *Commodore.*

The Secretary to the Admiralty,
&c. &c. &c.

Second Sub-Enclosure.

(Sentence.)

(Translation.)

Rio de Janeiro, September 9, 1839.

HAVING duly considered the proceedings and the allegations in this case of the barque "*Maria Carlota*," with the respective votes of the Commissary Judges, on the 3rd and 5th June, 31st August, and 2nd instant, as also the Imperial Decree of the 12th April, 1832, for the special purpose of regulating the execution of the law of the 7th November, 1831, which Decree strictly enjoins, that every outward bound vessel should be visited immediately before her departure, which cannot have duly taken place in the instance of the barque in question. Considering also that the Treaties and engagements between the two Governments in no respect militate against the detaining, for adjudication, of a vessel on her voyage to Africa, under such circumstances, but are rightly applicable to the barque "*Maria Carlota*," evidently and undeniably equipped for the Slave Trade, I deem it my duty to concur in the said vote of the British Commissary Judge, in date of the 2nd instant.

(Signed) FREDERICK GRIGG.

Second Enclosure in No. 136.

Mr. Strangways to the Secretary to the Admiralty.

SIR,

Foreign Office, November 22, 1839.

I HAVE received and laid before Viscount Palmerston your letter of the 15th instant, requesting his Lordship to furnish the Lords Commissioners of the Admiralty with instructions, as to the disposal of three Portuguese prisoners, who had been taken on board the slave-barque "*Maria Carlota*," and sent to England by the Officer in command of Her Majesty's squadron at Rio de Janeiro; and I am to request that you will acquaint the Lords of the Admiralty, that Lord Palmerston is of opinion, that the men in question should be sent to Lisbon, and should be handed over to the Portuguese Government, together with any evidence which may have been sent with them, tending to prove that they have been engaged in the Slave Trade.

I have, &c.

(Signed) W. FOX STRANGWAYS.

The Secretary to the Admiralty,
&c. &c. &c.

No. 137.

*Lord Howard de Walden to Viscount Palmerston.**Lisbon, November 16, 1839.**(Received November 26.)*

MY LORD,

I HAVE the honour to enclose a copy of a note which I have addressed to the Baron da Ribeira de Sabrosa, communicating, by your Lordship's instructions, the reason why Her Majesty's Government have not confirmed the temporary agreement, entered into between Lieutenant Tucker and the Governor-General of Angola, for the suppression of the Portuguese Slave Trade.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

Enclosure in No. 137.

*Lord Howard de Walden to Baron de Sabrosa.**Lisbon, November 15, 1839.*

THE Undersigned, &c., having transmitted to his Government a number of the "*Diario do Governo*," by which it would appear that the Government of Her Most Faithful Majesty had issued a Portaria, confirming provisionally a Convention relative to the Slave Trade under the Portuguese flag, entered into between Lieutenant Tucker and the Governor-General of Angola, has received

instructions to inform the Government of Her Most Faithful Majesty, through the medium of the Baron da Ribeira de Sabrosa, &c., that Her Majesty's Government have not confirmed the above-mentioned Convention, which was entered into by Lieutenant Tucker from laudable motives, but without authority; the necessity for it having been superseded by the general instructions, which have been given to Her Majesty's cruisers with respect to the seizure and disposal of vessels found slave-trading under the flag of Portugal.

The Undersigned, &c.,

(Signed)

HOWARD DE WALDEN.

His Excellency the Baron da Ribeira de Sabrosa.
&c. &c. &c.

No. 138.

Baron Moncorvo to Viscount Palmerston.

Londres, Novembre 28, 1839.

(Received November 29.)

LE Soussigné, &c. exécutant l'ordre qu'il reçut de son Gouvernement, a l'honneur de transmettre à son Excellence Monsieur Le Vicomte Palmerston, &c., la copie ci-jointe de la note adressée par le Soussigné, par un pareil ordre de son Gouvernement, aux Agents Diplomatiques, accrédités à la Cour de Londres par les Puissances signataires des Traités et des Conventions célébrées au Congrès de Vienne en 1815.

Le Soussigné, &c.

(Signed)

LE BARON DA TORRE DE MONCORVO.

A son Excellence Mon. le Vicomte Palmerston,
&c. &c. &c.

(Translation.)

London, November 28, 1839.

THE Undersigned, &c., in execution of an order which he has received from his Government, has the honour to transmit to his Excellency Viscount Palmerston, &c., the accompanying copy of a note addressed by the Undersigned, under a like order from his Government, to the diplomatic agents accredited to the Court of London by the Powers who signed the Treaties and Conventions concluded at the Congress of Vienna in 1815.

The Undersigned profits by this occasion to repeat to his Excellency Viscount Palmerston the assurances of his highest consideration.

(Signed)

LE BARON DA TORRE DE MONCORVO.

Enclosure in No. 138.

Baron de Moncorvo to the Representatives of the Powers who signed the Treaties of the Congress of Vienna.

Londres le 27 Novembre, 1839.

LE Soussigné, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Très Fidèle près Sa Majesté Britannique, ayant reçu une communication de son Excellence Monsieur le Vicomte Palmerston en date du 22 Octobre dernier, avec la note qu'il adressa le 30 Septembre de cette année aux Agents Diplomatiques accrédités à la Cour de Londres par les Puissances signataires des Traités et des Conventions célébrées au Congrès de Vienne en 1815, au sujet de la circulaire que le Gouvernement de Sa Majesté la Reine de Portugal envoya aux Gouvernements respectifs de ces mêmes Puissances le 4 Août dernier, où on exposa avec toute l'évidence la plainte qu'il avait à porter contre le Gouvernement Britannique, pour avoir présenté au Parlement un Bill ordonnant que les bâtiments Portugais rencontrés au sud de l'Equateur, employés, ou soupçonnés d'être employés, dans la Traite des Nègres, puissent être pris par les croiseurs Anglais, et confisqués comme

bonne prise, le Gouvernement de Sa Majesté Très Fidèle, à qui le Soussigné donna connaissance de cette tardive communication, lui ordonna de faire savoir à ——— pour qu'il veuille bien le porter à la connaissance de son Gouvernement, que la note que son Excellence Monsieur le Baron da Ribeira de Sabrosa, Ministre Secrétaire d'Etat de Sa Majesté Très Fidèle au Département des Affaires Etrangères, dirigea à milord Howard de Walden, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Britannique à la Cour de Lisbonne, en date du 11 Septembre dernier, (et dont milord Palmerston devait avoir déjà connaissance le 30 de ce même mois Septembre, quand il envoya sa note à ———), contient une exposition claire et évidente, du droit incontestable dont le Gouvernement de Sa Majesté Très Fidèle est appuyé dans cette question; en même tems qu'elle est aussi une réfutation décidée et positive de tout ce que le Gouvernement Britannique a prétendu alléguer contre le Gouvernement Portugais.

La ci-dessus nommée note de Monsieur le Baron da Ribeira de Sabrosa fut publiée à Lisbonne, accompagnée de toutes les pièces tenantes à la même question; et elle fut traduite et publiée par le journal "Le Times" du 4 ce mois, dont le Soussigné à l'honneur d'envoyer une copie ci-jointe.

Le Gouvernement da Sa Majesté, en se respectant à soi-même, désiste de son droit de retorque avec justesse à quelques-unes des expressions qui se trouvent dans la dite note de milord Palmerston.

En exécutant par cette manière les ordres adressés au Soussigné par le Gouvernement de Sa Majesté Très Fidèle, il ne lui reste maintenant qu'à prier ——— d'agréer l'assurance de sa considération très distinguée.

(Signé) LE BARON DA TORRE DE MONCORVO.

(Translation.)

THE Undersigned, &c., having received a communication from his Excellency Viscount Palmerston, dated the 22d of October last, with the note which he addressed on the 30th of September of this year to the diplomatic agents, accredited to the Court of London by the Powers who signed the Treaties and Conventions concluded at the Congress of Vienna in 1815, upon the subject of the Circular which the Government of Her Majesty the Queen of Portugal sent to the respective Governments of these Powers on the 4th of August last, in which was set forth, with all the evidence, the complaint which the former had to make against the British Government, for having presented to Parliament a Bill ordaining that Portuguese vessels, met with to the south of the Equator, employed or suspected to be employed in the Slave Trade, might be taken by the English cruisers, and confiscated as good prize; the Government of Her Most Faithful Majesty, to whom the Undersigned communicated this tardy communication, ordered him to make known to

—————, in order that he may have the goodness to bring it to the knowledge of his Government, that the note which his Excellency M. le Baron da Ribeira de Sabrosa, Minister, Secretary of State for Foreign Affairs, addressed to Lord Howard de Walden, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of Lisbon, under date of 11th September last (and of which Lord Palmerston must already have had cognizance on the 30th of the said month of September, when he sent his note to ——— contains a clear and evident exposition of the incontestable right, by which the Government of Her Most Faithful Majesty is supported in this question; at the same time it is a decided and positive refutation of everything which the British Government has pretended to allege against the Portuguese Government.

The above-mentioned note of M. le Baron da Ribiera de Sabrosa was published at Lisbon, accompanied by all the documents touching the question; and it was translated and published by the "Times" newspaper of the 4th of this month, of which the Undersigned has the honour herewith to send a copy.

The Government of Her Majesty, out of self respect, waives its right to retort with justice some of the expressions, which are found in the said note of Lord Palmerston.

After thus executing the orders addressed to him by the Government of Her Most Faithful Majesty, it only remains for the Undersigned to beg

to receive the assurance of his distinguished consideration.

(Signed) LE BARON DA TORRE DE MONCORVO.

No. 139.

*Lord Howard de Walden to Viscount Palmerston.**Lisbon, November 23, 1839.**(Received December 2.)*

MY LORD,

I HEREWITH enclose a copy of the "Correio" newspaper, giving an account of the liberation, under the decision of a Lisbon jury, of the "*Maria Virginia*" slaver, which had been captured by the Portuguese man-of-war schooner "*Fayal*," and sent to Lisbon; for your Lordship will recollect that the Portuguese Minister specially cited *this* extraordinary occurrence of the capture of a slaver by a Portuguese man-of-war, in his circular protest against the Bill passed by the British Parliament, in refutation of what he has described the undue pretensions of Her Majesty's Government, and their unjust and calumnious doubt of the sincerity of the Portuguese Government, and of the independent, impartial, and upright administration of the laws, in the case of the Slave Trade, by the tribunals of this country, but which he designated "as worthy of the same consideration as those of France and Great Britain."

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

Enclosure in No. 139.

From O Correio, Lisbon, November 21, 1839.

OUR readers must remember the noise which was made in this capital, and in the whole country, and indeed out of it, by the entrance of the brig "*Maria Virginia*," captured in consequence of all or part of the indications of being destined for the Slave Trade having been found upon it. This happened at the very time when the British Parliament was discussing the Bill proposed by the Government for the search of vessels suspected of being engaged in that traffic; and our Ministers took advantage of this event to confute or destroy the motives on which the introduction of the Bill was founded; and this was even done by the journals who are opposed to the extinction of so lucrative a commerce, and who exhaust their lungs in braying against all and every step, which may induce Portugal to do that which no nation in Europe has denied, and which many nations of America, including Brazil, have done, notwithstanding the latter is the power which most requires and most profits by slavery and by slaves.

Our Ministry, with the cunning which no one can deny to them, desirous to make every possible use of an incident that chance had thrown in their way, and wishing it to make a great noise, conceded the greatest distinction in its power to the captor—naming him Knight of the Order of the Tower and Sword—in consideration of the service he had rendered, in capturing in the African seas, and in conveying to the port of Lisbon, the Portuguese brig "*Maria Virginia*," encountered with all the signs of being employed in the Slave Trade.

As far as regards the fact of having captured slavers, the Government had in effect the argument on its side; but it remained to be seen whether the tribunals—in spite of the warning expressions of the decree conceding the order to the captor—in spite of the Government having stated in the face of the world, in a diploma signed by the head of the State, "that the ship was encountered with all the signs, &c."—would justify or give the lie to the repeated complaints of the British Government respecting them, and which have so scandalized our Ministers, and the journals which join in the chorus with them, saying much worse things against England, the English, their Government and their Parliament, than ever were said by Mahomet against the unclean animal.

The session of Monday the 18th instant, of the Tribunal of Correctional Police of the First District, put an end to the question, and satisfied the expectations felt respecting it. The tribunal decided, that the proofs were not sufficient to condemn the defendants, and consequently the ship "*Maria Virginia*," encountered with all the signs of being destined for the Slave Trade, became free and unencumbered.

The Ministerial Agent upon whom the prosecution devolved, made, in virtue of his office, all efforts to procure the condemnation of the defendants, and, in our

opinion, there was no want of the most conclusive proofs for that purpose; but the other side knew how to take advantage of all the circumstances that might work upon the jury, not even forgetting to echo the ideas propagated against England by the press. The spectators also gave their aid on the same side; and, in fine, the jury declared that there were no grounds for condemnation, thereby giving the lie to the assertion of the Government.

We are of opinion that a great part of the jury and of the spectators were not competent to estimate the importance of this event; we are further of opinion that many of them thought that the conscientious verdict would mean nothing more than a castigation inflicted on the captor, who appears not to have proceeded with much loyalty and valour: as to merit, he certainly had none. The event is one of very serious consequences, however, and must doubtless have caused much pain to the Foreign Secretary, and disappointed those who have vociferated so much against England, for having presumed to doubt the integrity of Portuguese tribunals for the special case of condemning negro ships.

The Ministers cannot escape from the dilemma, one of the horns of which we offer to them. They either erred against truth, when they decorated the captor of the brig encountered with all the signs of being employed in the Slave Trade; or the tribunal was unjust, and, with its injustice, confirmed the very thing that has been denied up to this time.

If this has happened in Lisbon, where the number of individuals interested in the traffic is very limited, compared with that of the inhabitants, what is to be expected in the ports of Africa, whose population is fascinated to such a degree, as to persuade themselves that putting an end to the traffic would destroy all their resources, notwithstanding their fortunate soil offers thousands of them?

No one can accuse us of being partial to the Ministers, but we avow that we should not have wished, that we did not desire, that they should have sustained this reverse; although we cannot but consider that it afforded an additional proof of their recklessness, since they ought never to have lost sight of a process, with the decision of which their own credit and that of the tribunals were bound up.

A journal of the movement, one of those that have shown the most sympathy with the continuance of a commerce that so much dishonours humanity, shows signs of great satisfaction in announcing yesterday the event with which we have occupied ourselves. In what a light do these people look at everything!

No. 140.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, November 23, 1839.

MY LORD,

(Received December 2.)

I have the honour herewith to enclose the "Diario do Governo," of the 21st instant, in which is published the answer of the Baron da Ribeira de Sabrosa (which I received the evening before) to the note, which, by your Lordship's instructions, I addressed to his Excellency on the 15th instant, relative to the non-confirmation by Her Majesty's Government of the Convention entered into for the suppression of Portuguese Slave Trade, by Lieutenant Tucker and Admiral Noronha, Governor of Angola.

I have, &c.,

(Signed) HOWARD DE WALDEN.

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

&c.

&c.

&c.

Enclosure in No. 140.

Extract from the "Diario do Governo," November 21, 1839.

(Translation.)

The following is Baron Sabrosa's answer to the above Note* from Lord Howard de Walden to M. de Sabrosa, Nov. 15, 1839.

*Office of the Secretary of State for Foreign Affairs,
November 30, 1839.*

"The Undersigned, President of the Council of Ministers, and charged with the

* The Note alluded to is that dated November 15, 1839, and will be found at page 241, Enclosure in No. 137.

Ministry of Foreign Affairs, has had the honour to receive the note which Lord Howard de Walden, Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty, directed to him, dated the 15th instant, communicating that his Government had not approved the Convention signed in Angola by the Vice-Admiral Antonio Manuel de Noronha, Governor of that Province, and by Lieutenant Tucker of the British navy, of the date of the 29th of May, 1839, and ordered to be provisionally observed by Her Majesty the Queen, by a Portaria from the Minister of Marine, dated September 30th of the same year.

“ Her Majesty’s Government, being duly informed by the above communication, by no means recognizes the right, that the British Government arrogates to itself, to give, in pursuance of the bill it presented to Parliament, the instructions to which his Lordship alludes, for the capture and detention of the vessels found trafficking in slaves under the Portuguese flag to the south of the equator, instructions owing to which his Lordship says that the necessity for the above mentioned Convention had ceased; and Her Majesty’s Government renews the protest delivered by her Minister in London against them.

“ Nevertheless, as the conclusion of the said Convention was solicited by Lieutenant Tucker, in the name of the British Government, Her Majesty’s Government has the satisfaction of having evinced, by its prompt approval of the same, the good faith with which it is ready to concur towards the total abolition of the traffic in slaves, whenever its co-operation is sought in terms recognised by the general law of nations, and by existing treaties, and which the dignity of Her Majesty’s Crown does not allow to be omitted.

“ The undersigned avails himself, &c.

(Signed) “ BARON DA RIBEIRA DE SABROSA.”

No. 141.

Viscount Palmerston to Baron Moncorvo.

Foreign Office, December 6, 1839.

THE Undersigned, Her Britannic Majesty’s Principal Secretary of State for Foreign Affairs, has received Her Majesty’s commands, to address to the Government of Her Most Faithful Majesty, through the Baron da Torre de Moncorvo, Her Most Faithful Majesty’s Envoy Extraordinary and Minister Plenipotentiary at this Court, a formal Protest against the practice which, on more than one occasion, has been adopted of late by the Government of Portugal, of publishing in the Lisbon newspapers, official, and indeed, sometimes, even private and unofficial communications, relating to pending and unfinished discussions and negotiations between the Governments of Great Britain and of Portugal; such a practice being a departure from the established usages of governments, disrespectful to the power with which the communications are carrying on, and in some cases not consistent with fairness and good faith.

If the Cortes had called upon the Government of Portugal, to lay before it the Papers relating to any particular negotiation, and if the Portuguese Government had felt it to be its duty to comply with such a call, no foreign Government concerned could have had any ground to complain of such a production of diplomatic correspondence, provided the Papers so produced were selected fairly, and in such a manner as to give a full view of the case, as it affected both parties. But Her Majesty’s Government are sorry to have to say, that upon a late occasion, when the Portuguese Government laid before the Cortes a collection of Papers connected with the discussions between the two Governments upon the question of the Slave Trade, that collection was imperfect, and not calculated to give a correct view of facts; inasmuch as it omitted several important and essential Papers, which had been included in the collection which Her Majesty’s Government had laid before Parliament.

But the proceedings since resorted to by the Portuguese Government, are still more irregular and unusual; for upon more than one occasion, when the Portuguese Minister for Foreign Affairs has addressed to her Majesty’s Minister at Lisbon, notes of a controversial character, containing statements and assertions, the correctness of which Her Majesty’s Government deny, those notes have been published in the newspapers of Lisbon, even before they were received by Her Majesty’s Minister at Lisbon, and of course, therefore, before any answer could be

possibility have been given to them; and upon another occasion, private and confidential letters, addressed by members of the British Mission to members of the Portuguese Government, have been published in the same way, while the Portuguese Government at the same time carefully suppressed an official document, connected with the understanding to which those private letters related, and which document, if it had been published with the letters, would have shown, that they could not by possibility bear the construction which the Portuguese Government attempted to put upon them. Thus, by a course of proceeding, wholly new in the practice of European nations, endeavours have been made by the Portuguese Government to create on the public mind in Portugal a false impression, which a fuller knowledge of the truth would have destroyed.

Her Majesty's Government are entirely indifferent to any effects, which this extraordinary course of proceeding of the Portuguese Government may produce; and it is not from any feeling on that score, that Her Majesty's Government deem it necessary to make this protest. But Her Majesty's Government think it due to themselves, that they should not by their silence, allow it to be supposed, that they acquiesce in such a departure from established international usages.

I am, &c.

(Signed)

PALMERSTON.

The Baron da Torre de Moncorvo,
&c. &c. &c.

No. 142.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, December 16, 1839.

I HEREWITH transmit to your Lordship, for your information, a copy of a note which I have addressed to Baron Moncorvo, Her Most Faithful Majesty's Minister at this Court, protesting against the practice which has been adopted of late, by the Government of Portugal, of publishing in the Lisbon newspapers, communications relating to pending and unfinished discussions and negotiations, between the Governments of Great Britain and of Portugal.

I am, &c.

(Signed)

PALMERSTON.

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

Enclosure in No. 142.

Viscount Palmerston to Baron Moncorvo. December 6, 1839.

(See No. 141.)

No. 143.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, December 10, 1839.

MY LORD,

(Received December 17.)

I HAVE the honour to enclose a copy of a note, which I received last night from the Count de Bomfim, in which his Excellency enters into an explanation of the reasons, which have hitherto prevented the Government from bringing forward any specific proposition, as practical evidence of their firm and anxious desire to bring about a friendly state of relations between Great Britain and Portugal; and repeating his assurances of the determination of himself and his colleagues, to proceed without loss of time in bringing the important questions now pending between the two countries to a satisfactory and speedy settlement.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

Enclosure in No. 143.

*Conde do Bomfim to Lord Howard de Walden.**Secretaria d'Estado dos Negocios Estrangeiros,
9 de Dezembro de 1839.*

O ABAIXO ASSIGNADO Presidente do Conselho dos Ministros, Encarregado do Ministerio dos Negocios Estrangeiros, ainda que se lisongeiá que Lord Howard de Walden, Enviado Extraordinario, &c., hará toda a Justiça ao abaixo assignado e mais membros da administração que se formou há poucos dias, acreditando, como teve a honra de certificar, á S.^a. S.^a. na sua nota de 2 de corrente mez, que ella se occupa incessantemente de investigar os meios para que os importantes negocios que ultimamente tem occupado a attenção de ambos os Governos, possão com a possível brevidade ser difinita e convenientemente ajustados, acha comtudo de seu rigoroso dever, na impossibilidade de chegar desde já a um resultado decisivo, communicar á S.^a. S.^a. que a circumstancia extraordinaria de não terem podido reunir-se até agora os Membros ausentes da presente Administração he a causa unica de nãs poder cabalmente tratar-se como o desejava, esta importante materia, pois que se ella não fosse ponderada conjunctamente com o Conde de Villa Real, que ja officiou annunciando que vinha no primeiro Barco de Vapor que partir do Porto, poderia suscitar algum embaraço, talvez influindo para que não sendo consultada opinião tão importante deãxasse por esse só factó de ficar completa a Administração alem d' outras difficuldades que por certo não deixão de ser previstas por S.^a. S.^a. não obstante porem o que fica expellido nos poucos dias que hão decorrido depois da formação do actual Ministerio, tem sido seriamente consideradas as Relações de Portugal com a Gram Bretanha, especialmente sobre o Trafico da Escravatura, e o Abaixo assiando confia poder ver dentro em breve, o final termo de tão importante materia á satisfação de ambos os Governos, ajustando-se as differenças que existem, com mutua ventajem e sem quebra das considerações que compre conservar.

O Abaixo, &c.,

(Signed)

CONDE DO BOMFIM.

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

(Translation.)

*Office of the Secretary of State for Foreign Affairs,
December 9, 1839.*

THE Undersigned, President of the Council of Ministers, in charge of the Department of Foreign Affairs, notwithstanding his flattering himself that Lord Howard de Walden, Envoy Extraordinary &c., will do justice both to him, and to the other members of the administration formed within these few days past, by believing, according to what the undersigned had the honour of certifying to his Lordship in his note of the 2nd instant, that the said Administration was incessantly occupied in investigating the means, by which the important business that lately called for the attention of both the Governments may be definitively and conveniently settled, with every possible dispatch; nevertheless he considers it his rigorous duty, owing to the impossibility of obtaining any final result at this very moment, to state to his Lordship, that this extraordinary circumstance of it not having been possible as yet to the absent members to join the Cabinet, is the only cause of this important matter not being thoroughly discussed according to the wish of the Undersigned, as were the matter not discussed in conjunction with Count de Villa Real, who has already written officially, communicating to the Ministry his intention to embark in the first steamer sailing from Oporto for this place, it might be the cause of some delay and influence perhaps on the Cabinet incomplete, merely because the important opinions of Count Villa Real, had not been consulted on the subject; besides other difficulties that cannot but be foreseen by his Lordship.

However, notwithstanding what is stated above, within the few days passed after the late Ministry was formed, the relations between Portugal and Great Britain have been taken into due consideration, particularly with regard to the Slave Trade, and the Undersigned trusts he will be able to see in a short time this important business brought to a conclusion in a satisfactory manner to both Governments, by its being settled to their mutual advantage, and without infringing into the considerations which ought to be observed.

The Undersigned, &c.

(Signed)

COUNT DE BOMFIM.

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

No. 144.

*Lord Howard to Viscount Palmerston.**Lisbon, December 1, 1839*

MY LORD,

(Received December 20.)

I HAVE the honour to acknowledge the receipt of your Lordship's Dispatches marked "Slave Trade," to that of the 23rd ultimo inclusive.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

&c.

&c.

&c.

No. 145.

*Lord Howard de Walden to Viscount Palmerston.**Lisbon, December 4, 1839.*

MY LORD,

(Received December 20.)

I HAVE the honour herewith to transmit a copy of a note, which I received last week from the Baron da Ribeira de Sabrosa, in reply to the note which I addressed to him on the 15th November, communicating to the Portuguese Government that Her Majesty's Government had not confirmed the Convention entered into *provisionally* by Commander Tucker and the Governor of Angola for the suppression of the Portuguese Slave Trade.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

&c.

&c.

&c.

Enclosure in No. 145.

Baron de Sabrosa to Lord Howard de Walden.

(Translation.)

Office of Foreign Affairs, November 20, 1839.

THE Undersigned, President of the Council of Ministers, and charged with the Department of Foreign Affairs, had the honour to receive the note addressed to him by Lord Howard de Walden, Envoy Extraordinary, &c., under the date of the 15th instant, informing him that his Government did not approve of the Convention signed at Angola, by Vice-Admiral Antonio Manoel de Noronha, Governor of that Province, and Lieutenant Tucker of the British Navy, under the date of the 29th of May, 1839, and put in execution by order of Her Majesty provisionally, by a Royal Order "Portaria," issued by the Marine Department on the 30th of September of the same year.

Her Majesty's Government having taken due notice of this communication, can in no way acknowledge the right assumed by the British Government to forward instructions, upon the strength of the Bill alluded to by his Lordship, for capturing and giving destination to British vessels under the Portuguese flag, fell in with at the south of the Line, and employed in the Slave Trade; instructions which, his Lordship says, have rendered it, the above-mentioned contract, unnecessary. Her Majesty's Government has only to confirm the Protest made against them by Her Majesty's Minister in London.

In the mean time as the said Convention *was solicited* by Lieutenant Tucker, *in the name of the* British Government, Her Majesty's Government feels gratified in their having evinced by their ready compliance, attested by the said royal order, that it is willing to unite its efforts to effect the total abolition of the Slave Trade whenever its co-operation *is requested* to this effect in the terms acknowledged by the general rights of nations, and according to the existing Treaty, which the dignity of Her Majesty's Crown cannot dispense with.

The Undersigned, &c.

(Signed)

B. DA RIBEIRA DE SABROSA.

Lord Howard de Walden,

&c.

&c.

&c.

No. 146.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, December 4, 1839.

(Received December 20.)

MY LORD,

HAVING in fulfilment of your Lordship's instructions communicated to the Portuguese Government that the slave brig "*Victoria*," navigating under the Portuguese flag, captured by Her Majesty's ship "*Dolphin*," had been condemned as Spanish property, and that the Captain and ostensible Owner were both Portuguese subjects, by names, Antonio José Alfonso, and Matheus de Souza Louro, I have the honour to enclose a copy of a note which I have received from the Baron da Ribeira de Sabrosa, signifying to me that steps had been taken, with a view to proceeding against the above-mentioned individual in conformity to the law.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

&c.

&c.

&c.

Enclosure in No. 146.

*Baron de Sabrosa to Lord Howard de Walden.**Secretaria d'Estado dos Negocios Etrangeiros em*
23 Novembro de 1839.

MY LORD,

HAVENDO recebido a nota de 6 de Setembro ultimo, em que V. Sra. me participa que foi condemnado em Serra Leoa, como propriedade Hespanhola, o brigue "*Victoria*," que navegava com Bandeira Portugueza, e foi apresado pelo bergantin de Marinha Britannica "*Delphin*," na altura de Lagos (ao norte do Equador), e de serem subditos Portuguezes, tanto o capitão do dito brigue Antonio Jozé Affonso, como o ostensivo dono, Matheus de Souza Louro, tenho a honra de communicar a V. Sra. que em 20 do corrente transmitti ao Ministro da Justiça a traducção da nota, e cartas a ellar annexas, em que V. Sra. me fez aquella participação, a fim de que se mande proceder na conformidade das Leis, contra os mencionados individuos.

Aproveito esta oportunidade, &c.

(Signed)

B. DA R. DE SABROSA.

A Lord Howard de Walden,

&c.

&c.

&c.

(Translation.)

Baron Sabrosa to Lord Howard de Walden.

MY LORD,

Office of Foreign Affairs, November 23, 1839.

HAVING received your Lordship's note of the 6th of last month, in which your Lordship informs me that the brig "*Victoria*," captured by the British brig of war "*Dolphin*," in the latitude of Lagos (north of the Equator), had been condemned at Sierra Leone, as being Spanish property, and of the circumstance of both the Captain of the said brig, Antonio Jozé Affonso, and the ostensible Owner, Matheus de Souza Louro being Portuguese subjects; I have the honour to state to your Lordship, that I transmitted the translation of the said note, in which your Lordship makes this communication, with the letters thereto annexed, to the Minister of Justice, in order proceedings may be ordered against the abovementioned individuals in conformity with the law.

I avail myself, &c.

(Signed)

B. DA R. DE SABROSA.

Lord Howard de Walden,

&c.

&c.

&c.

No. 147.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, December 21, 1839.

I HEREWITH transmit to your Lordship a copy of a Despatch from Her Majesty's Minister at Florence, with its Enclosures; one of these is a Brief, which, at the instance of Her Majesty's Government, was issued by His Holiness the Pope on the 11th instant, denouncing and interdicting all African Slave Trade of whatever kind.

You will communicate these papers to the Portuguese Government, and take means for making them public.

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

I have, &c.
(Signed)

PALMERSTON.

Enclosure in No. 147.

Mr. Fox to Viscount Palmerston, December 10, 1839.

(See Class C.)

No. 148.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, December 16, 1839.

(Received December 22.)

(Extract)

THE COUNT DE BOMFIM communicated to me on Monday a Report which he had received from Angola, stating that two vessels, under the Portuguese flag, the "*Neptuno*" (fitted out in the Tagus) and the "*Angerona*," had been captured by Her Majesty's ship "*Columbine*," in the port of Zaire, and sunk under circumstances of peculiarly aggrieving character.

On the following day an account of this occurrence was given in the "*Diario do Governo*," which I herewith enclose. In consequence, I have presented a note to the Count de Bomfim, a copy of which I herewith enclose.

First Enclosure in No. 148.

From the "Diario do Governo," Lisbon, December 11, 1839.

(Translation.)

By intelligence received yesterday from Angola, Government were informed of an outrage, in which insolence would seem to have vied with madness, and which was committed by an officer of the British navy.

In virtue of the Convention of the 29th of May, 1839, concluded between Vice-Admiral Noronha and Captain Tucker, Captain Elliot, Commander of the English brig "*Columbine*," entered the Zaire, and there captured some vessels that might perhaps occupy themselves in contravention of the Decree of the 10th of December, 1836; but he had neither motive nor pretext for proceeding in the like manner with regard to the Portuguese brig "*Neptuno*," of Lisbon, and the schooner "*Angerona*," of Angola, which were in the same port. Some days after, the brig "*Neptuno*" was boarded during the night, and taken by the barges of the "*Columbine*," which shortly after, because they had been fired upon by the blacks, took also the schooner "*Angerona*." After committing other acts of violence, the "*Columbine*" put to sea with the captured vessels, and having met with the packet of Loanda, obliged her to stop for 24 hours, and sending on board of her the crews as well of the "*Neptuno*" as of the "*Angerona*," the "*Columbine*," in the view of that packet, on purpose of her being a witness to the outrage, placed herself between the two vessels, on one of which the Portuguese flag was hoisted, and opened her fire upon and sunk them both! This fact, which is nothing more than an individual outrage, and which proves only the brutal daring of its perpetrator, is nevertheless so scandalous on account of the cowardly injury done to the Portuguese flag, that the Government of Her Majesty, in vindication of the national dignity, cannot fail to demand full reparation from the British Government. The Government of Her Majesty hopes that this reparation will be given it, not only from the confidence it has in the rectitude of its ancient ally, but because the British Government is pressingly called upon by its own dignity, not to pass over unpunished so great an excess committed by one of its subjects, who, violating all the principles of justice, and the faith of Conventions and Treaties, constituted him-

self at the same time judge and executor, in an arbitrary and atrocious manner, respecting objects and interests regulated by special arrangements; and who, above all, unworthily insulted the flag of a friendly nation.

Second Enclosure in No. 148.

Lord Howard de Walden to Count de Bomfim.

MONSIEUR LE COMTE,

Lisbon, December 13, 1839.

WITH reference to the personal communication your Excellency has already made to me of the report of alleged outrageous proceedings against the Portuguese flag by Captain Elliot, of Her Majesty's ship "Columbine," in the port of Zaire, and to an article which has since been published in the "Diario do Governo" on the same subject, in which the conduct of that officer is represented in the strongest terms as insulting and cowardly, I am extremely anxious to transmit without loss of time to Her Majesty's Government, every authentic particular I can obtain respecting this alleged occurrence, on which such revolting charges can be printed in the official paper of the Government, against an officer employed in Her Britannic Majesty's service; feeling confident that Her Majesty's Government will be most anxious to afford to the Crown of Portugal the fullest and most public reparation, should the case, on investigation, prove to be as it appears to be believed by your Excellency.

With this view, I have the honour to request, that your Excellency will oblige me by furnishing me with the particulars of the case, and more especially with information on the following points, which are important as regards the assumed authenticity and correctness of the report received by the Government:—

1st. Whether the report of the *alleged* outrage in question emanates from any public authority, as witness of the said proceedings.

2d. Whether the "*Neptuno*" was taken possession of as a slaver, or in consequence of having fired upon Her Majesty's ship "Columbine," or her boats.

3d. Whether the firing, described as "some firing having taken place on the part of the blacks," proceeded from the *batteries* from the *shore*, or from the "*Angerona*."

This most important feature of firing on Her Majesty's ship seems to have been passed over in the "Diario do Governo" as an incident unworthy of comment; while it is obvious that in this very occurrence may be involved the real character of the proceedings of Captain Elliot.

It is not inapposite to remind the Count de Bomfim that, in the case of the "*Diogenes*," a Spanish piratical slaver, by which part of a boat's crew of one of Her Majesty's ships of war had been killed and wounded; that vessel was protected by the *Portuguese batteries* at Mozambique, manned by the crews of *slave vessels*, by whom Her Majesty's ship "Leveret" was fired upon; and that, moreover, notwithstanding the piratical character of this Spanish vessel, and the demand of Her Majesty's Government that she should be given over to the mixed Spanish and British Commission at Sierra Leone, to be tried under Treaties between Great Britain and Spain, she was not only protected, but liberated, by special orders from the Viscount de Sá da Bandeira, at the *personal instances* of the owner Paoli.

In the absence of any positive information on this point, having this occurrence fresh in mind, it must be recognized by your Excellency that Her Majesty's Government would not be justified in forming even a *prima facie* judgment on Captain Elliot's case, until this important feature is fully explained; the evidence of crews, of the character of those employed in the traffic of human flesh, must of course be received with the greatest caution.

It is, therefore, with the most anxious desire to contribute to throw every light on this most extraordinary occurrence, that I am anxious to lay every circumstance in elucidation of it before Her Majesty's Government.

I have only to repeat to your Excellency my assurances, that Her Majesty's Government will be most willing, indeed I may confidently say most anxious, to afford to the Crown of Portugal, in the promptest and most signal manner, the fullest reparation for any proceeding of Her Majesty's officers, which may be found to have been offensive to the dignity of the Portuguese nation.

I avail myself, &c.,

(Signed)

HOWARD DE WALDEN.

The Count de Bomfim,
&c. &c. &c.

No. 149.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, December 28, 1839.

WITH reference to your Lordship's Despatch of the 10th instant, inclosing a note from Count Bomfim, in which his Excellency states that the Portuguese Government is anxious to settle the important matters, which have lately been the subject of discussion between the Governments of Great Britain and Portugal, and that the Portuguese Cabinet has already had under its consideration the question of the Slave Trade, I have to instruct your Lordship to state to the Portuguese Minister, that the question of the Slave Trade is not the one upon which, in the present state of things, the re-establishment of amicable Relations between England and Portugal depends. Her Majesty's Government, it is true, have long felt anxious to accomplish the suppression of the Slave Trade carried on under the flag of Portugal; but the measures, taken by Her Majesty's Government some months ago upon this subject, afford all the means which can be requisite for the attainment of this object.

Therefore Her Majesty's Government have no further anxiety on that subject; and would be quite willing to let that matter rest as it is, although they would be ready, out of deference to Portugal, to conclude a Treaty, which should place the suppression of the Portuguese Slave Trade upon a footing more consistent with the dignity of the Portuguese Crown.

But the questions, which are in their nature most urgent, and to which it is important, that the Government of Portugal should direct its immediate attention, with a view to a prompt and satisfactory settlement, are those which relate to the various debts due by Portugal to British subjects, and to the British Government.

I am, &c.

(Signed)

PALMERSTON.

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

No. 150.

*Lord Howard de Walden to Viscount Palmerston.**Lisbon, December 22, 1839.**(Received December 31.)*

MY LORD,

I HAVE the honour herewith to enclose a few copies of a pamphlet which has just been printed, against the Slave Trade under the Portuguese flag, by Dr. Rozas.

I believe it to be the first work in the Portuguese language, which has appeared on this subject.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

Enclosure in No. 150.

Pamphlet headed "Short Reflections on the Actual State of the Slave Trade, in Relation to the Progress of European Civilization."

Printed by J. F. de Sampaio, No. 18, Pateo do Salema, Lisbon.

No. 151.

*Lord Howard de Walden to Viscount Palmerston.**Lisbon, December 22, 1839.**(Received December 31.)*

MY LORD,

A FEW minutes after the departure of last week's mail, I received a note from the Count de Bomfim, a copy of which I enclose, in reply to the one I addressed to his Excellency, as reported in my Despatch of the 16th inst., on the subject of the proceedings of Captain Elliot, of Her Majesty's ship "Columbine," in the River

CLASS B.

Zaire. In a conversation I had subsequently with the Count, he acknowledged that the statements with respect to the firing which had proceeded from the blacks, were to be received with caution, and that in all probability considerable provocation had been given to Captain Elliot; but he contended that the details connected with the act of sinking the two vessels, and the additional insult to the Crown of Portugal (detailed in the Enclosure of his Excellency's note,) of breaking the official seal of a Despatch from the Portuguese Representative at Rio de Janeiro to the Governor of Angola, could in no way be justified.

His Excellency however declared, that he was in no way desirous to prejudge the question. He stated to me, that an investigation had been instituted by the Governor-General of Angola, and that of course until the result of this proceeding had been reported to the Government, he was not prepared to form his definitive opinion upon the affair; that when the further particulars came to hand, he would communicate them to me, looking with confidence to the high sense of honour and justice of Her Majesty's Government, to do everything that was right on this unfortunate and deeply to be regretted occurrence.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

&c.

&c.

&c.

Enclosure in No. 151.

Count de Bomfim to Lord Howard de Walden.

MY LORD,

Palacio das Necessidades em 16 de Dezembro de 1839.

NAO me sendo possivel em consequencia da multiplicidade de importantes negocios e cuidados que peção sobre mim, e da proxima partida do paquete para Londres, responder circunstanciadamente à V. Sra., como muito dezejava, sobre cada uma das differentes partes da sua nota de 13 do corrente, em que V. Sra. me pede com a maior instancia esclarecimentos ácerca dos ultrajes praticados na Costa d' Africa proxima do Zaire, &c. pelo Cominadante Elliot do brique de guerra Britannico "Columbine" contra navios e bandeira de Portugal; e que-tendo corresponder da minha parte, com a maior franqueza e lealdade, ás mui positivas seguranças que V. Sra. me dá, na Sua citada nota, de quanto vivamente dezeja contribuir para esclarecer esta taõ extraordinaria occurrencia, perante o Governo de Sua Magestade Britannica, vem como da melhor vontade, e vehe-mentes desejos do mesmo Governo de dar á Corõa de Portugal da maneira mais prompta e assignalada, a mais plena reparação de qualquer procedimento dos Offi-ciaes Britannicos que possa acharse ter sido offensivo á dignidade da Nação Portu-gueza, tenho a honra de remetter a V. Sra. para seu conhecimento, o incluzo extracto das Instrucções e copias a ellas juntas que na data de hoje se dão por este Ministerio ao Barão da Torre de Moncorvo, para sobre a mesma inaudita occurrencia dirigir a necessaria reclamação ao Governo de Sua Magestade Britannica, a fim de pedir a devida reparação.

Para obter esta, põe o Governo de Sua Magestade toda a confiança na illustrada rectidão e justiça do Governo de Sua Magestade Britannica, bem como nas segu-ranças a este respeito por V. Sra. dadas, como seu digno Representante, e na mesma cooperação de V. Sra. como tão dezejoso da manutenção das relações de estreita amizade e harmonia entre as duas Corõas.

Deus guarde a V. Sra. &c.

(Signed)

CONDE DO BOMFIM.

(Translation.)

Count de Bomfim to Lord Howard de Walden.

MY LORD,

Palace of the Necessidades, December 16, 1839.

IN consequence of the multiplicity of affairs and important duties which weigh heavily upon me, as also of the immediate closing of the mail for London, not leaving it in my power to answer as minutely as I could wish all the contents of your Lordship's note of the 13th instant, by which your Lordship requests me to give the information I am in possession of, respecting the outrages committed by Commander Elliott, of Her Britannic Majesty's brig "Columbine," near Zaire, on

the Coast of Africa, against Portuguese vessels, and the Portuguese flag, and wishing on my part to acknowledge with frankness and loyalty, the most positive assurance which your Lordship gives me in the above mentioned note, of your Lordship's warm wishes to explain such an extraordinary occurrence to Her Britannic Majesty's Government, and of the best inclination and earnest desire of the said Government to make the readiest and most ample reparation to the Crown of Portugal, for any proceeding on the part of British officers, which might be deemed offensive to the dignity of the Portuguese nation, I have the honour to enclose, for your Lordship's information, an extract of the instructions, together with copies annexed to it, which was forwarded by this Government, under this day's date, to Baron da Torre de Moncorvo, in order that he may claim from Her Britannic Majesty's Government due reparation.

Her Majesty's Government places every confidence on the well known uprightness and justice of the British Government, as well as on the assurance given by your Lordship, as its worthy representative, for obtaining the asked for reparation; and no less so on the co-operation of your Lordship to this effect, from your Lordship's warm wishes to preserve the relations of friendship and harmony between the two Crowns.

May God preserve your Lordship, &c.

(Signed)

CONDE DE BOMFIM.

First Sub-Enclosure in Enclosure in No. 151.

Copia das Instrucções que foram dadas ao Señor Barão da Torre de Moncorvo com data de 16 de Dezembro de 1839.

O GOVERNO de Sua Magestade acaba de ser informado das mais extraordinarias violencias, e attentados commettidos pelo Commandante Elliott do brigue de guerra Britannico "Columbine," contra navios e bandeira de Portugal, como consta do extracto junto No. 1, do officio que ao Governo de Sua Magestade dirige o Vice-Almirante Antonio Manoel de Noronha, Governador Geral de Angola, com as Copias No. 2 e 3 a que se refere, bem como per Officio Copia No. 4 de 10 do dito Mez, do Capitão Tenente João Maria Fereira do Amaral, então Commandante da Estação Naval em Loanda.

Da copia No. 2 do Protesto feito pelo Capitão, Piloto, Contramestre, e Despenheiro do brigue escuna Portuguez "*Esperança*," se prova que o dito Commandante do brigue Britannico "Columbine," não só detivera sem justo motivo ao sul do Equador, na Costa d'Africa aquelle navio Portuguez, durante oito dias, tirando lhe por todo esse tempo a sua tripulação, mas abriera a correspondencia que nelle encontrara sem respeitar mesmo hum officio lacrado com o Sello das Armas Reaes de Portugal que o Ministro de Sua Magestade na Corte do Rio de Janeiro dirige ao Governador Geral de Angola, replicando com expressões arrogantes ás observações que sobre este procedimento tão criminoso lhe fizera o Capitão do dito Navio Portuguez Francisco Jeroninio de Mendonça.

Ainda maiores attentados do mesmo Commandante Elliot se provão tanto do citado officio No. 4 do dito Commandante da Estação Naval em Loanda como da Declaração Copia No. 3, que ao Governador Geral d'Angola apresentaraõ Bento Fernandes Salgueiro, e Luis Antonio de Carvalho e Castro, o primeiro delles Capitão, e o segundo sobrecarga do brigue Portuguez "*Paquete de Loanda*."

Foi este Navio visitado pelo dito Commandante Elliot, e por elle detido para presenciar como elle disse, o Castigo que queria dar aos dois Navios Portuguezes "*Neptuno*," e "*Angerona*," cujas tripulações mandou para bordo do dito brigue "*Paquete de Loanda*," mettendo a pique depois a força de tiros de Artilheria os mencionados Navios "*Neptuno*" e "*Angerona*," no ultimo dos quaes tinha sido içada por ordem do dito Commandante Elliot a bandeira Portugueza, e com ella foi submergido.

Não se acharão incursos estes dois Navios nas penas estabelecidas pelas Leis, nem nas disposições dos Tratados que prohibem aos Portuguezes o Trafico da Escravatura, por quanto consta dos mencionados Papeis que o referido Commandante Elliot, valendo-se da authorisação que lhe dava a Convenção assignada em Loanda em 29 de Maio deste anno pelo Vice-Almirante Antonio Manoel de Noronha, Governador-Geral de Angola, e pelo Tenente Tucker da Marinha Britannica, tinha naquella occasião sido ao Zaire para aprezar os navios que se empregassem no Trafico da Escravatura; mas que deixara livres os dous Navios "*Neptuno*"

e "*Angerona*," sem duvida porque nada lhes achára em contravenção ao Decreto de 10 de Dezembro de 1836.

Muitos dias depois hé que o "*Neptuno*" foi abordado de noite e apresado pelos escaleres do "*Colombine*," e só quando ao amanhecer os marinheiros Inglezes tratavaõ de desamarrar violentamente o "*Neptuno*" para o conduzirem para o Mar, he que se diz, que os Pretos de Congo lhes fizeraõ fogo.

Por conseguinte o apresamento precedeo o fogo dos negros, não podia ser este motivo daquelle, nem esse fogo foi feito pela tripulação do "*Neptuno*," como pertendeo asseverar o Commandante Elliot, por quanto a esse tempo já havia muito que a guarnição do "*Colombine*" se havia apoderado do brigue "*Neptuno*" e aprisionado a sua tripulação.

Disto resulta ser indubitavelmente da invenção do Commandante Elliot terem as tripulações dado armas aos negros, quando aliáz he certo e sabido que elles habitualmente dellas estão providos naquellas paragens.

Mas quando tivessem existido justas queixas da parte do Commandante Elliot, contra os ditos Navios, devia elle dirigir as suas reclamações conforme o Direito das gentes á authoridade competente em Angola, onde receberiaõ o merecido castigo as tripulações ou os individuos dellas, que houvessem delinquido.

Ve-se porem manifestamente que o Commandante Elliot não julgavo culpado individuo algum das ditas tripulações, porque até os deixou a todos em plena liberdade, donde he evidente que o seu inaudito procedimento contra os mencionados dous Navios sô teve por alvo a acintosa intenção de ultrajar da maneira mais atrás a Bandeira Portugueza.

Ainda em estado de Guerra não he licito metter a pique os Navios do inimigo senão em casos de extrema necessidade, o qual unicamente pode limitar os deveres de moderação e de humanidade, que para o proprio inimigo manda observar o Direito das Gentes.

Em summa, dos papeis juntos persuade-se o Governo de Sua Magestade que se colhem sobejas provas do insolito comportamento daquelle official, por quanto delles se vê o attentado de violar a correspondencia quebrando o Sello das Armas Reaes; de deter hum Navio sem nelle encontrar objecto algum de suspeita; tirando lhe a sua tripulação durante o espaço de oito dias, e finalmente de metter a pique dous Navios Portuguezes o "*Neptuno*" e "*Angerona*," fazendo primeiro em hum delles içar a Bandeira Portugueza, passando antes disso suas tripulações para bordo do "*Paquete de Loanda*," que obrigou a demorar-se para presenciar este acto inaudito!!!

O facto pois de se haver o Commandante Elliot constituido de motu proprio, apreciador, Juiz, e Executor de taõ horrendos attentados em tudo contrarios ás Leis de Portugal, e da Gram Bretanha, e ao direito das Gentes, he tão revoltante que não precisa commento.

Em consequencia o Governo de Sua Magestade vivamente offendido ordena a V. S^{ra} que reclame do Governo Britannico huma reparação adequada á grandeza do ultrage recebido, e em virtude daqual se faça pesar a força da Lei sobre o delinquente, e se dé conveniente reparação aos donos e mais interessados, dos Navios que tamanhas perdas soffreram.

O Governo de Sua Magestade tem toda a confiança que o Governo Britannico não faltará a praticar este Acto de Justiça em que está empenhada a sua propria honra e elevada reputação de sua Marinha.

Está conforme. Secretaria de Estado dos Negocios Estrangeiros em 17 de Dezembro de 1839.

(Signed)

ANTONIO JOAQUIM GOMES D'OLIVEIRA.

(Translation.)

Copy of the Instructions which were given to the Baron da Torre de Moncorvo under date of December 16, 1839.

THE Government of Her Majesty has just been informed of the most extraordinary acts of violence and excesses committed by Commander Elliot, of the British brig-of-war "*Columbine*," against vessels and the flag of Portugal, as proved by the accompanying extract, (No. 1) of the Despatch which Vice-Admiral Antonio Manoel de Noronha, Governor-General of Angola, addressed to Her Majesty's Government, as well as by the copies of Papers, (Nos. 2 and 3,) to which he refers; and by the Despatch, copy (No. 4,) of the 10th of the said month, from

Captain-Lieutenant Jãoa Maria Ferreira do Amiral, then Commander of the Naval Station at Loanda.

By the copy (No. 2) of the protest made by the Captain, Mate, Master, and Steward of the Portuguese schooner-brig "*Esperança*," it is proved that the said Commandant of the British brig "*Columbine*" not only detained, without just notice, to the south of the Equator, that Portuguese vessel during eight days, withdrawing during all this time her crew, but opened the correspondence which was on board, without respecting even a despatch sealed with the seal of the royal arms of Portugal, which the Minister of Her Majesty at the Court of Rio de Janeiro had addressed to the Governor-General of Angola, replying with arrogant expressions to the observations which the Captain of the said Portuguese vessel, Francisco Jeronimo de Mendonça, made to him upon this very criminal proceeding.

Still greater excesses of the same Commander Elliot are proved, as well by the above-mentioned Despatch, No. 4, from the said Commandant of the Naval Station at Loanda, as by the Declaration, copy No. 3, presented to the Governor-General of Angola by Bento Fernandes Salgueiro and Luis Antonio de Carvalho e Castro, the former Captain and the latter Super-cargo of the Portuguese brig "*Paquete de Loanda*."

This ship was visited by the said Commander Elliot, and detained by him, to be present, as he said, at the punishment which he wished to inflict on two Portuguese vessels, the "*Neptuno*" and "*Angerona*," whose crews he sent on board the said brig "*Paquete de Loanda*," afterwards sinking by, means of discharges of artillery, the above-mentioned vessels "*Neptuno*" and "*Angerona*," on the latter of which the Portuguese flag had been hoisted by order of the said Commander Elliot, and was sent down with the vessel.

These two vessels had not incurred either the penalties established by law or by the stipulations of the Treaties which prohibit the Slave Trade to the Portuguese, inasmuch as the papers above-mentioned prove that the said Commander Elliot, availing himself of the authority given to him by the Convention signed at Loanda on the 29th of May, 1839, by Vice-Admiral Antonio Manoel de Moronha, Governor-General of Angola, and by Lieutenant Tucker, of the British navy, had on this occasion gone to the Zaire to take vessels which might be employed in the Slave Trade, but that he left the two vessels "*Neptuno*" and "*Angerona*," doubtless because he did not find anything on board in contravention of the Decree of December 10, 1836.

Many days afterwards the "*Neptuno*" was boarded in the night and taken by the launches of the "*Columbine*," and it was not till morning, when the English sailors set about to weigh the "*Neptuno*," forcibly, to take her out to sea, that they said that the blacks of Congo had fired upon them.

Consequently the seizure preceded the firing from the negroes, and therefore the latter could not be the motive for the former; neither did this firing proceed from the crew of the "*Neptuno*," as Commander Elliot affects to assert, inasmuch as the crew of the "*Columbine*" had long before got the brig "*Neptuno*" in their power, and imprisoned her crew.

From this it indubitably results that it is an invention of Commander Elliot's that the crews had given arms to the negroes, when moreover it is certain and well known, that they are habitually provided with them in those parts.

But even if just grounds of complaint had existed on the part of Commander Elliot against the said vessels, he ought to have addressed his remonstrances, in conformity to the law of nations, to the competent authority at Angola, where the crews, or the individuals thereof who were guilty, would have received the punishment they deserved.

It further clearly appears, that Commander Elliot did not consider any individual of the said crews to be culpable, because he left them all entirely at liberty: from which it is evident that his unheard of proceeding against the two vessels arose solely from a malicious intention to outrage the flag of Portugal in the most atrocious manner.

Even in a state of war it is not lawful to sink the vessels of the enemy, except in cases of extreme necessity; which can alone be limited by the rights of moderation and humanity, which decree that the law of nations should be observed, even with respect to an enemy.

In fine, Her Majesty's Government is persuaded that in the accompanying papers will be found abundant proofs of the unusual behaviour of that officer; inasmuch, as they show the excess he committed in violating letters, by breaking the seal of the

royal arms; in detaining a vessel, in which nothing suspected was found, taking her crew out of her for the space of eight days; and finally, in sinking two Portuguese vessels, the "*Neptuno*" and "*Angerona*;" first causing the Portuguese flag to be hoisted on board them, and transferring their crews on board the "*Paquete de Loanda*," which he obliged to stay to be present at this unheard of deed!!!

The fact, then, of Commander Elliot's having constituted himself, seisor, judge, and executer of excesses so horrible, and so entirely contrary to the laws of Portugal and of Great Britain, and to the law of nations, is so revolting that it needs no commentary.

Consequently the Government of Her Majesty vitally offended, commands your Lordship to claim from the British Government a reparation adequate to the greatness of the outrage received, and by virtue of which the power of the law shall be made to lie heavy on the delinquent, and fit reparation be made to the owners and others interested in the vessels who have suffered such great losses.

The Government of Her Majesty has entire confidence that the British Government will not fail to perform this act of justice, in which her own honour and the high reputation of her navy are concerned.

(A True Copy.)

(Signed) ANTONIO JOAQUIM GOMES D'OLIVEIRA.

Office of the Secretary of State for Foreign Affairs,
December 17, 1839.

Second Sub-Enclosure in Enclosure No. 151.

No. 1. (Extracto.)

Angola. Governador-General. No. 95.

ILLUSTRÍSSIMO E EXCELENTÍSSIMO SENHOR, *Loanda, 9 d'Outubro de 1839.*

No dia 28 de Setembro ultimo, entrou vindo do Rio de Janeiro o brigue escuna Portuguez "*Esperança*" cujo Capitão me entregou o Protesto, que remeto por Copia No. 5, e no 1 do corrente entrou o brigue Portuguez "*Paquete de Loanda*" que daqui tinha sahido para Ambriz, cujos Capitão e Sobrecargo me entregaram a declaração Copia No. 6, em que mencionam os attentados feitos pelo Commandante do brigue de guerra Inglez "*Columbine*," filho do Almirante que está no Cabo de Boa Esperança. Como este Protesto tem parte a quem pertender seguir os meios judiciais, o remetti simplesmente ao Juiz ordinario; mas como o objecto da declaração não pode ser outro mais, que servir de fundamento á justa e energica reclamação do Governo de Sua Magestade para obter do Governo Inglez a devida satisfação, e descontinuação de taes attentados me pareceo dever remettela ao Delegado do Procurador da Corôa. Logo que os Processos estejão findos, remetterei copias a V. Ex.^a, ao Ministro Figaniere Mourão, e escreverei ao Almirante Inglez no Cabo de Boa Esperança, a fazer-lhe sentir a reprehensivel Conducta do Commandante do "*Columbine*," exigindo delle uma satisfação, cuja correspondencia submetterei a approvação de V. Ex.^a logo que ella se verifique.

Deos guarde V. Ex.^a.

(Signed) ANTONIO MANOEL DE NORONHA.

Está conforme. Secretaria de Estado dos Negocios Estrangeiros em 17 de Decembro de 1839.

(Signed) ANTONIO JOAQUIM GOMES D'OLIVEIRA.

Illustrissimo e Excellentissimo Senhor Visconde de Sá da Bandeira,
&c. &c. &c.

(Translation.)

No. 1. (Extract.)

Angola. Governor-General. No. 95.

Loanda, October 9, 1839.

ON the 28th of last September arrived, coming from Rio de Janeiro, the Portuguese schooner brig "*Esperança*," whose Captain delivered to me the Protest No. 5; and on the 1st instant arrived the Portuguese brig "*Paquete de Loanda*," which had sailed from hence for Ambriz, and whose Captain and Supercargo handed to me the Declaration No. 6, setting forth the outrages committed by the Commander of the English brig "*Columbine*," the son of the Admiral stationed at the Cape of Good Hope. As this Protest is made by a party that must proceed at law, I merely transmitted it to the ordinary Judge; but as the

Declaration can have no other object, than that of being made the ground of a just and energetic Reclamation by Her Majesty's Government, with a view to obtain from the English Government due reparation for, and discontinuance of, the like outrages, I judged it my duty to send it to the Delegate of the Procurator of the Crown. The moment the proceedings are closed I will transmit copies to your Excellency and to the Minister Figanière Mourão. I have also written to the English Admiral at the Cape of Good Hope, to let him know the reprehensible conduct of the Commander of the "Columbine," and to demand satisfaction of him. As soon as I receive an answer I shall send your Excellency copies of the correspondence.

God preserve your Excellency,

(Signed) ANTONIO MANOEL DE NORONHA.

The Illustrious and Excellent Viscount de Sá da Bandeira,
 &c. &c. &c.

Third Sub-Enclosure in Enclosure in No. 151.

No. 2.

Termo de Protesto que fazem Francisco Jeronimo de Medonça, Capitão do brigue escuna Portuguez "Esperança" o Piloto, o Contramestre, e Dispenseiro do mesmo brigue, precedente em viagem do Rio de Janiero para Loanda.

Aos dezeseis dias do corrente mez de Setembro de 1839, achando nos navegando na latt. sul 5° 39', e long. oriental, contando segundo o meridiano de Greenwich 11° 30', fomos encontrados por hum brigue de guerra Inglez, que nos fez atraveçar, e botando o bote fora veio o Commandante do dito brigue a nosso bordo, e soubemos então ser o brigue de guerra Inglez "Columbine." Chegado que fôsse a nosso bordo pedirão ao Capitão todos os papeis do Navio, inclusivamente todas as Cartas e papeis, fechados, e que junto com hum Marinheiro saltase no bote d'elle com o Commandante, e os levarão para bordo do brigue guerra "Columbine." Chegados a bordo do dito brigue examinarão todos os papeis abrindo aquelles que estavam fechados, nesta occazião lhe advertio o Capitão do brigue escuna "Esperança" que naquelles papeis vinha hum Officio do Ministro de S. Magestade Fidelissima na Corte do Rio de Janeiro, fechado com o Sello das Armas Reaes, para S. Ex^{ca} o Senhor Governador-Geral desta Provincia, a que o Commandante Inglez respondeo, que todos os papeis, cartas, e officios, e o proprio Governador-Geral de Angola, que alli estivesse, tudo iria para Serra Leõa. No fim de 24 horas de retenção a bordo do brigue de guerra Inglez, o Capitão Francisco Jeronimo de Mendonça, e com elle o referido Marinheiro; fizeram os passar outra vez para bordo do brigue escuna "Esperança," do qual fizeram sahir toda a Tripulação para bordo do "Columbine," guarnecedo o brigue escuna "Esperança;" hum tenente, e doze Marinheiros Inglezes, o tenente tomando conta do commando do Navio, pondo, e dispondo, como se fôsse propriedade sua fazendo mariar o Navio para a ponta do Padrão; adonde fundearão o "Esperança," e o brigue de guerra Inglez amarrou para o Norte. Os Inglezes que estavam a bordo dicerão que hião para Luango, alli estiverão fundeados 7 dias. Durante e estada dos Inglezes a bordo, mui principalmente quando dormia o Tenente, os Marinheiros remechião, tudo fazendo grandes destroços nos mantimentos e bebidas, inutilizando a maior parte, não bulindo em nada do Carregamento, e tão somente dos sobreceletes do navio tirarão duas pessas de brim, que cortarão em calças, e repartirão entre si marinheiros, ficando alguns retalhos a bordo. No dia vinte e tres chegou o brigue "Columbine," o Commandante deste entregou todos os papeis que tinha, levando cartas, nas quaes se comprehendiao officio que vinha para S. Ex^{ca}. teno posto no mesmo novo fecho de lacre com hum sinete, em lugar do que trazia com as Armas Reaes Portuguezas, que tinha sido quebrado quando foi aberto pelo referido commandante Inglez, fazendo igualmente entrega ao "Esperança," da sua respectiva Tripulação, e de dois Negros Cormanos para os trazer para Angola, e nos disse que seguissemos para a nossa viagem, sem que o Commandante desse desculpa alguma, ou alegasse motivo com que pertendesse justificar sua conducta, antes dando a entender pelo modo arrogante com que sempre se portou, se julgou com o direito de cometer tantos attentados contra a liberdade do commercio, dignidade e independencia da nação Portugueza. Em vista de taes successos protestamos pelo ultrage feito ao Governo Portuguez, pelo attentado commettido na abertura do Officio que vinha para S. Ex^{ca}. e pelos prejuizos, e avarias occorridas n'aquelles cito dias de detenção contra o Commandante do brigue de guerra Inglez "Columbine" como

autor de taes atentados e perdas, tendo alem disto o Capitão vinte e quatro presos a bordo do sobredito brigue de guerra a fím de que a nossa responsabilidade fique resalvada, e a authoridade do primeiro porto a que chegar, se algum contratempo nos obrigar a entrar em outro, antes do de Loanda, possa tomar conhecimento deste atentado, e dar as providencias que o caso exige,

Para o que lançamos este termo que vai por nos assignado. A bordo do brique escuna Portuguez "*Esperança*," sobre a vella em 24 de Setembro de 1839.

(Signed) FRANCISCO JERONIMO DE MENDOUZA, *O Capitão.*
 JOZE EZEQUIEL GOMES DA SILVA, *O Piloto.*
 JOZE ROQUE DE OLIVEIRA, *Contra Mestre.*
 ANTONIO FERNANDES VIANNA, *Dispenseiro.*

Está conforme. ANTONIO PEDRO DE CARVALHO.

Está conforme. Secretaria de Estado dos Negocios Estrangeiros em 17 de Dezembro de 1839.

(Signed) ANTONIO JOAQUIM GOMES D'OLIVEIRA.

(Translation.)

Protest of Francisco Jeronimo de Mendonza, Captain of the Portuguese Schooner Brig "Esperanza;" of the Steersman; of the Boatswain; and of the Steward of the said Brig, proceeding on their voyage from Rio de Janeiro to Loanda.

On the 16th of the current month of September, 1839, when we were navigating in lat. south 5° 39', and long. east of Greenwich 11° 30', we were met by an English brig, which made us bring to. Having put out a boat, her Commander came on board our vessel, and we then learned that it was the "Columbine." He demanded from the Captain all the ship's papers, inclusive of all letters and sealed papers, and desired him to come, attended by a sailor, into his the Commander's boat. They went on board the "Columbine," whose Commander opened all the papers, unsealing those that were closed. The Portuguese Captain observed to him, that among these papers there was a Despatch from the Minister of Her Most Faithful Majesty at the Court of Rio de Janeiro, sealed with the royal arms, to his Excellency the Governor of this Province, to which the English Commander replied, that all the letters, papers, and despatches, as well as the Governor-General of Angola himself, would be sent to Sierra Leone. Having been detained 24 hours on board the brig, Captain Mendouza, and the sailor above-mentioned, were sent back to the "*Esperanza*," in order to transfer the whole crew on board the English brig, the "*Esperanza*" being left in charge of a Lieutenant and 12 English sailors, the Lieutenant ordering and arranging everything as if the vessel were his property. He directed her to cast anchor at Point Padrao, while the English brig anchored to the northward. The Englishmen on board said they were going to Luango, where they remained seven days at anchor. The Englishmen while on board, particularly when the Lieutenant was asleep, rummaged everything, making great havoc among the provisions and liquors, and wasting more than they consumed. They, however, did not touch the cargo, only laying hands on the appointments of the ship. Thus they took two pieces of canvass, which they cut up into trousers, and distributed them among themselves, leaving a few remnants behind. On the 23d the "Columbine" arrived, and the Commander returned all the papers of which he had possessed himself, also the despatch for his Excellency, which had now a fresh seal, but not the royal Portuguese arms, which latter had been broke open by the English Commander; he also superintended the restitution of the crew to the "*Esperanza*," along with the two Corman Negroes, who were to be conducted to Angola, whereupon he told us that we now might prosecute our voyage. He made no excuse whatever, nor did he offer any reason for palliating his conduct; on the contrary, his bearing was arrogant, as if he had a right to offer such insults to the liberty of commerce, dignity, and independence of the Portuguese nation. Referring to the above occurrence, we protest against the outrage offered to the Portuguese Government, by the audacity of opening the Despatch addressed to his Excellency, and against the prejudices and damages committed during those eight days of detention by the Commander of the English brig "Columbine," as the author of those outrages and losses. The Captain having besides 24 prisoners on board from the English brig, in order to ensure our responsibility, and with the view that the first authority of the port where he shall arrive, in

case stress of weather or some accident should oblige him to enter any other previous to that of Loanda, may take cognizance of this outrage, and adopt such measures as the case shall require,

We have drawn up this Protest, which is signed by us, on board the Portuguese schooner brig "*Esperanza*," under sail, the 24th September, 1839.

(Signed) FRANCISCO JERONIMO DE MENDONZA, *Captain*.
JOZE EZEQUIEL GOMES DA SILVA, *Steersman*.
JOZE ROQUE DE OLIVEIRA, *Boatswain*.
ANTONIO FERNANDES VIANNA, *Steward*.

A true Copy. Secretary of State's Office for the Affairs of the Marine and the Possessions beyond sea the 13th of December, 1839.

(Signed) ANTONIO PEDRO DE CARVALHO.

Fourth Sub-Enclosure in Enclosure in No. 151.

No. 3.

The Master and Supercargo of the "Paquete de Loanda," to the Governor-General of Angola.

Loanda 1º de Outubro de 1839.

ILLUSTRISSIMO E EXCELLENTISSIMO SENHOR.

Os abaixo assignados Capitaõ e Sobrecarga do brigue Portuguez "*Paquete de Loanda*," apresentaõ a consideraçã de V. Ex^{ca}. a exposiçã de que acabã de observar no decurso da sua viagem. No dia 22 de Setembro do corrente anno estando fundeado o brigue "*Paquete de Loanda*," na ponta da Moita seca embocadura do Rio Zaire, às seis horas e meia da tarde fui revistado pelo Commandante do brigue de guerra Inglez o "*Colombian*," e depois de ver os despachos do brigue, fazer revista no Porao, e mais agazalhados; às dez horas da noite nos participou que no dia seguinte se elle se fizesse de vella, podiamos seguir nosso destino, e quando naõ, elle mandaria dizer o que deviamos fazer. As seis horas da manhã do dia 23, o brigue "*Colombian*" já andava velligando, e foi dar fundo proximo a ponta do Padraõ, onde se achavaõ três Embarcações que depois soubemos serem o brigue escuna Portuguez "*Esperança*," a escuna Portugueza, "*Angerona*," e o brigue Portuguez "*Neptuno*." Naquella occasiã tambem nos fizemos de Vella para o nosso destino, e estando proximo daquelle lugar, nos foi ordenado que dessemos fundo, e teriaõ passado quatro horas de tempo, veio o Commandante do brigue "*Colombian*" a nosso bordo de jaqueta azul e chapeo branco de castor acompanhado de outros officiaes de sobrecazaca que depois soubemos ser o Commissario, ou Escrivã, e nos dice junto ao porta-lo de Estribordo por estas formaes palavras. Eu tenho retido o seu brigue por que quero que veja eu ir meter a pique a escuna "*Angerona*," e o brigue Portuguez "*Neptuno*," por que tendo eu mandado o meu escaler ao Congo elles lhe fizeraõ fogo, e deraõ armas aos Negros do Paiz para o fazerem tambem, e para outra véz serem respeitados os escaleres, eu vou fazer este exemplo, e Vm^{ces}. podem dizer isto mesmo ao Senhor Governador de Loanda, e continuou, eu cumplo com as minhas ordens, e se a minha Rainha mandar que eu pague; eu as pagarei; mas hei-de metelas a pique Vm^{ces}. hã de levar ao seu bordo os prizioneiros para os deitar onde quizerem. No outro dia 24 de Setembro as quatro horas da tarde na lati. 6º 15' long. 12º 2', vinhamos nos no bordo de terra, e vimos o brigue o "*Colombian*" em conserva da escuna "*Angerona*," e brigue "*Neptuno*," depois de atravessarem o pano das duas prezas demorava a escuna a bombordo, e o brigue "*Neptuno*" a estribordo, e principiou o "*Colombian*" a fazer fogo á escuna ás quatro horas da tarde, e ás quatro e dez minutos foi a escuna a pique, tendo a Bandeira Portugueza no mastro grande!! seguio-se depois a destruiçã do brigue "*Neptuno*," que durou até as quatro horas e cincoenta e oito minutos. Nos devemos Ex^{mo}. Snr. pór termo á esta narraçã, que muito deve ter mortificado o Coraçã de V. Ex^{ca}. mas tambem naõ devemos omitir a menor circumstancia de que fomos testemunhos forçados. Em primeiro-lugar dizemos a V. Ex^{ca}. que soubemos do Capitaõ do brigue "*Neptuno*" por nome Raimundo Antonio de Lima, que o Proprietario é Jozé Domingues de Azevedo Ramos, sahio o brigue de Lisboa a 21 de Março do corrente anno com Passaporte para Monte Video com Escala por Cabo Verde, e S^m. Thomé onde chegou a 12 de Maio, e alli mudou o seu destino para S^m. Thomé com Escalla pelo Continente de Africa, e seguio o seu destino a 26 de Maio. Constou nos que ja havia sido revistado duas vezes, e que a terceira véz fora o escaler do "*Colombian*" ás três horas da noite apreza-lo, e que ao amanhecer os Negros do Paiz entraraõ a

CLASS B.

fazer fogo de terra para o brigue aprezado com o fim de obstar a que o levassem; o brigue tinha lastro de ferro, seis Pipas d'Agoa, algumas de Agoardente, e pouca fazenda de Lei, o resto de seu carregamento estava em terra. A escuna "*Angerona*," não sabemos mais do que se achava alli arribada com os Mastros rendidos. Jinha quantidade de Polvora, e Agoardente, e mais carregamento em Terra, e por os prisioneiros soubemos que depois de trazerem o brigue "*Neptuno*" prisioneiro he que voltaraõ a ponta de Linha, e trouxeraõ tambem a escuna, dizendo, que delle haviaõ dado Espingardas aos Negros do Paiz, para se lhe fazer fogo. Desta trouxerão sómente o Piloto, e quatro Marinheiros, e todos os Papeis, e despachos da escuna que não entregaraõ nem deraõ declareza. Tanto os Officiaes do brigue, como da escuna deixei em Ambriz por assim mo pedirem, e alguns seguiraõ de Ambriz ao Zaire onde lhe tinhaõ ficado sua roupa. O brigue escuna Portuguez, "*Esperança*," soubemos que esteve prisioneiro sete dias, e que ficou livre no dia 23, e que se fez de Vella no dia 24 de Setembro ao amanhecer. Temos mais a levar a presança de V. Ex^{ca}. que em todo o tempo que fomos prisioneiros não recebemos nenhum insulto; mais antes fomos tratados com muita urbanidade pelo Commandante do Brigue "*Colombian*," muito principalmente depois que vio que os meus Despachos estavaõ rubricados por S. Ex^a, e que tinha prestado fiança na secretaria do Governo, de não empregar o Navio directa nem indirectamente em Negocio de Escravos.

Nos asseveramos V. Ex^{ca} que somos com profundo respecto, &c.

(Signed) BENTO FERNANDES SALGUEIRO, *Mestre do Brigue.*
LUIS ANTONIO DE CARVALHO E CASTRO, *Sobrecarga.*

Está conforme. Secretaria Geral do Governo do Provincia de Angola, e suas Dependencias 8 de Outubro de 1839. Na falta do Secretario, o Official Maior.

(Signed) BOAVENTURA DE LEMOS SIMEAO.

Está conforme.

(Signed) ANTONIO DE CARVALHO.

Está conforme. Secretaria de Estado dos Negocios Estrangeiros em 17 de Dezembro de 1839.

(Signed) ANTONIO JOAQUIM GOMES D'OLIVEIRA.

(Translation.)

Loanda, October 1, 1839.

MOST ILLUSTRIOUS AND MOST EXCELLENT SIR,

THE undersigned Captain and Supercargo of the Portuguese brig "*Paqueta de Loanda*," present, for your Excellency's consideration, the statement of what they have observed during the course of their voyage.

On the 22d September of the present year, the brig "*Paqueta de Loanda*," lying at anchor at Point Moita-seca, mouth of the river Zaire, at half-past six in the evening, was boarded by the Commander of the English brig "*Columbine*," who, after looking over the brig's papers, examined the hold, and other store-rooms, and at ten o'clock told us that on the day following, when he should put to sea, we might pursue our voyage, and in case he did not, he would let us know how to act. At six o'clock in the morning on the 23d, the "*Columbine*" already weighed anchor, and took her station near point Pedraõ, where three vessels were lying, which we afterwards understood to be the Portuguese schooner brig "*Esperanza*," the Portuguese schooner "*Angerona*," and the Portuguese brig "*Neptuno*." While preparing to proceed on our voyage, and being near the place just mentioned, we were directed to drop anchor. In about four hours the Commander of the "*Columbine*" came on board our ship, dressed in a blue jacket and white beaver hat, and accompanied by another Officer in a great-coat, whom we afterwards learned to be the Ship's Clerk. Standing near the starboard gangway the English Commander addressed us in the following terms:—I have purposely detained you, that you should be witnesses to my sinking the schooner "*Angerona*," and the Portuguese brig "*Neptuno*," because when I had ordered my barge to Congo they fired on her, and supplied the negroes of the country with arms to discharge them at us likewise; now, in order that the barges may be another time respected, I intend making this example, and you, gentlemen, may report this to the Governor of Loanda. I, he continued, hereby act in compliance with my orders. Should my Queen command me to pay for these vessels, I will do so, but I must sink them. You, gentlemen, will take on board your ship the prisoners, to put them on shore wherever you please. Next day, the 24th September, at four in the afternoon, being in latitude 6° 15' and longitude 12° 2' we made the coast, and saw

the "Columbine" conveying the "Angerona" and "Neptuno." These two vessels having been brought to, the "Angerona" was placed on the larboard side, and the "Neptuno" on the starboard one, when the "Columbine" opened her fire on the "Angerona" at four o'clock P. M., which vessel was sunk in fourteen minutes, having the Portuguese flag flying on the mainmast. Then followed the destruction of the "Neptuno," which was completed at four o'clock and fifty-eight minutes.

Excellency, we here conclude our narrative, which must have wrung your Excellency's heart. We ought not, however, omit any particular to which we were compelled to be witnesses. In the first place we acquaint your Excellency, that we understood from the Captain of the "Neptuno," Rosimundo Antonio de Lima, that her Owner is Joze Domingues d'Ayvedo Ramos, and that the "Neptuno" sailed from Lisbon on the 21st March of the current year, being under an engagement to call at Cape Verd and St. Thomas', where she arrived on the 12th May. She now changed her destination for St. Thomas', having to call at the continent of Africa, and on the 26th May she was prosecuting her voyage. We knew that she had already been boarded twice; that the third time the barge of the "Columbine," at three o'clock in the morning, captured her; and that at day-break the blacks of the country came down to fire from the shore on the captured vessel, their intention being to prevent her being carried off. The brig had taken in iron by way of ballast, and had six pipes of water, some few of brandy, and a trifle of permitted merchandize, the remainder of her cargo being on shore. The "Angerona," as far as we could learn, had lost her masts when she entered; she had laden a great deal of gunpowder and brandy, and the remainder of her cargo was on shore. From the prisoners we learned that, after the "Neptuno" had been captured, they returned to point Lintra, and brought likewise the schooner, saying, it was from her that muskets had been distributed to the negroes of the country, on purpose that they might fire on her. Out of the "Angerona" they only took the steersman and four sailors, together with all her papers and despatches, without giving any receipt. The Officers of the "Neptuno," as well as of the "Angerona," I left, at their own request, at Ambriz, and some repaired from thence to the Zaire, as they had left their luggage there. The "Esperanza" we understood to have been prisoner for seven days, that she was released on the 23d, and that she set sail on the 24th, in the morning. We have also to acquaint your Excellency that, during all the time we were prisoners, no insult was offered us, but that we were rather treated with great urbanity by the Commander of the "Columbine," especially when he had found that my Despatches were signed by your Excellency, and that I had given security in the Secretary of Government Office, not to employ the ship directly or indirectly in the Slave Trade.

We assure your Excellency that we are, with profound respect and high consideration, your Excellency's obedient servants,

(Signed)

BENTO FERNANDES SALQUEIRO,

Master of the brig,

LUIZ ANTONIO DE CARVALHO E CASTRO,

Supercargo.

A true Copy. General Office of the Government of the Province of Angola and its Dependencies, 8th October, 1839, &c.

Fifth Sub-Inclosure in Inclosure No. 151.

No. 4.

The Commandant of Loanda to the Minister of Marine.

(Copia.)

ILLUSTRISSIMO ET EXCELLENTISSIMO SENHOR.

DEPOIS do meu relatorio do mez de Setembro, que tive a honra de dirigir ao Sen. Major-General para levar ao conhecimento de S. Ex. entrou o brigue de guerra Inglez "Brisk," que se dizia vindo do Cabo de Boa Esperança, e que fez um Contracto com o Governador de Benguela para a compra de certo numero de Bois, e trouxe hum Officio do Almirante do Cabo para o Governador-Geral. Nada mais de novo tem occorrido nesta Provincia, mas sobre a costa, a Bandeira Portugueza foi metralhada pelo Capitaõ Tenente Elliot Commandante do brigue de guerra Inglez "Columbine."

Entre alguns Navios Portuguezes que estavaõ no Zaire, havia o brigue "*Neptuno*" sahido de Lisboa, e a escuna "*Angerona*," sahida de Loanda.

Tendo sido os cruzadores Inglezes authorizados pela Convenção de 29 de Maio feita por S. Ex. o Vice-Almirante Noronha, e o Capitão Tenente Tucker Commandante do brigue Inglez "*Wolverine*" para coadjuvarem S. Ex. no cumprimento do que o Governo de S. M. F. tem ordenado ao Governador-Geral de Angola e suas dependencias; os Inglezes apreza-raõ no Zaire, os Navios Portuguezes que lá estavaõ, deixando livres o "*Neptuno*," e a "*Angerona*," naturalmente porque nada lhe achavaõ em contravenção, ao Decreto de 10 de Dezembro de 1836. Mas muitos dias depois ás três horas da noite, o brigue "*Neptuno*" foi abordado e aprezado pelos escaleres do "*Colombine*;" e quando de madrugada os Inglezes desammaravaõ o Navio, os Negros do Congo fizeraõ lhe fogo, depois do que levaraõ tambem o "*Angerona*" para a Ponta do Padraõ pretextando que as guarniçoës destes Navios tenhaõ ajudado os pretos naquelle attentado. O Commandante do "*Colombine*," registando o brigue Portuguez "*Paquete de Loanda*" o reteve 24 horas para que presenciassse, (disse o Inglez,) e desse parte ao Governador d'Angola do castigo exemplar que hia fazer em dois Navios Portuguezes; metteu as suas respectivas guarniçoës a bordo do sobredito brigue, mandou içar a bandeira Portugueza no tope grande da escuna "*Angerona*," o que não poude fazer no brigue "*Neptuno*," porque o seu Capitão a tenha subtrahido aos apresadores levando a embrulhada em uma esteira; collocou a Navio entre as duas prezas, e as metteu a pique con bandas de artilheria, metralhando assim a bandeira Portugueza no acto de metter no fundo a mesma "*Angerona*."

Tal procedimento não podia deixar de despertar em mim, e na Guarnição do meu Commando dezejos de vingança, o que communiquei immediatamente a S. Ex. o Governador. Já o mesmo Commandante a bordo do brigue escuna "*Esperança*" ultimamente entrado neste Porto, tinha partido o Sello Real, abrindo um Despacho que o nosso Diplomata no Rio de Janeiro o Snr. Figaniere mandava para o Governador-Geral desta Provincia. Hé por estes, e outros accontecimentos, Ex. Sr. que novamente peço a S. M. se digne mandarme retirar desta estação, porque eu não sei como conter a minha guarnição no caso de encontrarmos o inconsiderado Commandante do brigue "*Colombine*;" tanto mais que todos estamos convencidos que taes irregularidades não podem ser authorizadas, e muito menos ter sido ordenadas pelo Governo de S. M. Britannica. Deos Guarde, &c. Bordo da curveta "*Urania*," surta em Loanda, 10 de Outubro de 1839. Ill. e Ex. Senr. Ministro e Secretario de Estado dos Negocios da Marinha,

JOAO M. F. D'AMARAL, *Cap. Ten. Comm.*

A. P. DE CARVALHO.

Está conforme.

Está conforme. S.^a d' E.^o dos Negocios Estrangeiros em 18 de Dezembro de 1839.

(Signed)

ANTONIO GOMES D'OLIVEIRA.

(Translation.)

MOST ILLUSTRIOUS AND MOST EXCELLENT SIR,

SINCE my Report of September, which I had the honour to address to the Major-General for your Excellency's information, the English brig "*Brisk*" came in, saying she came from the Cape of Good Hope, and had made a contract with the Governor of Benguela for the purchase of a number of bullocks; she brought a letter from the Admiral at the Cape to the Governor-General.

In this province nothing new has occurred, but off the coast the Portuguese flag has been fired upon with grape, by Lieutenant Elliot, of the English brig "*Columbine*." Among some Portuguese ships lying in the Zaire, there were the Portuguese brig "*Neptuno*," coming from Lisbon, and the schooner "*Angerona*," which had proceeded from Loanda. The English cruizers having been authorized by the Convention of the 2d of May, concluded by his Excellency Vice-Admiral Noronha, and Captain-Lieutenant Tucker of the English brig "*Wolverine*," to assist his Excellency in executing what the Government of Her Most Faithful Majesty has required of the Governor-General of Angola, and its Dependencies, the English captured in the Zaire the Portuguese ships lying there at anchor, leaving, however, free, the "*Neptuno*" and "*Angerona*;" of course because they found nothing in them that was contrary to the Decree of 10th December, 1836. Many days after the "*Neptuno*" was, at three o'clock in the morning, taken by the barges of the "*Columbine*;" and when the English, very early in the morning, unmoored the ship, the negroes of the Congo fired on her, whereupon the English also carried

off the "*Angerona*" to Point Padrao, alleging that the crews of these ships had aided the blacks in that outrage.

The Commander of the "*Columbine*," after searching the Portuguese packet from Loanda, retained her for 24 hours, to make her witness, (as the Englishman said,) and cause her to report to the Governor of Angola, the exemplary chastisement he was about to inflict on the two Portuguese ships. Having sent their respective crews on board the said brig, he ordered the Portuguese flag to be hoisted on the maintopmast of the "*Angerona*," (which he was unable to do on board the "*Neptuno*," because her Captain had concealed the flag from the Captors by wrapping it up in a mat;) he placed his ship between the two prizes and sunk them by broadsides, thus firing with grape-shot at the Portuguese flag, in the act of submerging the "*Angerona*." Such a proceeding could not fail to give rise in me, and the garrison under my command, to a desire of vengeance, as I intimated immediately to his Excellency the Governor.

The Commander in question, when on board the "*Esperanza*," which lately entered this port, had already broke the Royal Seal, and opened a Despatch which our Minister at Rio de Janeiro, Senhor Figanière, had addressed to the Governor-General of this Province.

These, and other occurrences, most excellent Sir, impel me once more to solicit Her Majesty to direct my removal from this station, because I am at a loss how to check my garrison in case we should meet with the inconsiderate Commander of the brig "*Columbine*;" so much the rather, as we are all convinced that such irregularities cannot be authorized, and much less can have been ordered, by the Government of Her Britannic Majesty. God preserve your Excellency. On board the corvette "*Urania*," at anchor in Loanda, the 10th October, 1839.

To the most illustrious most excellent Minister and Secretary of State for the Affairs of the Marine.

(Signed) JOAO MARIA FERREIRA DO AMARAL,
Commanding Captain-Lieutenant.

(A true Copy.)

ANTONIO PEDRO DE CARVALHO.

(A true Copy.) Secretary of State's Office for Foreign Affairs, 16th December, 1839,
ANTONIO JOAQUIM GOMES D'OLIVEIRA.

No. 152.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, December 31, 1839.

I HAVE to acquaint your Lordship, that, on the 9th of February last, the brig "*Braganza*," Manoel de Vascimento Moreira, Master, was met with under Portuguese colours by Her Majesty's brigantine "*Termagant*," in latitude 5° 53' North, and longitude 57° East, proceeding on a slave-trading voyage to Lagos, and was detained and taken to Sierra Leone, upon suspicion of being in reality a Spanish vessel fitted out for Slave Trade. That suspicion turned out to be just; for, on examination of the papers and of the prisoners on board the "*Braganza*," it appeared that she was a Spanish vessel; that her Owner was Juan Menendez, of Corunna; that her real name was the "*Vigilante*;" that she had been used in legitimate trade between Corunna and the Havana, but that the Owner, having determined to employ her in the Slave Trade, had sent her to Lisbon, in order to procure for her at that place a Portuguese character, so as to evade the penalty to which she would be subject, if she engaged in the Slave Trade with her Spanish character. An agent of the Owner went, as it appears, with her to Lisbon, and effected at that place a nominal sale of the vessel. Immediately after this sale, the name and character of the vessel were changed; the Spanish brig "*Vigilante*," owned by Juan Menendez, of Corunna, was transformed into the Portuguese brig "*Braganza*," owned by Antonio Jozé de Oliveira Chambria, a person whose occupation was that of fitting out ships at Lisbon.

The very day after the sale, the authorities at Lisbon registered the vessel as a Portuguese merchant-vessel, and stated, in a Certificate with which they furnished the vessel, that the vessel was registered as a Portuguese merchant-vessel, in strict conformity with the Decree of the 16th January, 1837.

In the character of a Portuguese vessel, she cleared out from Lisbon for Bordeaux. On leaving Lisbon the vessel returned, however, immediately to Corunna

from whence her real Owner sent her out to the Coast of Africa, upon that slave-trading voyage, in the prosecution of which she was captured.

I send to you copies of the papers connected with the sale of this vessel, and the grant of Portuguese papers to her, which proceedings, it appears, took place at Lisbon under the sanction of the Intendant of Marine of that city, in open violation of the Decree of the 16th January, 1837.

You will communicate this statement to the Portuguese Government, in order that they may take such measures as may be necessary thereupon.

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

(Signed) I am, &c.
PALMERSTON.

Enclosure in No. 152.

See Enclosure No. 2, in Despatch from Her Majesty's Commissioners to Viscount Palmerston. *Sierra Leone, April 8, 1839.*

(Class A., page 73.)

No. 153.

Viscount Palmerston to Lord Howard de Walden.

(Extract.)

Foreign Office, December 31, 1839.

I HAVE received your Lordship's Despatch, of the 16th December, 1839, enclosing a copy of a note, which you had presented to the Count de Bomfim, upon the subject of certain proceedings, alleged to have been adopted in the river Zaire by Captain Elliott, of Her Majesty's schooner "Columbine," towards the Portuguese vessels, the "*Neptuno*" and the "*Angerona*."

In the present state of the relations between Portugal and Great Britain, it would have been more advisable for your Lordship to have remained silent upon a matter, upon which you had not received any communication from the Portuguese Government; and, even if you had received from that Government any complaint or any demand for redress, it would have been sufficient for you to have acknowledged the receipt thereof, and to have said that you would transmit it for the consideration of your Government.

Under these circumstances, I have to desire your Lordship to inform the Count de Bomfim, that you are instructed to withdraw your note above mentioned, and that it is to be considered as cancelled.

PORTUGAL. (*Consular.*)

No. 154.

Viscount Palmerston to Her Majesty's Consuls at Lisbon, and the Cape Verd Islands.

Foreign Office, June 29, 1839.

Circular sending Papers presented to Parliament.

(See No. 1.)

No. 155.

Mr. Hunt to Viscount Palmerston.

British Consulate, St. Michael's, July 20, 1839.

(Received August 12.)

MY LORD,

I HAVE the honour to report to your Lordship the arrival at this port of Her Most Faithful Majesty's packet "Fayal," a schooner mounting four guns, after a passage of 50 days from Angola.

The "Fayal" has on board three prisoners, Officers of the Portuguese merchant-brig "*Maria Virginia*," burthen about 200 tons, captured off Princes' Island by Her Most Faithful Majesty's corvette "Diana," for a breach of the Slave Trade Laws. The prize, with the remainder of her crew, has been sent to Lisbon for trial.

The "Fayal" reports that she has left two Portuguese corvettes, of 24 guns, the "Orania" and "Isabel," on the Coast of Africa, employed in the suppression of the Slave Trade.

I have, &c.

(Signed)

THOMAS CAREW HUNT.

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

&c.

&c.

&c.

No. 156.

Viscount Palmerston to Her Majesty's Consuls at Lisbon and the Cape Verd Islands.

Foreign Office, August 25, 1839.

Circular sending Address of the House of Lords.

(See No. 7.)

No. 157.

Viscount Palmerston to Her Majesty's Consuls at Lisbon and the Cape Verd Islands.

Foreign Office, September 3, 1839.

Circular sending Act for the Suppression of the Slave Trade.

(See No. 11.)

No. 158.

Viscount Palmerston to Her Majesty's Consuls at Lisbon and the Cape Verd Islands.

Foreign Office, October 12, 1839.

Circular on Negotiations with Portugal.

(See No. 15.)

No. 159.

Viscount Palmerston to Her Majesty's Consuls at Lisbon, the Cape Verd Islands, and Santos.

Foreign Office, October 12, 1839.

Circular sending two Notes from Lord Howard de Walden to the Portuguese Minister, to be reprinted.

(See No. 61.)

No. 160.

Viscount Palmerston to Her Majesty's Consuls at Lisbon and the Cape Verd Islands.

Foreign Office, November 2, 1839.

Circular communicating the Orders given under the Act for the Suppression of Slave Trade.

(See No. 18.)

No. 161.

Mr. Rendall to Mr. Bandinel.

Bon Vista, Cape Verds, October 16, 1839.

(Received November 18.)

(Extract.)

SINCE the short time I have been here there has been one vessel under Spanish colours, decidedly for the Slave Trade. She went from hence to Brava, and was then to proceed to the Bissagos, or Pongos, on the Coast, to take in a cargo of slaves. Another vessel, under Portuguese colours, also sailed under suspicious circumstances; and there is one now lying in the harbour, to which the same remark might be applied.

B R A Z I L.

No. 162.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, June 11, 1839.

I HAVE received your Despatch, marked Slave Trade, of the 25th February, 1839, enclosing copies of your correspondence with M. Monteiro respecting the conduct of M. Gomez, late Brazilian Commissioner of Arbitration at Sierra Leone.

I have to desire, that you will state to M. Monteiro, that Her Majesty's Government appreciate highly the promptitude and decision, with which the Brazilian Government have, by the dismissal of M. Gomez, vindicated the declarations of their determination to fulfil, zealously and honourably, the compacts between Great Britain and Brazil for the suppression of the Slave Trade.

I have, &c.

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

(Signed) PALMERSTON.

No. 163.

Mr. W. G. Ouseley to Viscount Palmerston.

Rio Janeiro, April 16, 1839.

(Extract.)

(Received June 25.)

THE captured slaver "*Flor de Loanda*," together with the negroes on board, particularly the sick, having from the first period of the detention of the vessel been likely to cause much expense and give much trouble to Her Majesty's squadron, while remaining indefinitely here; the Mixed Commission, the Brazilian Government, the Portuguese Chargé d'Affaires, and the several naval commanding Officers on this station, not being enabled, or not thinking themselves authorized, to take any cognizance of the matter; I conceived it to be my duty to endeavour to make such an arrangement, as would best provide for the security and welfare of the negroes, diminish the expense incurred for them, and obtain as high a price for the materials and appurtenances of the vessel, as could be obtained without risking her immediate re-employment in the Slave-Trade, as has occurred in many other cases.

To effect this object I entered into an agreement with the Director and Board of the Misericordia Hospital, by which 85 of the Africans were taken by that institution, to be employed by them, taught some trade or handiwork, properly clothed and fed, and taken in some measure as apprentices for the term of seven years, always, however, liable to be called upon to deliver them up at the requisition of this Mission or other authority, at the pleasure of Her Majesty's Government. In this agreement was included also medical treatment and advice, to be supplied by the hospital; it likewise engaging to pay one milreis monthly for the services of the blacks, payable whenever called for.

The diminished number of Africans thus left on board allowed better room for the remainder, and greater accommodation for the sick for a time, but the state of the vessel becoming daily worse, and in fact the ultimate decision as to the case being likely to cause an indefinite and great duration of the provisional custody of the negroes and vessel; on the approach of the rainy season, I entered into a similar

CLASS B.

arrangement, to that with the Misericordia, with different respectable English subjects residing here, who agreed to take each a certain number on the conditions above mentioned.

No Brazilians or Portuguese were allowed to receive any of them, with the exception of our Judge Conservator, and an Officer of the Imperial Engineers, (by birth a German,) who being in command of a corps, and having the direction of a colony of German and other settlers, and being employed by the Government in furthering the interests of the Colony, making roads, building houses, and having a hospital, guards, &c., was as eligible a party as the Misericordia, and equally under the check of public notice, and like that institution, not in circumstances easily to be enabled to abuse his trust without detection. Moreover, being personally acquainted with him, I was aware of his character for upright and fair conduct.

Thus ultimately, and as they in turn recovered from the effects of contagious and other diseases, the Africans were taken charge of by different respectable individuals, to whom Her Majesty's Legation always has access, and whose interest as well as inclination will cause them to be likely to observe faithfully their engagements (subject to the pleasure of Her Majesty's Government) for seven years; paying at the rate of one milreis per month a head for the services of the Africans.

My reasons for being extremely desirous to make a different arrangement with the Misericordia Hospital from that hitherto followed, were not alone the advantage of a permanent and safe custody for the negroes, but the saving of a considerable expense to the Captors, or to Her Majesty's Government. The charge for each negro at the Misericordia, to which institution the naval Commanders had been in the habit of at once sending any or all of the Africans, of whom they were naturally anxious to escape the charge, was one milreis *per diem* for each, besides separate accounts for medicines, clothes, blankets, &c. &c. The daily expenditure was consequently, when I took upon myself to interfere, very considerable. If they had sent all those of whose custody they wished to be relieved, in the former mode to the Misericordia, the expense would have been from 100 to 200 milreis daily, or (according to exchange) from 25% to 30% or upwards. The present arrangement takes off all this expense from our part, and gives one milreis per month for each individual, and as most of these are women and children, this sum, however trifling, is all I could venture to require; as the low terms were an inducement to the hospital and the persons I have mentioned, to take all the Africans without distinction.

The objections to giving them in charge to Brazilians were, principally, the great probability of the Africans being sold into slavery, and sent to the mines and elsewhere, and false certificates of their death and burial being offered for our inspection. This is a common practice, and carried to a great extent, in the case of those negroes distributed according to Treaty by the Brazilian Government.

Before I concluded the arrangement which I have now the honour to mention to your Lordship, I wrote to the Minister of Foreign Affairs, explaining to his Excellency the necessity that existed, from the leaky and rotten state of the "*Flor de Loanda*," and the danger of sickness on board, and particularly that of sinking at her anchors, (as represented several times to me, officially and otherwise, by the commanding Officer on the station,) to obtain the sanction of the Imperial Government. I conceived that I was authorized to act thus on behalf of the Captors, by the 8th Article of the "Instructions for Ships of War employed to prevent the illicit Traffic in Slaves, annexed to the Treaty of the 28th July, 1817, between Great Britain and Portugal," and expressed my readiness to apply officially to the Imperial Government.

I have the honour to enclose a copy of my Note to M. Monteiro on the subject.

The hull and the different parts, rudder, masts, &c. of the "*Flor de Loanda*" were directed to be sold in separate lots, at different times, by auction; and I am informed that thus, although the vessel cannot well be refitted for Slave Trade, the materials will bring nearly as much as, by the defective mode of sale, the "*Brilhante*," a fine vessel, brought some time ago.

Enclosure in No. 163.

Mr. W. G. Ouseley to M. Monteiro.

SIR,

Rio de Janeiro, February 27, 1839.

THE Undersigned, &c. has the honour now officially to state to his Excellency Senhor Antonio Pregrino Maciel Monteiro, &c., that having received different representations from the senior officer in command of Her Majesty's squadron in this harbour, which have already been notified to His Excellency, on the danger and difficulty of keeping the slaver "*Flor de Loanda*" afloat with all the efforts of the crew, and of the Africans on board capable of assisting at the pumps or otherwise, he is now under the necessity of informing the Imperial Government, in conformity with the 3rd Article of the Treaty of 1826, and the 8th of the Instructions thereto annexed, that an asylum or deposit is requested by the Commander of Her Majesty's squadron for the Africans remaining on board the "*Flor de Loanda*," that vessel being likely to sink at her anchors on the first occurrence of a gale, or of any considerable swell.

The Undersigned has therefore entered into an agreement with the Directors of the Misericordia Hospital to take a certain number of the Africans, as also with different respectable individuals, to take charge of the said Africans, in deposit, and subject to be called for at any time by the Undersigned on the part of Her Majesty's Government, whenever a decision is adopted as to their ultimate destination. The Undersigned trusts that the communication of this arrangement may be satisfâctory to His Imperial Majesty's Government, and he has further to request, that his Excellency Senhor Monteiro will take the necessary steps, in order that no interference on the part of the local authorities may be allowed to oppose the execution of the proposed measure.

The Undersigned avails, &c.

(Signed) W. G. OUSELEY.

His Excellency M. Monteiro,
 &c. &c. &c.

No. 164.

*Mr. Ouseley to Viscount Palmerston.**Rio de Janeiro, April 22, 1839.**(Received June 25.)*

MY LORD,

HAVING been applied to by Her Majesty's Commissioners, through Mr. Grigg, on the subject of the difficulties and delays to which the proceedings of the Mixed Commission are liable, from the circumstance of their being no Interpreter, nor "Meirinho" or Officer permanently attached to their Court, and a similar application having been made, officially, by the Brazilian Commissioners to M. Monteiro, late Minister of Foreign Affairs, I called on the Minister at his own house, and subsequently at the Foreign Department, by request of his Excellency; and, on conferring with Senhor Monteiro, we agreed that it would be on every account advisable to resort to the former arrangement, by which an Interpreter and "Meirinho" were engaged at a moderate salary per annum.

His Excellency gave instructions in consequence, and I communicated to Mr. Grigg the result of our conference. It appeared, however, that, from an informality in the order, the Interpreter could only be engaged for the cases of the two slavers then under adjudication.

A total change in the Ministry having occurred since the subject was broached, it has not been possible to make any further arrangement; but I saw Senhor Lisboa, the Under Secretary, who explained the wishes of the Imperial Government on this point.

It appears that, by employing occasionally, and only for a particular vessel, an Interpreter, the charge is much higher per month, and his services are not secured to the Commission, but are likely to be interfered with by his other constant avocations; so that the delays consequent on an uncertain engagement cause infinitely greater expense, by retarding the condemnation of vessels, which cost considerable sums *per diem*, than would be incurred by regularly employing the requisite assistance.

Moreover, the rate at which the Interpreter is paid, when temporarily employed, is 100 milreis per month; his annual salary would be 600 milreis, or 50 milreis

per month. There are now four slavers before the Commission; and there has been employment for several months past, very constantly, ever since and before my arrival, for the Interpreter and "Meirinho;" so that the salary has in fact been doubled by thus temporarily employing them.

At the same time, as it was, I am informed, by direction of Her Majesty's Government that these permanent salaries were abolished, during a time when the Commission had, in fact, little but nominal duties to perform, I could not positively engage the Officers in question, but agreed for their quarterly employment, to be renewable at the end of every three months, subject to your Lordship's approval.

I have, &c.

(Signed)

W. G. OUSELEY.

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

No. 165.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, April 23, 1839.

MY LORD

(Received June 25.)

EXTREME inconvenience, difficulty, and expense having been caused by there being no place of deposit for the negroes on board the hulks, no hospital for the sick, nor convenient place of custody for the prisoners taken on board the prizes, and the hulk that is intended to remedy these wants not having yet arrived from England, it became absolutely necessary to take some steps in order to enable Her Majesty's squadron, latterly extremely weak in force, to take charge of the prizes while under adjudication by the Mixed Commission.

Having been applied to on several occasions, officially and otherwise, by the different Officers in command, and by Her Majesty's Consul (acting as Proctor or Agent for the Captors), on this subject, and finding that it was quite useless to address the Brazilian Government or Mixed Commission, for any assistance in these embarrassing circumstances, I thought it my duty to endeavour to further the objects of Her Majesty's Government, in relation to captured vessels and Africans, by hiring the hull of a merchant vessel, to be used as a hulk, until that which is expected from England arrives.

This vessel has consequently been moored close to the "Stag" frigate, and fitted up partly as a hospital, partly as a guard-ship, and for other purposes, such as enabling the slaves to be partially relieved from the numbers on board when they arrive, so as to allow of cleaning, &c. This hulk has been procured by Mr. Hesketh, at a very low rate, viz., 60 milreis per month, taking it for two months certain, with the option of continuing its hire at the same rate, if necessary. I was asked, on a previous occasion, more than double for a similar vessel.

It must be borne in mind that, hitherto, the sick and those of whom it was requisite to relieve the slavers, were sent to the Misericordia Hospital, there being no other asylum for the negroes in any exigency. The charge for each individual sick negro, per diem, was one milreis, exclusive of charges for medicine, clothing, &c. There were upwards of 60 sick at one time in that hospital, when there was only one slaver in port, and subsequently two. There are now four prizes in the custody of the squadron, averaging between 200 and 300 negroes each; and it has become necessary to find a mode of meeting the exigencies of the case.

The whole system, as relates to the supplies and food of the negroes and others, seems to have been defective and costly; indeed, there has in fact been no organization attempted; and neither the possibility of a real necessity for it, nor the effective employment of Her Majesty's cruizers against slavers, contemplated or provided for.

I have, &c.

(Signed)

W. G. OUSELEY.

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

No. 166.

*Mr. Ouseley to Viscount Palmerston.**Rio de Janeiro, April 23, 1839.*

MY LORD,

(Received June 25.)

I HAVE the honour to transmit a Return of the number of vessels which have entered this harbour, after having landed their cargoes of slaves in the vicinity of this capital, during the months of January, February, and March, 1839.

I must reserve for another opportunity some observations which I had intended to make upon this subject.

I have, &c.

(Signed)

W. G. OUSELEY.

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

Enclosure in No. 166.

Returns of Vessels engaged in the Slave Trade, which have entered this Port, under the Portuguese Flag, during the Months of January, February, and March, 1839.

No. 1. Smack "*Julia*," from Ajudá, Gold Coast, landed 273 slaves at São Sebastião.

No. 2. Ship "*Tres Corações*," from Angola. This vessel had a quantity of bees' wax and ivory on board, and only 250 slaves; these she discharged into canoes at the entrance of this port, and they were landed at the establishment of Colonel Vasco, close to the Fort of S. João.

No. 3. Brig "*Lizia*," from Angola. This vessel entered with the Brazilian flag; has two sets of papers, Portuguese and Brazilian. She landed 419 slaves at the Alto Moirão, which were taken to the depository at the Bay of Jurujuba.

Total number of slaves imported during the month of March, by three vessels, as above, 1,042.

No. 4. Brig "*Silêncio*," from Inhambane, landed 437 slaves at Campos.

No. 5. Schooner "*Nympha*," from Angola, landed 352 slaves at Taipù.

No. 6. Barque "*Esperança*," from Mozambique, landed 730 slaves at Ilha Grande.

No. 7. Barque "*Maria Carlota*," from Angola, landed 612 slaves at Ilha Grande, at the estate of Dois Rios.

No. 8. Brig "*Aventureiro*," from Mozambique, landed 683 slaves at Macahé.

No. 9. Brig "*Relampago*," from Rio Zaire, landed 650 slaves at Ponta Negra.

No. 10. Brig "*Duque da Victoria*," from Angola, landed 427 slaves at the estate of Dois Rios, Ilha Grande.

No. 11. Brig "*Dom Manoel de Portugal*," from Quilimane, landed 714 slaves at Campos.

No. 12. Ship "*Isabel*." This vessel sailed for Angola and Benguela, where she took on board 779 slaves, and landed them at Paranaguá; she then sailed for Monte Video, and has now returned to this port with a cargo of jerked beef.

No. 13. Barque "*Resolução*," from Mozambique, landed 753 slaves at Paranaguá.

Total number of slaves imported in the month of February, by 10 vessels, as above, 6,137.

No. 14. Brig-schooner "*Raimundo I.*," from Angola, landed 413 slaves at S. Sebastião.

No. 15. Brig "*Dois Irmãos*," from Angola. This vessel entered as a Brazilian, but she has also Portuguese papers. She had a quantity of bees' wax and palm oil in cargo, and landed 195 slaves at the house of Colonel Vasco, near Fort S. João.

No. 16. Brig "*Dois de Fevereiro*," from Angola, landed 414 slaves at Alto Moirão, which were deposited at the Bay of Jurujuba.

No. 17. Schooner "*Nereida*," from Angola, landed 304 slaves at Ponte Negra.

No. 18. Brig "*Duas Irmãs*," from Cabinda, landed 580 slaves at the estate of Dois Rios, Ilha Grande.

No. 19. Brig-schooner "*Portuense*," from Cabinda, landed 521 slaves at the estate of Dois Rios.

No. 20. Schooner "*Angerona*," from Angola, landed 298 slaves at the house of Colonel Vasco, near Fort S. João.

No. 21. Brig-schooner "*Doze d' Outubro*," from Angola, landed 403 slaves at the house of Colonel Vasco, near Fort S. João, in broad daylight.

No. 22. Patacho "*Especulador*," from Benguela, captured by Her Majesty's ship "*Electra*," with 280 Africans on board.

No. 23. Barque "*Carolina*," from Quilimane, landed 698 slaves at Paranaguá.

No. 24. Brig-schooner "*Carolina*," from Angola, captured by Her Majesty's ship "*Electra*," with 211 Africans on board.

No. 25. Patacho "*Bom Jesus*." This vessel sailed, eight months ago, for the Coast of Africa, and on her return landed 300 slaves at Mangaratiba; from thence she proceeded to Paranaguá and Montevideo, and has now arrived from the latter port with jerked beef.

Total number of slaves imported in the month of March, by 12 vessels, as above, 4,617.

No. 167.

Mr. Ouseley to Viscount Palmerston.

(Extract.)

Rio de Janeiro, April 23, 1839.

(Received June 28.)

I HAVE been for some time preparing a representation to your Lordship, on the subject of the ultimate result to the negroes, styled emancipated by the sentence of the Mixed Commission, and the eligibility of sending them to some of our Colonies in the West Indies, as was my intention, in the disputed cases of the "*Feliz*" and "*Diligente*" on the embargo question.

An unfortunate accident has, however, occurred, necessitating immediate steps on my part, to prevent an extremely unpleasant and even dangerous state of things arising here, from the fact of a Brazilian of respectability having been shot the evening before last, (since dead) by the sentry on duty on board one of the slave prizes.

Unfortunately, as often happens in these cases, he was an unoffending person; while the master of the steam-boat in which he was, a Portuguese slave dealer, who purposely ran his vessel against the slaver, was in fault.

The matter has been, as usual, taken hold of by the Portuguese slave-traders here, and great irritation and most threatening disturbances and assaults on our officers and the national guards have taken place. I wrote the letter, a copy of which is inclosed, immediately to the new Minister of Foreign Affairs, and called with it at his house. I intended to attend the funeral of the person who was shot (announced in the papers of to day, for this evening in some papers he is mentioned as having been *assassinated*), but his Excellency begged me to await a message from him before I decided, as he feared the intention of the Portuguese was to get up a disturbance; and, although all the Government forces were called out, yet he feared that there might be blood shed.

The Government wishes the sentry to be given up to the Judge Conservator, to take his trial, but this appears impossible.

There is no doubt that all, or nearly all, the Africans hitherto nominally set at liberty by the Mixed Commission have, in fact, been sold or given away; and that every species of deception has been resorted to, in order to evade the real intentions of the Treaty.

At one time this Government wished that all the captured Africans should be sent to Trinidad, or one of our Colonies; and I have lately, on more than one occasion, sounded the Minister here on the subject. He always expressed the readiness of the Brazilian Government to acquiesce in the arrangement, but wished it not to be brought forward immediately.

Now I trust that there will be less difficulty, should Her Majesty's Government wish it, in sending them to the West Indies or Demerara, where they will be sure of ultimate freedom.

Enclosure in No. 167.

Mr. Ouseley to M. de Oliveira.

MONSIEUR LE MINISTRE,

Rio de Janeiro, April 22, 1839.

C'EST avec un profond regret que je m'adresse à votre Excellence, au sujet d'un accident des plus déplorables, arrivé hier, à ce qu'on m'a dit, abord d'un des paquebots à vapeur, dans la baie. J'espère que le bruit public a exagéré l'étendue du mal, et que la personne que l'on dit avoir succombé aux suites d'une blessure qu'il a reçue d'abord d'une des prises que le paquebot à vapeur "*l'Especulador*" a accroché, n'est que blessée.

En tout cas je trouve de mon devoir d'exprimer à votre Excellence dans ce moment, et avant d'avoir reçu une notification officielle de ce terrible malheur, combien je suis pénétré de la douleur la plus vive, en apprenant la probabilité d'un désastre aussi accablant.

Recevez, M. le Ministre, mes condoléances les plus vives et les plus sincères à cette triste occasion, et, s'il y a moyen de témoigner publiquement toute l'étendue de la sympathie que je ressens, tant de la part de mon Gouvernement que de la mienne, comme son organe près la Cour Impériale, je désirerais extrêmement le mettre en usage.

Veuillez, M. le Ministre, agréer, &c.

(Signé) W. G. OUSELEY.

*M. C. B. de Oliveira,**&c. &c. &c.*

(Translation.)

M. LE MINISTRE,

IT is with profound regret that I address myself to your Excellency on the subject of a most deplorable accident which happened yesterday, as I have been told, on board one of the steam-packets in the bay. I trust that public report has exaggerated the extent of the injury, and that the person who it is stated has died in consequence of the wound which he received from on board one of the prizes which the "*Especulador*" ran foul of, is only wounded.

However this may be, I think it right to express to your Excellency at once, and without having received official notification of this terrible mishap, how much I am penetrated with the most lively grief, on learning the possibility of so overwhelming a disaster.

Receive, M. le Ministre, my most lively and most sincere condolence on this sad occasion, and if there is any way of testifying publicly all the extent of the sympathy which I feel, as much on the part of my Government as on my own, as its organ at the Imperial Court, I shall desire extremely to make use thereof.

Accept, &c.,

(Signed) W. G. OUSELEY.

No. 168.

*Viscount Palmerston to Mr. Ouseley.**Foreign Office, June 29, 1839.**Circular transmitting papers presented to Parliament.*

(See No. 1.)

No. 169.

*Viscount Palmerston to Mr. Ouseley.**Foreign Office, July 2, 1839.*

SIR,

I HAVE received your Despatch, "Slave Trade," of April 16, 1839, stating the ultimate disposal of the slave-vessel the "*Flor de Loanda*," and of the Africans who were on board of her; and detailing the arrangements which you had taken upon yourself to make in that case; first, for the security and welfare

of the negroes ; secondly, to countervail the expense incurred in respect to them ; and thirdly, to obtain as good a price for the materials and appurtenances of the vessel, as could be got, without selling her in such a state that she might again be immediately employed in the Slave Trade.

The steps which you took for these purposes appear to me to be well judged, and I entirely approve of the course which you have pursued on this occasion.

You will order an account to be kept of the monies received on account of the "*Flor de Loanda*," and of the negroes who were on board of her, as well as of the expenses incurred for the same.

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

I am, &c.
(Signed) PALMERSTON.

No. 170.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, July 2, 1839.

I HAVE received your Despatch, Slave Trade, of the 22d of April, 1839.

I have considered the reasons which you give, why a permanent engagement should now be entered into by the Mixed British and Brazilian Court of Commission at Rio de Janeiro, for securing the services of an Interpreter and Meirinho ; and those reasons appearing to me to be sufficient, I approve of the proposed arrangement.

You will, therefore, on the part of Her Majesty's Government, authorise Her Majesty's Commissioners to concur with the Commissioners of Brazil, in engaging, at a moderate annual sum, the constant services of an Interpreter and of a Meirinho for the Mixed Court of Commission ; and you will communicate to M. Monteiro the consent of Her Majesty's Government to this arrangement.

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

I am, &c.
(Signed) PALMERSTON.

No. 171.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, July 2, 1839.

I HAVE received your Despatch, Slave Trade, of the 23d April, 1839, stating the want of some place at Rio de Janeiro, to serve as a deposit for negroes, as a hospital for the sick, and as a place of custody for the prisoners, taken on board slave prizes ; and adding that, in consequence of the inconvenience, difficulty, and expense occasioned by the want of such a place, you had been induced to hire for these purposes the hull of a merchant-vessel, to be used as a hulk, until that which is expected from England shall arrive at Rio.

I have to acquaint you, that I approve of the steps which you have taken on this occasion.

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

I am, &c.
(Signed) PALMERSTON.

No. 172.

Viscount Palmerston to Mr. Ouseley.

(Extract.)

Foreign Office, July 2, 1839.

I HAVE received your Despatch, of the 23d of April, 1839.

I shall be glad to receive your promised statement respecting the negroes who were to be liberated under sentences of the Mixed Commission at Rio de Janeiro.

The subject had not escaped my attention.

Your letter to M. d'Oliveira on the death of the Brazilian, who was shot by a sentry doing duty on board a slave-prize was judicious; and the course which you tell me you intended to take upon that point appears to me well calculated to allay the ferment, likely to be created among the Brazilian population by that unfortunâte occurrence.

No. 173.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, May 7, 1839.

(Extract.)

(Received July 11.)

ON the occasion of the death of a respectable Brazilian, Senhor Bulhoes, by a musket-shot, fired by a British sentry on board the prize-slaver "*Ganges*," in this harbour, which I have the honour to mention elsewhere, the Portuguese Consul-General and Chargé d'Affaires, Senhor Joao Baptista Moreira, thought proper to publish in the newspapers of Rio de Janeiro a note, a copy of which is enclosed, in which, while exculpating his countrymen from taking any share in the late disorders, he asserts, that an indignity has been offered by the British squadron to the Brazilian Government.

On reading the note in the papers, I had requested Mr. Gordon to inquire of the Minister of Foreign Affairs whether, the note had been inserted by consent of the Imperial Government.

Senhor Candido Baptista de Oliveira positively disclaimed any knowledge of such an intention on the part of Senhor Moreira, and said that he had received the note, and the paper in which it was published, almost simultaneously. I, therefore, addressed the note, copy of which I have the honour to enclose, on this subject, and received a visit in the course of the day from Senhor Candido Baptista de Oliveira. I mentioned that it had long been a matter of more than surprise, that a person, who had continued to abuse the opportunities afforded by his position, should have been employed by the Portuguese Government, and have been accepted by that of Brazil. His Excellency told me that he thought I would be satisfied by the steps about to be taken by the Imperial Government in this instance; and next evening I received the note, which the day afterwards was officially published, and which I have the honour to enclose, announcing that the Imperial Government had withdrawn the *exequatur* from the Consul-General Moreira, and broken off all official communication with that person, as no longer consistent with its dignity.

This note was sent as a circular to all the foreign representatives at this Court.

The refusal of the Brazilian Government to recognise Senhor Moreira has caused much dismay and vexation to the slave-dealers. The Portuguese at first were endeavouring to get up a petition to the Brazilian Government for the restoration of Senhor Moreira; but, on the arrival of M. Figunière, have determined to forward it to the Government of Portugal.

Senhor Moreira proceeds to Lisbon in the "*Cesar*," a Portuguese ship, that lately, coming with a cargo from India, touched at one of the Portuguese colonies in Africa, and took on board about 200 negroes, landed them on the Coast here, and afterwards entered this harbour without molestation.

Senhor Moreira has made every effort here to be reinstated by the Brazilian Government. He has applied to different persons of influence here; among others the Marquis of Paranagoa, to whom, as an opponent of the Slave Trade, he partly attributes the loss of his post: and he has indirectly endeavoured to get me to express an opinion in his favour.

Both the Government here and most of the foreigners are perfectly well acquainted with Senhor Moreira's misconduct in relation to Slave Trade: the withdrawal of his *exequatur* is considered as the greatest blow given to the Slave Trade for many years. The flourishing condition of that traffic is notoriously attributed to the protection and assistance, hitherto invariably afforded by the late Consul-General.

It is of the highest importance, for the furtherance of the views of Her Majesty's Government, that whoever may be appointed to succeed Senhor Moreira should not be a person likely to follow his example. Senhor Moreira asserts that his conduct will not only be approved by his Government, but that the situation of Consul-General will be continued to him.

CLASS B.

First Enclosure in No. 173.

Senhor Moreira to Senhor de Oliveira.

(Translation.)

Portuguese Legation, Rio de Janeiro, April 24, 1839.

THE Undersigned, &c., has the honour to address his Excellency Senhor Candido Baptista de Oliveira, &c., in order to furnish a full and exact account of the matter, on which his Excellency thought fit to honour the Undersigned, seeking him yesterday at his own residence. The Undersigned then assured his Excellency that the supposition that any Portuguese subjects took part in the popular disturbances, which manifested themselves in various parts of this city, with hostile demonstrations towards British subjects belonging to the Navy, was exaggerated. Still, treating it with all due consideration, so as to take the proper precautions, which, however, did not require more than to express his conviction of the spirit of good order, which characterises the subjects of Her Most Faithful Majesty in this capital; and, although the Undersigned took precautionary measures to avoid compromising the Portuguese name in so delicate an occurrence, he is obliged to declare, that that precaution was unnecessary, inasmuch as Portuguese subjects have continued, as from the beginning, to conduct themselves, with regard to the question of insult to Brazilian nationality, with the most perfect neutrality, deeply lamenting the incident which gave rise to this misunderstanding between subjects of two friendly nations; avoiding, however, as they ought, any expression which might disturb the political impartiality which, on that subject, they ought to observe. The Undersigned, transmitting this communication to his Excellency, of the truth of which the Imperial Government ought to be already certain by the course of events, will still assure his Excellency, that the conduct of Portuguese subjects at Rio de Janeiro will be, as it always has been, obedient to the laws of the country, and strictly observant of neutrality in questions which ought to be foreign to them.

The Undersigned repeats, &c.

(Signed)

JOAO BAPTISTA MOREIRA.

Senhor Candido Baptista de Oliveira,

&c.

&c.

&c.

Second Enclosure in No. 173.

Mr. Ouseley to Monsieur de Oliveira,

Rio de Janeiro, April 25, 1839.

J'AI l'honneur de vous transmettre, Monsieur le Ministre, une lettre qui m'est arrivée par le paquebot aujourd'hui même pour son Excellence M. le Ministre de la Guerre, M. de Rego Barros.

En voyant ce matin certain article dans le "Jornal do Commercio" de la part de Monsieur Moreira, à peine pouvais-je croire qu'il fut inséré véritablement par cet employé, et à l'insu du Gouvernement Impérial, mais il m'était encore bien plus difficile de concevoir que votre Excellence en eût eu connaissance.

Au retour de M. Gordon du département ce matin, où j'ai été obligé de le prier de me remplacer auprès de votre Excellence, à cause de l'arrivée du paquebot, il m'a communiqué sa visite et le peu d'approbation que cette démarche inconcevable, et si peu conforme aux usages diplomatiques, à ce qu'il me paraît, a reçu de la part de votre Excellence.

Lorsque j'ai réclamé l'autre soir de la part de votre Excellence sa concurrence pour donner suite à la première publication de pièces officielles, ce n'était strictement que par rapport à la réponse de M. le Commodore Sullivan, et la note que je dois naturellement remettre au Gouvernement Impérial, transmettant ses applications et renseignements.

La justice sévère ne va que jusqu'à fournir à M. le Commodore, et je peux ajouter à moi-même, l'occasion de placer devant les yeux des mêmes personnes qui ont eu connaissance du premier article, les renseignements qu'il faudra rassembler pour défendre sa responsabilité dans un occasion si grave.

Du reste, je crois pouvoir assurer votre Excellence que, jusqu'à présent, tout tend à prouver, que plus on examine cette affaire, plus il sera facile d'en venir à une solution satisfaisante pour ce qui regarde, non seulement la vraie harmonie et bonne intelligence qui doivent, je l'espère toujours, présider à nos relations poli-

tiques ou autres, mais encore pour calmer l'irritation populaire (malheureusement que trop naturelle), que des personnes mal disposées et intéressées, ont tâchée de pousser au comble.

Dieu soit loué que, grâces à l'énergie et la sagesse que le Gouvernement adopta dans cette conjoncture délicate, les projets malveillans n'ont point réussi.

Agréez, Monsieur le Ministre,

(Signed)

W. G. OUSELEY.

Son Excellence Monsieur Candido B. Oliveira,
 &c. &c. &c.

(Translation.)

Rio de Janeiro, April 25, 1839.

I HAVE the honour to transmit to you, M. le Ministre, a letter which reached me by the packet this very day, for his Excellency the Minister at War, M. de Rego Barros.

On seeing this morning a certain article in the "Jornal do Commercio," on the part of M. Moreira, I could scarcely believe that it was really inserted by that functionary, and unknown to the Imperial Government; but it was even much more difficult to conceive that your Excellency had cognizance thereof.

On Mr. Gordon's return this morning from the Department, where I had been obliged to beg him to take my place with your Excellency, because of the arrival of the packet, he communicated to me his visit, and the little approbation which this step, so inconceivable, and, as it appears to me, so little in conformity with diplomatic usage, had met with from your Excellency.

When, the other evening, I claimed the concurrence of your Excellency to continuing the first publication of official papers, it was strictly only as regarded the answer of Commodore Sullivan, and the note which I must naturally send to the Imperial Government, transmitting his application and information.

Strict justice would only go so far as to furnish to the Commodore, and I may add, to myself, an opportunity of placing before the eyes of the same persons, who have had cognizance of the first article, the information which it will be necessary to get together to defend his responsibility on so grave an occasion.

For the rest, I believe I can assure your Excellency that, up to the present time, everything tends to prove, that the more this affair is examined the more easy it will be to come to a satisfactory solution of what regards, not only the true harmony and good understanding which ought, I hope, always to preside over our relations, political and others, but also to calm the popular irritation, unhappily but too natural, which evil disposed and interested persons have endeavoured to push on to its height.

God be praised that, thanks to the energy and wisdom which the Government adopted in this delicate conjuncture, evil projects have not succeeded.

Accept, &c.,

(Signed)

W. G. OUSELEY.

Third Enclosure in No. 173.

(Translation.)

Extract from the "Aurora Fluminense" Newspaper of April 25, 1839.

BELOW we insert the letter addressed by Mr. Ouseley to the senior Officer in command of the naval forces of Her Britannic Majesty on this station, which appears to us well calculated to calm the public irritation, produced by the occurrence of the night of the 21st instant. We likewise publish the note of the Portuguese Chargé d'Affaires, in reply to that of the Minister of Foreign Affairs, in which the latter accuses certain of the Portuguese subjects here of presuming to disturb the tranquillity of the capital by committing great excesses against the English. In fact the Portuguese contraband traffickers in slaves formed the bulk of those crowds which attempted, on the first days of this week, to rescue the masters of the prizes from the hands of justice, beating the police who guarded them, and throwing stones at the boats which brought them on shore. Under pretext of defending the national honour, which is no concern of theirs, these contraband traders contrived to incite the low populace against the unoffending English, and

to occasion scenes truly anarchical, by means of which they hoped to obtain revenge for the losses which their interests have recently experienced. We flatter ourselves that this class will cease henceforward to meet with such paternal support as hitherto, from our present exalted administration; and that the abuses which good citizens have had to deplore for so long a period will now have an end.

The audacity with which these people conducted themselves on the 20th and 21st, has felt the check which it received, and its effects will not easily disappear. It is to be hoped that the new ministry will place under the most unintermitted and active vigilance of the police these imposters (*ciganos*) who, as we have been informed, have assassinated a frightful number of officers of justice in different parts of the province, always counting on certain impunity, in consequence of the weakness or complicity of those, whose duty it was to punish them.

Fourth Enclosure in No. 173.

(Translation.)

M. Oliveira to Mr. Ouseley.

Rio de Janeiro, 27th April, 1839.

THE Undersigned, &c. &c., has the honour to inform Mr. Ouseley, &c., that the Regent, in the name of the Emperor, considering incompatible with the dignity of the Imperial Government, the further continuance of its diplomatic relations with Mr. João Baptista Moreira, Chargé d'Affaires and Consul General of Her Most Faithful Majesty, has ordered the Undersigned to withdraw his *Exequatur* as Consul-General in this Empire.

The Undersigned repeats, &c.,
(Signed) CANDIDO BAPTISTA DE OLIVEIRA.

No. 174.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, May 8, 1839.

MY LORD,

(Received July 11.)

I HAVE the honour to enclose a copy of a letter that I addressed to Commodore Sullivan, requesting that officer to forward by the "Harrier," which sails to-morrow for England, such of the Portuguese prisoners as belong to the slave vessels lately condemned here.

If these prisoners were invariably thus sent to England, and afterwards placed at the disposal of the Government whose protection they claim, viz., that of Portugal, it will tend more to breaking up the whole system of Slave Trading in this capital, than any other measure, excepting always treating them as pirates who have incurred summary and capital punishment.

I have, &c.
(Signed) W. G. OUSELEY.

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

Enclosure in No. 174.

Mr. Ouseley to Commodore Sullivan, C.B.

SIR,

Rio de Janeiro, May 8, 1839.

THE Brazilian Government and Portuguese Authorities here having repeatedly refused to take charge of the prisoners, taken in acts of piracy under the flag of Her Most Faithful Majesty, I am under the necessity of requesting that you will have the goodness to send them to England by the first eligible opportunity, to be placed at the disposal of Her Majesty's Government, either for transmission to Portugal, or otherwise.

I am further strengthened in this desire that these delinquents should not, like all those in similar circumstances hitherto, be suffered to be liberated in this country, as they are immediately re-engaged by slave traders; and being generally

desperate and most dangerous characters, thoroughly acquainted with the mode of proceeding, and the intricacies of the system in all its branches, by which the Slave Trade is carried on between the Portuguese African colonies and Brazil. It has also come to my knowledge that these individuals have declared an intention of assassinating some of the English Officers, and others concerned in their capture and condemnation; and that they are then the ready instruments of the Portuguese capitalists in their illegal slave dealing proceedings, and vindictive machinations against those employed in its suppression.

I inclose certified copies of the condemnation of the "*Carolina*" and "*Especulador*," and Mr. Consul Hesketh is instructed to furnish you with the muster-roll, and list of the names and nationality of the prisoners, to be forwarded with them to England.

I have, &c.

(Signed) W. G. OUSELEY.

To Commodore Sullivan,
&c. &c. &c.

No. 175.

Viscount Palmerston to W. G. Ouseley, Esq.

SIR,

Foreign Office, July 18, 1839.

I TRANSMIT herewith to you copies of a correspondence, which has taken place between this office and the Admiralty respecting Domingo Antonio Perez, one of the crew of the "*Carolina*" slave schooner, who is represented to have been recognized by three men, belonging to Her Majesty's ship "*Wizard*," as being one of those persons who were on board the slave vessel "*Brillante*," at the time of her capture by the "*Wizard*."

It has been considered by Her Majesty's Government to be proper, that Domingo Antonio Perez should be placed at the disposal of the Government of Brazil, to enable that Government to institute an investigation into the circumstances of his case, and to deal with him accordingly; and the senior Officer of Her Majesty's Navy at Rio de Janeiro has been directed to concert with you, as to the best mode of fulfilling the intentions of Her Majesty's Government in this respect.

I have now to desire, that when D. A. Perez shall be delivered up by the British naval Commander, you will present to the Brazilian authorities a note, stating that D. A. Perez is placed at their disposal, in order that the Brazilian Government may take the necessary steps for ascertaining whether he is, or is not a Brazilian subject, and whether he is guilty of the crime of piracy under the Treaty between Great Britain and Brazil of November, 1826; and requesting that the Brazilian Government will deal with Perez accordingly.

I am, &c.

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

(Signed) PALMERSTON.

First Enclosure in No. 175.

Sir John Barrow to Mr. Strangways.

SIR,

Admiralty, July 1, 1839.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Viscount Palmerston, copies of a letter from Commodore Sullivan, dated at Rio de Janeiro, the 14th of April last, No. 222, and of its enclosures, respecting one of the crew of the "*Carolina*" Slave schooner, detained by Her Majesty's sloop "*Electra*," having been identified by three of the men belonging to the "*Wizard*" as being on board the Slave brigantine "*Brilhante*," at the time of her capture by the "*Wizard*."

I am, &c.

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

(Signed) J. BARROW.

First Sub-Enclosure in No. 175.

Commodore Sullivan to Mr. Wood.

SIR, *Her Majesty's ship "Stag," Rio Janeiro, April 14, 1839.*

I HAVE the honour to enclose, for the information of my Lords Commissioners of the Admiralty, the copy of a letter, written by me to the Mixed Commission Court, respecting one of the crew of the "*Carolina*" Slave schooner, detained by Her Majesty's sloop "*Electra*," having been identified by three of the men belonging to Her Majesty's brig "*Wizard*," as being on board the Slave brigantine "*Brilhante*" at the time of her capture by the "*Wizard*."

I also enclose a copy of a translation of the Commissioners' answer thereto.

I have, &c.

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

(Signed)

J. B. SULLIVAN, *Commodore.*

Second Sub-Enclosure in No. 175.

Commodore Sullivan to the Mixed Commission.

Her Majesty's ship "Stag," Rio Janeiro, April 9, 1839.

GENTLEMEN,

I HAVE the honour to inform you that the man* named in the margin, now on board Her Majesty's ship "*Stag*," under my command, having been taken by Her Majesty's sloop "*Electra*" in the Slave schooner "*Carolina*," has been identified by three of the "*Wizard's*" men as belonging to the Slave brigantine "*Brilhante*," at the time of her capture by the "*Wizard*," which vessel was afterwards condemned in the Mixed Commission Court at this port, and her crew found guilty of piracy.

I have, &c.

The Mixed Commissioners,
&c. &c. &c.

(Signed)

J. B. SULLIVAN,
Commodore and Senior Officer.

* Domingo Antonio Perez.

Third Sub-Enclosure in No. 175.

The Mixed Commission to Commodore Sullivan.

(Translation.)

ILLUSTRIOUS SIR,

Rio Janeiro, April 12, 1839.

THE Commissioners of the Mixed Brazilian and English Court, to whom was addressed your letter of the 9th instant, have made the necessary inquiries respecting the individual therein named, and I am ordered to acquaint your Excellency, that nothing more has resulted from this inquiry, than that individual denying the fact.

God preserve your Excellency many years.

(Signed)

BRAZ MARTINEZ COSTA PASSOS,

Commodore Sullivan,
&c. &c. &c.

Secretary.

Second Enclosure in No. 175.

Mr. Strangways to Mr. Wood.

SIR,

Foreign Office, July 8, 1839.

I HAVE laid before Viscount Palmerston your letter of the 1st of July, 1839, and its enclosures, respecting Domingo Antonio Perez, one of the crew of the "*Carolina*" Slave schooner, who is represented to have been recognized by three men belonging to the "*Wizard*," to be one of those persons who were on board the Slave vessel "*Brilhante*" at the time of her capture by the "*Wizard*."

Viscount Palmerston has remarked, that Commodore Sullivan, in the letter which he addressed to the Commissioners on the 9th of April, 1839, and of which a copy was enclosed in your letter to me, states that the "*Brilhante*" was condemned in the Mixed Commission Court at Rio de Janeiro, and that *her crew were found guilty of piracy.*

But, on reference to the case of the "*Brilhante*," for which see Slave Trade

Papers, 1838-9, First Series, Class A., Nos. 111 and 114, it appears that it was only the Brazilian subjects belonging to the "*Brilhante*" who were by the sentence of the Mixed Commission declared to be guilty of piracy; and I am to request that, upon this point you will draw the attention of the Lords Commissioners of the Admiralty to the circumstance, that the Convention between Great Britain and Brazil, of the 20th of November, 1826, declares that Slave Trade, carried on by Brazilian subjects, shall be deemed and treated as piracy; but that this Convention does not stipulate that persons, not Brazilian subjects, shall, when found on board a Brazilian slave vessel, be deemed or treated as pirates.

Lord Palmerston desires me to add that, under the circumstances of the case, his Lordship is of opinion that Domingo Antonio Perez should be delivered over to the Government of Brazil, and should be placed at their disposal; and that, with reference to the Treaty of November, 1826, the Government of Brazil should be moved to ascertain, whether Domingo Antonio Perez is or is not a Brazilian subject, and whether he has made himself guilty of the crime of piracy under that Treaty; and the Brazilian Government should be requested to deal with the man accordingly.

Lord Palmerston desires me to state, that if the Lords of the Admiralty shall concur with his Lordship in opinion, that the course here recommended is expedient, he would suggest, that their Lordships should direct the Commander of Her Majesty's naval forces at Rio, to concert with Her Majesty's Chargé d'Affaires in Brazil, as to the best mode of fulfilling the intentions of Her Majesty's Government; and Lord Palmerston will in that case instruct Her Majesty's Chargé d'Affaires to make the necessary communication upon the subject to the Brazilian Government, at the time when Domingo Antonio Perez is placed at their disposal by the naval Commander.

I have, &c.

C. Wood, Esq.
&c. &c. &c.

(Signed) W. F. STRANGWAYS.

Third Enclosure in No. 175.

Mr. Wood to Mr. Strangways.

SIR,

Admiralty, July 9, 1839.

IN return to your letter of yesterday's date, relative to the disposal of Domingo Antonio Perez, one of the crew of the "*Carolina*" slave schooner, who is represented to have been recognized by three men, belonging to the "*Wizard*," to be one of those persons who were on board the slave vessel "*Brilhante*" at the time of her capture by the "*Wizard*." I am commanded by my Lords Commissioners of the Admiralty to request that you will acquaint Viscount Palmerston that their Lordships have forwarded a copy of your letter to Commodore Sullivan, senior officer of Her Majesty's ships and vessels at Rio de Janeiro, for his information and guidance; with directions to concert with Her Majesty's Chargé d'Affaires in Brazil as to the best mode of fulfilling the intentions of Her Majesty's Government, who, the Commodore has been informed, will be instructed to make the necessary communication upon the subject to the Brazilian Government, at the time when Domingo Antonio Perez is placed by him at their disposal.

I am, &c.

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

(Signed) C. WOOD.

No. 176.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, July 19, 1839.

I HAVE received your Despatch marked "Slave Trade, of the 8th of May, 1839, stating that you had requested Commodore Sullivan to forward to England, and place at the disposal of Her Majesty's Government here, such of the Portuguese prisoners at Rio de Janeiro as belonged to the slave-vessels which had recently been condemned by the Mixed Court at that place, and I have the satisfaction to acquaint you, that the measure which you took with reference to those prisoners is approved by Her Majesty's Government.

I have, &c.

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

(Signed) PALMERSTON.

Mr. Ouseley to Viscount Palmerston,

Rio de Janeiro, May 9, 1839.

(Received July 22.)

MY LORD,

I HAVE the honour to enclose a copy of a note, and of its enclosure, that I sent to the Minister of Foreign Affairs, Senhor Candido Baptista de Oliveira, giving information that a piratical vessel is fitting out in this harbour, for the purpose of intercepting such slave-vessels, as may be captured and sent into this port for adjudication by Her Majesty's cruizers.

Commodore Sullivan has directed in consequence, that the ships of war employed in the suppression of the Slave Trade, shall convoy, when possible, their prizes into port.

I have, &c.

(Signed)

W. G. OUSELEY.

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

First Enclosure in No. 177.

Mr. Ouseley to M. de Oliveira.

MONSIEUR LE MINISTRE,

Rio de Janeiro, 27 Avril, 1839.

J'AI l'honneur de transmettre à votre Excellence l'extrait ci-joint d'une lettre que je viens d'adresser à Monsieur le Commodore Sullivan, au sujet d'une goëlette que certains individus intéressés dans la Traite, arment dans ce moment ici, dans l'intention de tâcher de se saisir des bâtimens négriers, ou d'autres, d'entre les mains de l'escadre Britannique.

Je prie votre Excellence, &c.

(Signed)

W. G. OUSELEY.

Senhor Candido Baptista de Oliveira,
&c. &c. &c.

(Translation.)

Rio de Janeiro, April 27, 1839.

I HAVE the honour to transmit to your Excellency the accompanying extract from a letter which I have just addressed to Commodore Sullivan, on the subject of a schooner which certain individuals interested in the Slave Trade are at this moment fitting out, with the intention of trying to seize slave-vessels or others out of the hands of the British squadron.

I beg, &c.,

(Signed)

W. G. OUSELEY.

Second Enclosure in No. 177.

Extract of a Letter from Mr. Ouseley to Commodore Sulivan.

SIR,

Rio de Janeiro, April 27, 1839.

IT is incumbent upon me to lose no time in informing you, that I have received positive intelligence, from a quarter on which I can rely, that a large schooner (formerly, I am told, a brig with high bulwarks now cut down) from description, I should suppose about 100 to 150 or 170 tons, is in active preparation for going to sea armed, apparently with piratical intent. This vessel, which I have already privately mentioned to you, I now learn is of greater size and fitted out on a larger scale than I at first apprehended. It is said to carry 16 guns of large and small calibre, and one large gun turning on a pivot. It appears new, and of North American build, newly repaired and painted, and is lying now opposite Vallongo.

It is already fully manned, and the men get fifty milreis per month; they are engaged by persons interested in the Slave Trade, and, as they pretend, are anxious to avenge on the English the death of the person, who so unfortunately lost his life through the misconduct of the master of the "*Especuladora*."

I am also informed that the chief object of its proprietor and crew is to retake any of the vessels which may be sent in by the "Grecian," and to damage that vessel and destroy Captain Smyth, whether on sea or shore, if possible.

The vessel appears nearly ready for sea, and is to receive munitions of a warlike nature, outside the harbour, if any interference is apprehended on the part of the Authorities, and to conceal part of its armament in the hold as cargo.

I think it my duty to give, confidentially, information to the Brazilian Government on this subject, and, if I obtain further particulars, which I am promised, relating to this vessel, shall not fail to communicate them also to yourself.

I have, &c.

Commodore Sullivan,
&c. &c. &c.

(Signed) W. G. OUSELEY.

No. 178.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, May 19, 1839.

(Received July 22.)

(Extract.)

I HAVE the honour to enclose to your Lordship a copy of my reply to the circular, which the new Minister for Foreign Affairs had addressed to me, announcing the withdrawal of the Exequatur of Senhor Joao Baptista Moreira, as Portuguese Consul-General here.

The late measures of this Government, and the efforts made by those in Her Majesty's service here, in conformity with your Lordship's desires, have tended much to discourage Slave Trade speculations. For the first time for some years, a real uneasiness and alarm is felt by those engaged in it, to which the withdrawal of Senhor Moreira's Exequatur contributes.

Should Her Majesty's Government continue to support the energetic measures which have been latterly adopted against Slave Trade, by sending a greater naval force to this station, or otherwise, it is not impossible that an effectual stop may be put to that traffic.

Enclosure in No. 178.

Mr. Ouseley to M. de Oliveira.

Rio de Janeiro, May 1, 1839.

THE Undersigned, &c., has the honour to acknowledge the receipt of the note of His Excellency Senhor Candido Baptista de Oliveira, &c., dated April 27, announcing that His Excellency the Regent, considering that further relations with the Consul-General (employed *ad interim* as Chargé d'Affaires) of Portugal, Senhor Joao Baptista Moreira, are incompatible with the dignity of the Imperial Government, has been pleased to direct the withdrawal of his Exequatur.

The Undersigned has to thank His Excellency the Minister of Foreign Affairs for this communication, and avails himself, &c.

(Signed) W. G. OUSELEY.

Senhor C. B. de Oliveira,
&c. &c. &c.

No. 179.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, June 22, 1839.

(Received August 17.)

MY LORD,

I HAVE the honour to enclose a copy of a letter from Mr. Hesketh, Her Majesty's Consul at this capital, dated 31st of last month, but which has only reached me within the last few days, on the subject of the Mixed British and Brazilian Commission for the suppression of the Slave Trade.

I take the liberty of referring your Lordship to the details contained in this letter, and in its several enclosures, for much information on the mode of proceeding in respect to captured slave vessels, and particularly on the custody and care of the negroes and prisoners, their provisions, hospital accommodation, &c.

CLASS B.

In several previous despatches I have had the honour to call your Lordship's attention generally, to the different points now mentioned by Mr. Hesketh, but that gentleman has lately had opportunities of obtaining an insight into the precise nature of the details of all the matters relating to this subject, by his acting-as proctor for the Captors of slave vessels, of which he has fully availed himself.

I requested Mr. Hesketh to put on paper the result of his observations on the proceedings of the Mixed Commission, as well as a statistical memorandum of the expense for diet, medical, and other assistance, afforded to the negroes and prisoners, and the enclosed letter and its enclosures will, it appears to me, be found to merit your Lordship's attention.

In taking upon myself the responsibility of altering the system hitherto followed, or rather of endeavouring to remedy the want of system that has certainly prevailed, by hiring a merchant vessel as a hospital ship, by organizing the medical assistance, and purchase of provisions in a different manner from that hitherto followed, and by a variety of minor arrangements, I ventured to anticipate a great saving to the Government and Captors, as well as infinitely greater security in the custody of the prisoners, than has been as yet possible; as well as for the unfortunate Africans a greater chance of health, and a certain degree of comfort, until they were finally made over to the Brazilian Government.

I trust that it will afford your Lordship satisfaction to find, that the advantages anticipated have been completely realized. No prisoners have latterly made their escape, while formerly considerable delay and difficulty arose from the ease with which those persons, whose examinations were often very necessary for the condemnation of the slavers, evaded the custody of the guards, and by a reference to Enclosure No. 5, in Mr. Hesketh's Despatch, it will be seen that the expenses for 100 negroes, which formerly averaged 117 milreis, or 14*l.* 14*s.* per diem, are now reduced to 46 milreis, 200 rios, or 5*l.* 15*s.*; that the mortality which was at the rate of 34 $\frac{1}{8}$ per cent., is now 14 $\frac{3}{4}$ per cent.

It must also be borne in mind, that this average has been the result of the adoption of the new arrangements, before they were in fact completely organized: and that in some instances considerable delay occurred, in consequence of indirect resistance, or open opposition, on the part of the subaltern authorities, or of the Brazilian Government, and that hereafter we may hope for a further improvement in the regulation of all matters relating to the captured vessels.

The returns sufficiently prove that the gains derived from a better economy in the supplies and arrangements, have not been made at the expense of the health or comforts of the negroes; nor are any of the measures adopted permanently, but entirely dependent on your Lordship's approbation for their continuance.

I have, &c.

(Signed)

W. G. OUSELEY.

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

&c.

&c.

&c.

First Enclosure in No. 179.

Mr. R. Hesketh to Mr. Ouseley.

SIR,

Rio de Janeiro, May 31, 1839.

THE energetic orders issued by Her Majesty's Government, to render efficient all the measures which have been provided to accomplish the abolition of African Slave Trade, must naturally lead all persons engaged in any branch of Her Majesty's service, not only to be strenuous in the execution of such orders, but also careful in reporting the causes of inefficiency, when such measures are found not to produce the full and direct results for which they were intended; under such impressions I have resolved to place before you, Sir, the following statement of the proceedings in this port, when vessels captured with slaves on board arrive.

Although aware that every essential information regarding the facts of each case of a captured slave vessel, or the main causes of the delays which have taken place between the arrival of a vessel with slaves and the landing of these wretched beings, are matters entirely and exclusively standing, either within the attributes of Her Majesty's Commissioners, or within the diplomatic cognizance of Her Majesty's Mission; still great inconvenience and injury have been occasioned by defective measures hitherto adopted in the following four particulars:—

First. The proceedings in the Mixed Commission Court.

Second. The victualling of the negroes.

Third. The treatment of the sick negroes.

Fourth. The custody not only of the negroes, but also the crews of captured slave vessels.

And as these particulars embrace a mass of detail, with which it is not probable that Her Majesty's Mission, or Her Majesty Commissioners could have the same opportunity of being conversant, as I have had by my employment as proctor or agent for the Captors in the last six cases, I have thought it my duty to make the following observations. But before entering into such particulars I wish to state, that having used every exertion to remove the causes of the inconvenience experienced, I have come to the conclusion that such inconvenience does not proceed from the negligence of any person, but that it is the result of the system now followed, and which requires alteration in order that the adjudication of vessels with slaves on board should not entail the present needless expense, nor inflict on the negroes, and many other persons the sufferings, to which they are now exposed.

By the regulations, the proceedings in the Mixed Commission Court are to be concluded in 20 days, if possible.

The Enclosure No. 1, exhibits the particulars and total of detention of the last vessels given up to the Brazilian authorities after adjudication; the average period of detention being 84 days, and average period before sentence was decreed 32 days, the average of such period in the last four cases was 28 days, and in the last case only 16 days, notwithstanding the difficulties I am about to describe.

But from the statement it will be also apparent, that besides the time consumed in the process by the Commission Court, the negroes were kept on board a much longer period, averaging 52 days. A small portion of this period was before the cases came into Court, but the greatest detention was after sentence was decreed, before its execution was carried into effect. The causes of such detention with the "*Diligente*" and "*Feliz*," proceeded from the diplomatic question of embargoes, which was so satisfactorily and triumphantly settled by yourself; and in that of the "*Carolina*," by the no less important object of correcting by diplomatic interference, the abuses which had crept into the manner of selling the prizes; it may not be quite fair to instance them as cases of regular occurrence. Therefore, without taking these cases, the average detention in the remaining three cases, between condemnation and the execution of the sentence, will prove to be 58 days.

In describing the proceedings and organization of the Mixed Commission Court, I have to state, that when no cases are pending, all the members do not attend daily, and that therefore on the arrival of a vessel with slaves on board it often happens that some days are consumed before the case is regularly brought under the cognizance of the Court; partly owing to no fixed form, and a responsible person for its observance, being appointed for summoning the Court; and also partly to holy days, on which days it is maintained the proceedings of any Brazilian tribunal are not legal.

The next point which has required arrangement, and therefore always more or less consumed time, has been the want of a permanent interpreter, as well as a sufficient number of messengers or constables, who are required to execute the routine business out of Court.

It may be useful to observe, that the duties the interpreter has to perform entail more upon him, than one person can possibly get through when several cases are before the Court.

It is the duty of that officer to translate all the documents in the English language, and the verbal declaration, or evidence made in that language.

He is also occupied in drawing out many documents consequent to the legal forms adopted by the Court. He has also to go on board the vessels to ascertain the exact number and description of the negroes at the time sentence is passed; and all such duties have been found so pressing, and the person generally employed so unable to execute them with the requisite expedition, that another part of his duties, the translations of documents sent to Her Majesty's Secretary of State, have been for a long time made by Mr. Grigg the British Commissioner of Arbitration.

Notwithstanding the duties which an interpreter may be thus called upon to perform the office is not now a permanent one, and lately a person has been appointed when the Court is actively employed, which is a system not likely to promote either zeal or regularity.

The want of permanent messengers or constables is also a drawback, for the

additional officers now occasionally called when the increase of business requires it, are not likely to perform with activity and zeal the unpopular out-door duties of the Court for the limited pay allowed for such service.

I have thus remarked on the subordinate officers of the Court, who of course are all Brazilians; and in respect of the principal officers, the next, also a Brazilian officer, is the registrar, whose duties are the most laborious of any. He writes down all the acts of the Court, draws up all the documents, takes down all the questions and answers in the examinations, extracts all the official copies of the sentences, and finally has to copy out such evidence, the ship's documents, and every other material paper brought on the case of any slave vessel, besides the allegations of the captor and defence of the captured, before the sentence can be executed; altogether a large mass of writing.

Besides it is his place to distribute the duties to the officers acting out of Court, and to superintend them; and all this he has hitherto performed without an assistant. And when it is known that this person has not sufficient pay from his appointment as Registrar at the Mixed Commission Court, but is forced to attend also to his official duties in the Brazilian Board of Trade, or "Junta de Commercio," it will be evident that when four cases are at the same time before the Court, his duties cannot be under such a system performed with the requisite expedition and regularity, if such a pressure of business should continue, although hitherto he has accomplished the task in a most praiseworthy manner, and at great personal inconvenience and labour.

The Brazilian officers in the Court who are the next in the order I have taken, are the Brazilian Commissary Judge, and the Brazilian Commissioner of Arbitration; the latter, with his British colleague, are constant attendants; and though the duties of the British Commissioner of Arbitration subject him to constant labour, as the British archives of the Commission prove, still the Brazilian Commissioner of Arbitration escapes any laborious duty, and only incurs the chance of responsibility to which he is liable by the regulations of the Commission Court. As he is not therefore generally an active member of the Court in the cases before it, I will confine my observations to the Brazilian Commissary Judge, whose experience, influence, and talents, render him most useful to the Court.

From his fluency in the language, he is the person who conducts the examinations of witnesses; and from his energy, that duty is performed more expeditiously than could be expected from any other person. His duties are fulfilled with regularity and expedition in the Court, and in a manner to impart energy to its proceedings, which is also promoted by the circumstance of his holding the office of Under Secretary of State in the Department of Justice. But his official duties in that department are very important, and necessarily absorb much of his time and attention, so that when lately there were four cases before the Court, the "*Carolina*," "*Especulador*," "*Ganges*," and "*Leal*," his exertions were conspicuous and constant, and though, owing to the great activity of both Commissary Judges, and of the other members of the Court, the "*Carolina's*" case was decided in 13 days, and the "*Especulador's*" in 30 days, still the labour was evident; and it was also apparent that the popular disturbances, which after these two cases impeded the regular proceedings of the Court in the following cases of the "*Ganges*" and "*Leal*," proved a needful respite to the members.

From all which I am led to infer, that if within a week six cases are brought before the Court, detention must necessarily arise in the Mixed Commission Court, not from any fault or neglect on the part of the Commissary Judges or of the Registrar, who all exert themselves to the utmost, but from the tedious forms and the short time available for them.

This evil in a great measure arises from assimilating the forms and proceedings of the Mixed Commission Court to those of the Brazilian tribunals. If for such a course could be substituted a system analogous to that pursued at Sierra Leone, the members of this Commission Court would have some chance of getting through their duties without the present great detention.

But as such an alteration may not be practicable, the Commissary Judges should have the discretionary power of employing the following extra officers, whenever the business of the Court is accidentally increased, viz., the requisite additional messengers or constables; an assistant or assistants to a permanently appointed interpreter when requisite; an assistant or assistants when requisite for the Registrar.

After the sentence is issued, the sale of the vessels has been hitherto made under

the forms of a Brazilian tribunal. The first step is to remove the vessel from the charge and view of Her Majesty's squadron, and deposit her under the care of a private individual, who, for an equivalent of two and a half per cent. on the sale, is said to be held responsible for the careful preservation of both hull and materials, which duty has been neglected without the responsibility being enforced.

But the vessel and all her appurtenances could be more properly protected, without any expense, by Her Majesty's ships; and besides an opportunity would thereby be afforded to examine properly the hold of the vessel, the cargo if any, and even ascertain the value, none of which particulars can now be satisfactorily examined.

The manner in which the sale is now made also requires alteration; and to show that it ought to be made by the order of the Commission Court through an auctioneer, and not by a Brazilian tribunal, I have only to instance the following facts:—

The "*Flor de Loanda*," a slaver, which was not sentenced by this Commission Court, and which, being very defective and long detained, became too leaky to keep afloat, was sold by an auctioneer, having nothing but her hull, lower masts, and a few spars, for 1,080 reis, or £135, whereas the "*Feliz*" and "*Diligente*," both in excellent condition, with sails and rigging, &c., complete, were sold by the Brazilian authorities, the first for 2,100 reis, or £262. 10s., and the second for 1,550 reis, or £193. 15s.

	Amount of Sale.			Expenses.			Net.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
<i>Flor de Loanda</i>	135	0	0	None.			135	0	0
<i>Feliz</i>	262	10	0	31	5	0	231	5	0
<i>Diligente</i>	193	15	0	23	15	9½	169	19	2½

And if the manner of making the sales were altered the Owners of the vessels would not have the means they now avail themselves of, to regain, at a cheap rate, the possession of their vessels.

The second particular, the victualling of the negroes, is a matter not only involving great expense, but the more material consideration—the health and lives of many wretched beings. Previous to the cases of the "*Carolina*" and "*Especulador*," the diet of the negroes on board vessels waiting adjudication was, per day, about one pound of fresh beef, besides cassada or farinha, and vegetables; the result of which was sickness, from its nature as well as over feeding; it has since been altered, so as to form a more gradual change from that the negroes receive during the voyage, and a decrease in the number of bad cases of sickness is one of the chief benefits reaped, independent of the saving in expense. The Enclosure No. 2, shows the expense of victualling in the former manner to have been 176 reis or 5¼d. per head per day, and the present is 143 reis or 4¼d.

I take this opportunity of inclosing a copy of the conditions for a contract offered for victualling the negroes under such circumstances, at 150 reis or 4½d. per head, which is still open for acceptance, being proportionably less, by one quarter, than the Brazilian Government contract for the victualling of their prisoners; and less than the rate of 180 reis per head, the amount in currency of Brazil specified in the regulations of the Mixed Commission Court.

The third particular, the treatment of the sick negroes, was, before the cases of the "*Carolina*" and "*Especulador*," attended with great expense, and much mortality, and not free from the suspicion that the negroes were occasionally abstracted from the hospital. The average charge at the Brazilian Hospital was 100,176 reis, or 2s. 11d. per day per head. The average deaths, including suspected abstractions of the negroes, was 34½ per cent. A hulk being hired in April this plan has saved much suffering and loss of life to the negroes, as well as expense.

By the former system there was no medical Officer charged with the inspection of the health of the negroes, who were only removed to the hospital in such stages of diseases as might have been generally averted if a daily and careful inspection had been attended to; and consequently the chance of cure at the Brazilian Hospital with its noted negligence was as small as the increase of expense was certain. The hire of the hulk for the sick was effected at 60 milreis, or 7l. 10s. per month, and a medical officer and assistant engaged at 8 milreis, or 1l. and 5 milries, or 12s. 6d. per day, making together 53l. 6s. per month, and in this manner many evils have been remedied.

Since the hulk was ready for the reception of the sick, viz. 12th April to 31st

of May, 386 sick negroes have been received, of which 229 have been cured, and 57 deaths as will appear in the inclosed statement.

The total expense of the hulk, fitting it up, hire thereof, medical attendance, medicine, diet, and necessaries is up to that period, 31st of May, 2,716,890 reis, or 339*l.* 12*s.* 0*¼d.* Such a number of sick at the Brazilian Hospital would from the statement inclosed have produced 131 deaths, and the expense would have been 6,914,880 reis, or 864*l.* 7*s.* 2*d.*

The fourth particular, the custody of the negroes on board the vessels, as well as of their crews, has imposed a most harassing duty on all the officers and men of Her Majesty's Navy employed in that service, seriously injuring their healths, and from experience directly subversial of the discipline of both seamen and marines.

But all these great sacrifices have not been sufficient to withstand all the reckless and daring attempts to abstract the negroes, and effect the escape of the prisoners, who forming part of the crews of slave vessels, or being under the denomination of passengers, persons actively engaged in the Slave Trade, have a most powerful influence to assist them in this place.

It is therefore not surprising that not only a great portion of prisoners have effected their escape, but that also some negroes have been abstracted from the vessels at anchor in this port, a short distance from the shore and necessarily in the track of numerous boats day and night. Neither is it under such circumstances surprising, that after the activity and efficiency with which Her Majesty's naval Officers guard such prisoners, within sight of their accomplices, and thwarting the numerous attempts to effect their escape, such Officers should be treated on shore, not as persons of their public character and rank in the British service have hitherto been in this friendly port, but as hostile strangers and intruders.

It is needless to enumerate the late occurrences which fully prove all the foregoing assertions, but it may be useful to detail so much respecting such prisoners, as are connected with the proceedings of the Mixed Commission Court.

On the arrival of vessels with slaves on board, the crews and passengers are partly prisoners on board, and partly on board the capturing men of war, and when any have to give evidence at the Commission Court they have hitherto been landed in boats belonging to Her Majesty's ships and on landing delivered in charge of either a military or police guard, which conducts them from and back to the boats.

At the Court it becomes desirable to separate those who have given evidence from the others, and this object also occasions much inconvenience on their return on board; forcing the senior naval Officer to provide additional accommodation, having two sets of prisoners to provide for and guard, during the process at the Court.

The official form required from the Members of the Mixed Commission Court to obtain a military guard occasions much delay, and consequently since I have acted for the Captors, I have, in virtue of my public office as Consul, profited by the advantage of readily obtaining a guard from the Police, and I am glad of this opportunity to testify to the efficiency and propriety of their services and conduct, having in two instances witnessed the fact of their refusing considerable bribes to allow the escape of prisoners brought to the Court.

Besides the inconvenience arising from the Commissary Judges possessing no ready means of obtaining the evidence of the prisoners, who are now of necessity under the charge of the senior British naval Officer, the Mixed Commission Court is continually troubled with prisoners' petitions for redress of grievances and hardships, ultimately found to be, in most instances, unfounded, but consuming in such investigations much valuable time, and destroying cordiality between the naval Officer and the Commissioners.

It has also often happened, that in consequence of severe illness, it has been found requisite to land some of the prisoners, and of those sent to the Brazilian General Hospital, most have, I believe, escaped, which gave rise to a troublesome, and in the end, useless correspondence between the Commissioners and senior naval Officer.

Attempts were then made to place the sick prisoners in the Brazilian Military Hospital, where it was expected their safe custody would be ensured, but such attempts were made by the Commissioners without success; and subsequent endeavours to induce the Consuls of the nations to which the prisoners belonged, to obtain for such as were sick the requisite relief in the military hospital on shore, also proved unavailable; and in one instance a prisoner expired in a boat while waiting for an order of admission into that hospital, so that all further attempts

to obtain admission for sick into the Military Hospital were abandoned, and at present the sick prisoners are attended on board the hulk.

From such details of the proceedings of the Mixed Commission Court, of the victualling of the negroes, and their attendance when sick, and of the custody of the negroes, and of the crews on board captured vessels, the chief cause of inconvenience and mischief is the delay experienced from the want of sufficient power on the part of the Mixed Commission Court to extend its means to the exigence of the business before it; but besides the want of requisite assistance there appears also a great source of delay and trouble to the Captors or their agents, from the circumstance that the Commissioners do not feel authorized to verify any circumstance, or to elucidate any doubt respecting the vessel, her documents, or the persons concerned in her, which may arise from the evidence taken in Court: such verifications and elucidations being at present furnished by those who act either on behalf of the Captors or claimants, as the point may happen to favour one of the respective parties, and which the Commissioners who sentence the case have hitherto refused to search for, because declared to be contrary to their duties as judges. However, it appears to me that applications from the Commissioners to any department of the Brazilian Government for official and correct returns on any point within its cognizance is not a proceeding at variance with the judicial character of the Commissary Judges; but on the contrary, would prove a more ready and a more efficient method of obtaining evidence, and of searching out the truth from departments that are entirely under the influence of the slave dealers.

The system now followed, is to leave to the exertions of the agents of the parties the obtaining from the Brazilian Departments the requisite official evidence, and thus rendering the agents responsible for the production of most requisite proofs to establish the truth of the case.

Of the difficulty I have, in acting as the agent of the captors, experienced in obtaining from the Brazilian offices any information tending to criminate Slave dealers, I could give many proofs.

When once the proceedings of the Commission Court are rendered by the alterations thus suggested more expeditious as to routine, and more efficient as to its own means of extracting the needful evidence bearing on the cases before it, which have hitherto had reference to vessels fitted out for Africa from this port—when once this primary cause of inconvenience is removed, then the expenses of subsisting and attending to the negroes, and the difficulties experienced from the present system pursued in the custody of the crews and passengers of the Slave vessels, would become comparatively less, and might be distinctly and separately understood, and for the following reasons appear to be grievances requiring redress.

Under any circumstances, to retain on board a vessel a number of human beings in a crowded state, afflicted with various diseases, and many of an infectious nature, is an inhuman proceeding.

The horrible detail of the misery and suffering from such a proceeding is only, perhaps, fully known to those whose duty forces them to be witnesses to such scenes, and to be, in fact, in close contact with the wretched beings who are crowded around them, consisting of men, women, children, and infants, some sinking under disease, and others disgusting from their savage apathy and brutal ferocity when fed, and all unconsciously inflicting pain, trouble, and anxiety. When to a day spent in such a scene, on a crowded deck, is added the great inconvenience of living under an awning, exposed to a Tropical atmosphere day and night, and under the constant responsibility of keeping a proper watch to guard against unceasing attempts to abstract the negroes—when all this annoyance, privation, and anxiety is understood, then the extent of suffering to which any of Her Majesty's Naval Officers in charge of a Slave vessel is exposed will be acknowledged.

The Enclosure, No. 6, shows the expense on each negro delivered over to the Brazilian Authorities after the four vessels, "*Cezar*," "*Brilhante*," "*Felix*," and "*Diligente*," were adjudicated; and though the expenses, including victualling, hospital charges, &c., varied from *1l. 7s. 4d.* to *4l. 4s. 10d.* for each negro who survived, still the average expense on the total delivered, being 832 negroes, was *2l. 11s. 2d.* per negro: the total number on board these four vessels on their arrival was 997 negroes, showing a mortality of more than 16 per cent.

Should the sentences on captured Slave vessels be expeditiously executed, the expense attending the victualling of the negroes may, perhaps, not be material, and the same observation might apply with regard to the sick. But if the amount

First Sub-Enclosure in No. 179.

STATEMENT of the Extent of Detention, at particular Periods of the Proceedings, with Six Slave Vessels brought for Adjudication into Rio de Janeiro.

Vessels.	Date of Arrival.	Date of Sentence.	Period up to Sentence.	Date of giving up the Negroes.	Period between Sentence and Delivering the Negroes.	Total Detention.
Cezar	April 17th, 1838	May 26th, 1838	39 days	July 11th, 1838	46 days	85 days.
Brilhante	May 15th, 1838	June 25th, 1838	40 days	October 12th, 1838	109 days	150 days.
Diligente	December 10th, 1838	January 10th, 1839	31 days	March 11th, 1839	60 days	91 days.
Feliz	January 2d, 1839	January 30th, 1839	28 days	March 4th, 1839	33 days	61 days.
Especulador	March 28th, 1839	May 4th, 1839	37 days	May 24th, 1839	20 days	57 days.
Carolina	March 31st, 1839	April 16th, 1839	16 days	May 29th, 1839	44 days	60 days.
			191 days.		312 days.	504

Average Time of Process in all Six Cases 32 days; Average of Detention of Cezar, Brilhante, and Especulador, between Adjudication and Delivery of Negroes, is about 58 Days.
(Signed) ROBERT HESKETH, Her Britannic Majesty's Consul.

Second Sub-Enclosure in No. 179.

STATEMENT showing the Expense of Victualling per Head, according to the Diet formerly adopted.

Vessels.	Number of Days Victualled.	Number of Negroes.	Amount.		Rate per Head per Day.		Average.
			Currency.	Sterling.	Currency.	Sterling.	
Feliz	59	229	Dollars. 2588	£. s. d. 323 11 7½	191	d. 5½	d. 5½, or 176.
Diligente	82	251	3299 060	412 7 7½	161	4½	
Especulador	50	231	ing to an altered diet		148	4½	d. 4½, or 143; some Provisions remaining of the Sea Stock.
Carolina	38	208	1713 100	214 2 9	139	4	

(Signed) ROBERT HESKETH, Her Britannic Majesty's Consul.

Third Sub-Enclosure in No. 179.

CONDITIONS for the supply by contract of the undermentioned provisions, for the use of the negroes brought into this port for adjudication before the Mixed Commission Court for the Abolition of the Slave Trade, for the space of one year, to commence from the date of contract.

The contract to be at so much per head per day, the rations being cooked and distributed on board under the superintendence of the officer in charge of the vessel containing the negroes.

The articles required being jerked beef, fresh beef, (twice a week), beans, farinha, salt, fire-wood, and water; the same to be delivered free of all expense on board the respective vessels containing negroes, 12 hours after the requests from the officers in charge.

The provisions to be of good quality, and fit for the use of the negroes; and should any portion be at any time found unsound or unwholesome, shall be, after an inspection by any officer the senior officer may appoint, returned to the contractor, at his expense.

The contractor will be required to find a surety for the due fulfilment of the above conditions under a penalty of 200*l.* sterling.

The accounts to be made up, and sent in for payment at the condemnation of each vessel.

(Signed)

ROBERT HESKETH,

Her Britannic Majesty's Consul.

Rio de Janeiro, April 15, 1839.

It is also understood that this contract is to exist for a year, provided that no orders are received from Her Majesty's Government to rescind it.

Charles Moss and Co. offered to supply the required provisions under above conditions at 150 reis per head.

Fourth Sub-Enclosure in No. 179.

A RETURN of Sick Slaves received on board of the Hospital Ship "Nova Piedade" at Rio de Janeiro, with the Number of Discharges, Deaths, and Diseases, and Vessels they belonged to, from the 1st to the 31st of May, 1839.

Date received, and from what Vessel.	Slaves.				Total Number Received.	Date of Deaths.	Slaves.				Total Number of Deaths.	From what Cause.	Date of Discharges.	Slaves.				Total Number Discharged.	
	Men.	Women.	Boys.	Girls.			Men.	Women.	Boys.	Girls.				Men.	Women.	Boys.	Girls.		
Brigantine Carolina:																			
Remains by last Return.	..	..	2	..	2	..	..	..	..	..	..	..	..	..	..	..	..	3	
3 May	9	..	..	..	9	17 May	..	..	1	..	..	..	..	18 May	1	..	2	7	
13 "	4	..	3	..	7	23 "	1	..	..	..	..	..	..	24 "	2	..	5	..	
14 "	..	..	2	1	3	..	..	..	..	..	..	..	..	29 "	10	..	2	12	
15 "	..	..	2	..	2	..	..	..	..	..	..	..	..	..	..	..	..	..
22 "	1	..	..	..	2	..	..	..	..	..	..	..	..	..	..	..	..	..
	14	1	9	1	25		1	1	..	1	1	..	3		13	..	9	..	
Brigantine Especulador:																			
Remains by last Return.	19	5	9	7	40	1 May	1	..	..	..	..	..	..	7 May	3	3	4	3	13
1 May	..	3	1	..	4	4 "	1	..	..	..	..	..	..	8 "	..	4	..	2	6
2 "	..	2	..	..	2	7 "	..	..	1	..	..	..	..	18 "	6	3	3	2	13
3 "	8	..	..	..	8	..	..	..	..	..	..	..	..	21 "	..	..	1	1	2
7 "	..	1	..	..	1	..	..	..	..	..	..	..	..	24 "	17	2	4	1	24
16 "	..	..	..	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..
19 "	..	..	1	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..
22 "	1	..	1	1	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..
23 "	..	1	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..
	28	12	12	9	61		2	..	1	..	..	..	3		26	12	11	9	58

A RETURN of Sick Slaves received on Board of the Hospital Ship "Nova Piedade,"—continued.

Date received, and from what Vessel.	Slaves.				Total Number Received.	Date of Deaths.	Slaves.				Total Number of Deaths.	From what Cause.	Date of Discharges.	Slaves.				Total Number Discharged.	
	Men.	Women.	Boys.	Girls.			Men.	Women.	Boys.	Girls.				Men.	Women.	Boys.	Girls.		
Brig Ganges:																			
Remains by last Return	15	..	16	1	32	1 May	1	..	..	..	..	..	..	..	..	..	..	..
1 May	2	..	1	..	3	5 "	..	..	..	..	..	..	..	..	..	..	..	..
4 "	3	..	2	..	5	10 "	1	..	..	..	..	..	..	..	..	..	..	..
8 "	2	..	..	..	2	11 "	1	..	..	..	..	..	..	..	..	..	..	..
9 "	7	..	1	..	8	14 "	1	..	..	..	..	..	..	..	..	..	..	..
13 "	8	..	7	..	15	15 "	1	..	..	..	..	..	..	..	..	..	..	..
18 "	5	..	4	1	10	16 "	1	..	..	..	..	..	..	..	..	..	..	..
19 "	4	..	7	..	11	17 "	1	..	..	..	..	..	..	..	..	..	..	..
24 "	12	Work	ing	Hands.	12	18 "	..	..	..	..	..	..	..	..	..	..	..	..
27 "	6	6	4	..	12	19 "	..	..	..	..	..	..	..	..	..	..	..	..
30 "	4	..	4	2	10		..	..	..	..	..	..	..	..	..	..	..	..
	68	..	48	4	120		11	..	7	..	18			22	..	25	1	48	
Brig Leal:																			
Remains by the last Return	..	1	3	..	4	4 May	..	..	1	..	1	Extravasation of Urine	8 May	1	..	..	1	3
1 May	1	..	..	..	1	8 "	..	..	1	..	1	Phthisis	18 "	7	4	1	1	13
2 "	1	1	1	2	5	16 "	..	..	1	..	1	Dysentery	21 "	7	3	1	1	12
3 "	..	..	2	..	2		..	..	..	..	..	Inflammation of the Lungs	27 "	1	2	5	..	8

A RETURN of sick Slaves received on board of the Hospital Ship "Nova Piedade," at Rio de Janeiro, with the number of Discharges, Deaths, Diseases, and Vessels they belonged to, from the 12th to the 30th April, 1839.

Date Received, and from what Vessel.	Slaves.				Total Number Received.	Date of Deaths.	Slaves.				Total Number of Deaths.	From what Cause.	Date of Discharges.	Slaves.				Total Number Discharged.																																																																																																																																																																																																													
	Men.	Women.	Boys.	Girls.			Men.	Women.	Boys.	Girls.				Men.	Women.	Boys.	Girls.																																																																																																																																																																																																														
<i>Brigantine Carolina.</i>																																																																																																																																																																																																																															
12 April	2	5	16	6	29	13 April.	1	..	1	Small-pox	29 April.																																																																																																																																																																																																														
15 ,,	2	2	2	2	8	17 ,,	1	..	1	Dysentery		23 ,,	2	..	2	1	5	19 ,,	1	..	1	Inflammation of the Lungs	27 ,,	3	..	6	1	10	30 ,,	1	1	Consumption		9	7	26	10	52		1	..	3	..	4		8	7	21	10	46	<i>Brigantine Esperador.</i>																			12 April	10	8	17	6	41	20 April.	1	..	1	An Infant died apparently from the effects of a blow on the head	29 April.	13 ,,	8	8	23 ,,	2	..	2	Dysentery and Fever	14 ,,	1	1	26 ,,	1	An Infant, Ulceration of mouth and Diarrhoea	17 ,,	2	2	29 ,,	1	1	Fever	19 ,,	1	1	..	2		20 ,,	1	..	2	3		23 ,,	1	..	1		25 ,,	1	1			19	13	19	8	59		..	1	3	1	5		8	7	7	..	14
23 ,,	2	..	2	1	5	19 ,,	1	..	1	Inflammation of the Lungs		27 ,,	3	..	6	1	10	30 ,,	1	1	Consumption		9	7	26	10	52		1	..	3	..	4		8	7	21	10	46	<i>Brigantine Esperador.</i>																			12 April	10	8	17	6	41	20 April.	1	..	1	An Infant died apparently from the effects of a blow on the head	29 April.	13 ,,	8	8	23 ,,	2	..	2	Dysentery and Fever	14 ,,	1	1	26 ,,	1	An Infant, Ulceration of mouth and Diarrhoea	17 ,,	2	2	29 ,,	1	1	Fever	19 ,,	1	1	..	2		20 ,,	1	..	2	3		23 ,,	1	..	1		25 ,,	1	1			19	13	19	8	59		..	1	3	1	5		8	7	7	..	14												
27 ,,	3	..	6	1	10	30 ,,	1	1	Consumption																																																																																																																																																																																																																			
	9	7	26	10	52		1	..	3	..	4		8	7	21	10	46																																																																																																																																																																																																														
<i>Brigantine Esperador.</i>																																																																																																																																																																																																																															
12 April	10	8	17	6	41	20 April.	1	..	1	An Infant died apparently from the effects of a blow on the head	29 April.																																																																																																																																																																																																														
13 ,,	8	8	23 ,,	2	..	2	Dysentery and Fever		14 ,,	1	1	26 ,,	1	An Infant, Ulceration of mouth and Diarrhoea	17 ,,	2	2	29 ,,	1	1	Fever	19 ,,	1	1	..	2		20 ,,	1	..	2	3		23 ,,	1	..	1		25 ,,	1	1			19	13	19	8	59		..	1	3	1	5		8	7	7	..	14																																																																																														
14 ,,	1	1	26 ,,	1	An Infant, Ulceration of mouth and Diarrhoea		17 ,,	2	2	29 ,,	1	1	Fever	19 ,,	1	1	..	2		20 ,,	1	..	2	3		23 ,,	1	..	1		25 ,,	1	1			19	13	19	8	59		..	1	3	1	5		8	7	7	..	14																																																																																																											
17 ,,	2	2	29 ,,	1	1	Fever																																																																																																																																																																																																																			
19 ,,	1	1	..	2																																																																																																																																																																																																															
20 ,,	1	..	2	3																																																																																																																																																																																																															
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25 ,,	1	1																																																																																																																																																																																																															
	19	13	19	8	59		..	1	3	1	5		8	7	7	..	14																																																																																																																																																																																																														

Fifth Sub-Enclosure in No. 179.

COMPARATIVE STATEMENT OF EXPENSES incurred with Sick Negroes at the Brazilian Hospital, and on board Hospital Hulk.

	Vessels.	Amount.	Number of Negroes.	Number of Days.	Cost per head per Day.	Number of Deaths.	Average of Mortality
Cost at Brazilian Hospital	{ Brilhante Feliz Diligente }	<i>Doll. Reis.</i> £. s. d. 1,759 380 219 18 5½	93	1,403	<i>Doll. Reis.</i> £. s. d. 1 254 3 1 0½	18	19½ per cent.
		111 860 13 19 1½	6	97	1 153 2 10 0½	6	100 per cent.
		1,134 320 141 15 9½	56	1,011	1 121 2 9 0½	29	51½ per cent.
		3,005 560 375 13 10½	155	2,511	1 176 2 11 0	53 Negroes	34½ per cent.
Cost at Custom-house Hulk	{ Especulador Carolina Ganges Leal }	<i>Doll. Reis.</i> £. s. d. 2,716 890 339 12 0½	386	Average number of sick negroes on board of Hulk, 120 per day, during 49 days.	0 462 0 1 3½	57	14½ per cent.

DIER, Medicine, and all Expenses, per 100 Negroes per Day.

	<i>Doll. Reis.</i>	£.	s.	d.
Expense and Mortality of Negroes at Brazilian Hospital, as instanced in the last three Vessels as above specified, giving a less expensive and less fatal result than previous ones	117	600	14	14 0
Ditto, on board Hulk	46	200	5	15 6
Reduction of Expense per day on 100 Negroes, by hiring a hulk	71	400	8	18 6

{ Reduction in } 19½ per cent., or 20 Negroes on each 100.
 { Mortality. }

(Signed) ROBERT HESKETH,
Her Britannic Majesty's Consul.

Sixth Sub-Enclosure in No. 179.

STATEMENT of Total Expense incurred with the Negroes on board four Vessels, adjudicated by the Commission Court for the Abolition of Slave Trade.

Vessels.	Number of Negroes surviving when Sentence was Decreed.	Total of Expenses.		Expense per Head.								
		Currency.	Sterling.	Currency.	Sterling.							
Cezar . . .	190	Doll. 2,093	Reis. 800	£. 261	s. 14	d. 6	Doll. 11	Reis. 020	£. 1	s. 7	d. 4	
Brilhante . . .	222	7,539	120	942	7	9½	33	960	4	4	10	
Feliz . . .	222	3,340	434	417	11	1	15	047	1	17	7½	
Diligente . . .	198	4,073	354	509	3	4	25	623	3	4	0	
Total . . .	832	17,046	708	2,130	16	8½	Average } per head } on Total }	20	464	2	11	2½

Number of Negroes on board on arrival, 997.

Amount of mortality, both of sick and healthy, 16½ per cent.

(Signed)

ROBERT HESKETH,

Her Britannic Majesty's Consul.

Seventh Sub-Enclosure in No. 179.

Rio de Janeiro, June 10, 1839.

THE following supernumeraries whose cases have been noted on the sick books of Her Majesty's ship "Stag," and treated on board, were individuals forming part of the different prize crews of slave vessels captured and brought into this port. Many others have required medical and surgical assistance, whose complaints, not confining them to bed, or requiring removal from their vessels, no register of names was kept:—

Joseph Swayne . . .	Marine belonging to the Rover's prize "Flor de Loanda."	Dysentery and hemorrhage.	10th December to the 29th January; invalided.
Henry Hains . . .	Marine, belonging to the Electra's prize, "Diligente."	Small-pox . . .	14th December to 14th January; discharged convalescent.
Abraham Sherwood .	Marine belonging to the Electra's prize, "Diligente."	Ulcers and craw-craw.	17th to 26th December; discharged cured.
Richard Owens . . .	Seaman belonging to the Electra's prize "Diligente."	Rheumatism, &c. .	17th December to 7th January; discharged cured.
Richard Moore . . .	Marine	Ulcers	26th December to 14th January; discharged cured.
Lieut. Hezeltine . .	In command of the Electra's prize "Diligente."	Small-pox	5th to 14th January; discharged convalescent.
George Walker . . .	Boy	Small-pox	30th December to 12th January; convalescent.
Robert Hurryman . .	Marine, belonging to the Grecian's prize "Ganges."	Fever and inflammation of the lungs	1st to 22d May; discharged cured.
Lieut. Andrews . . .	In command of the Grecian's prize, "Leal."	Mucous catarrh with severe cough.	May; remained sick when discharged.
William Stephens . .	Seaman belonging to the Electra's prize "Carolina."	Inflammation, and a disease of the leg.	7th to 12th May; discharged cured.
Mr. Palliser	In command of the Electra's prize, "Carolina."	Mucous catarrh and severe cough.	7th to 28th May; discharged cured.
Mr. C. W. Mowle . .	In command of the Grecian's prize, "Ganges."	Fever, and inflammation of the lungs.	7th May to 10th June; convalescent.
Mr. R. Curtis	In command of the Electra's prize, "Especulador."	Ulcers	27th May to 5th June; discharged cured.

Most of the diseases here specified were the result of exposure to night-air in guarding the vessels, particularly those of an inflammatory nature and fevers. Some suffered from direct infection, through the slaves, in small-pox, and that cutaneous disease commonly known by the name of craw-craw, a species of virulent itch, contracted by the seamen in prizes, to a greater or less degree, and which, from neglect, often degenerates into foul ulcers.

CLASS B.

Only three cases of variolous or small-pox disease, and that in a mild form, from the individuals having been vaccinated, occurred, which might have been more extensively disseminated among the ship's company of the "Stag," from the cases being treated on board, but for the immediate introduction of the vaccine inoculation.

The Officers of the prizes, from the length of time they are in charge, and the harrassing nature of their duties in the constant watching, disturbed state of rest, and exposure they undergo, are more liable to be affected by the vicissitudes of weather, which, during April and the early and middle part of May, was remarkable for its variability, with alternations of temperature; much rain, and a foggy atmosphere, producing a species of influenza, or severe catarrh, with cough.

The complaint was very general among the slaves in the different vessels, and which extended to the Officers, and many of the men.

In some the symptoms were mild; cough without much febrile action, and not requiring them to desist from their ordinary duties.

In the case of Mr. Mowle, the Officer of the "Ganges," the fever and inflammation were of so dangerous a character, as, at one stage of the disease, to preclude the hope of recovery, or at least that it would terminate in consumption. He is, however, at the date of this report, convalescent.

(Signed)

RICHARD DOUGLAS,

Surgeon.

A List of Officers and Men belonging to Her Majesty's brig "Wizard" who contracted disease while doing duty on board the slave schooners "Brilhante," from May 15, to October 12, 1838. "Feliz" from January 2, to March 4, 1839.

Name.	Age.	Quality.	Disease.	Name of Vessel.	How disposed of.
Wm. Johnston.	25	Prize Officer .	Craw-craw . .	Brilhante and Feliz.	Duty.
Wm. Lee . .	21	Ordinary Seamen	Craw-craw . .	Flor de Loanda	Duty.
Wm. Stevens .	21	Ordinary do.	Craw-craw . .	Feliz . . .	Duty.
Arthur M'Donald	27	A. B. . do.	Variola confluence	Feliz . . .	Dead.
Timothy Cullau	18	Boy . . do.	Variola . . .	Feliz . . .	Duty.

(Signed)

WILLIAM L. METHUEN,

Assistant Surgeon.

No. 180.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, June 22, 1839.

(Received August 17.)

(Extract.)

IN my Despatch of the 1st of February, 1839, Slave Trade Series, I had the honour to communicate to your Lordship a correspondence, which took place between Her Majesty's Legation and the Commanding Officers on this station, as well as the British Commissioners, on the subject of the possible detention and condemnation of vessels equipped for the Slave Trade, proceeding from this Coast to Africa.

A reference to this correspondence will show that Her Majesty's Commissioners thought that (in consequence of late concessions on the part of the Brazilian Government) the condemnation of vessels fitted out for the Slave Trade, and detained when sailing from Brazilian ports, might probably be effected. Her Majesty's brig "Grecian," on the 30th ultimo, brought in the "Maria Carlota" barque, and "Recuperador" brigantine, under Portuguese colours, both equipped for a slaving voyage, and put all the papers into the hands of Her Majesty's Consul, in order to bring the case before the Mixed Commission Court.

The Brazilian Commissioner positively refused, for a long time, to take any cognisance of this case; Sir George Jackson ultimately applied to me to address the Brazilian Minister, requesting that instructions might be addressed to the Brazilian Commissioner, to direct that the papers should be brought into Court and examined.

I have the honour to enclose copy of the note which I addressed to Senhor Candido B. de Oliveira on this occasion, and I am informed that his Excellency has, in consequence, directed that the papers be examined by the Brazilian Commissioners, without any pledge, however, that the case shall be regarded as coming by Treaty under its jurisdiction.

The very circumstance, however, of the detention of the vessels, and the examination of their papers by the Mixed Commission has caused greater consternation among the slave-traders, than has hitherto been felt by them at any suppressive measure. They are aware of the vital importance to them of the view taken by the Government of these captures. Moreover, the intention, which I have allowed, indirectly, to be made known of sending the vessels either to Sierra Leone, or to England, or Lisbon, in case they escape the Commission, much increases their embarrassment and anxiety. They also risk much expense and trouble as having defrauded the revenue of Brazil; their correspondence also, containing much matter of importance, on subjects not immediately relating to their present speculation, has fallen into our hands, so as to expose many proceedings and individuals, in a manner that may powerfully assist our proceedings against the Slave Trade.

Their speculations are interrupted indefinitely; their agents as captains, pilots, sailors, &c., imprisoned, and perhaps sent out of the country, so that the difficulty of procuring them and their demands for compensation are materially increased. The insurance is already much higher than formerly, so as to become onerous; and a discouragement and want of confidence, hitherto totally unknown, is felt by them and their confederates. If the Mixed Commission be enabled to condemn the "*Maria Carlota*" and "*Recuperador*," and some additional cruizers, and an armed steamer be placed at the disposal of Her Majesty's squadron, there is little doubt that the Slave Trade would, for some time, be completely interrupted on this Coast.

Enclosure in No. 180.

Mr. Ouseley to M. de Oliveira.

Rio de Janeiro, June 9, 1839.

THE Undersigned, &c., has the honour to address his Excellency Senhor Candido Baptista de Oliveira, &c., on the subject of the slave-vessels under the Portuguese flag, the barque "*Maria Carlota*," and schooner "*Recuperador*," lately detained by Her Majesty's brig of war "*Grecian*," and brought before the British and Brazilian Mixed Commission.

It appears that the Brazilian Commissioner refuses to examine the papers or take any cognisance whatever of the case of these two vessels. The Undersigned trusts that the Imperial Government will perceive the necessity, of at least instructing their Commissary Judge to enter upon the examination of the cases submitted to the Mixed Court.

The Brazilian Commissioner objects that there is no express clause in the Treaties, either with Brazil or Portugal, which directs that vessels, under the circumstances of those now detained, shall be brought before the Mixed Commission, and carries his objections so far as even to dispute the right of appealing to an arbitrator on this point. It is difficult to understand how this right can admit of a doubt, although in the present case no necessity exists for having recourse to arbitration, as the Undersigned trusts Senhor Candido B. de Oliveira will at once feel, that it is incumbent upon his Excellency to instruct the Imperial Commissioner to take cognisance of this question.

In the first place, the real nature of the speculation in which these vessels were engaged, and the true circumstances of their case can only be ascertained by taking cognisance of the papers submitted to the Court; and it must also be recollected that the Minister of Foreign Affairs is empowered, by the constitution of this empire, to interpret and carry into effect, in the mode that appears to him most expedient, the stipulations of Treaties with Foreign Powers.

The *bonâ fide* intention and object of the Treaty for the suppression of Slave Trade, subsisting between the two Governments, is totally to prevent their subjects respectively from carrying on that traffic.

Even were that Treaty not sufficiently explicit in its terms, the laws that have

No. 181.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, June 22, 1839.

(Received August 17.)

(Extract.)

MONSIEUR FIGANIERE, the new Portuguese Minister, has on several occasions assured me, that his instructions, both in letter and spirit, were to do all in his power to discountenance and suppress the Slave Trade, and that his own inclination, as well as duty, prompted him to act in every way, publicly or privately, so as to prevent the Portuguese flag from being employed to cover that traffic, and to bring to condign punishment any subjects of Her Most Faithful Majesty that might engage in it.

I, of course, show every disposition to meet these repeated declarations with frankness and confidence.

He has more than once taken occasion to assure myself and others of the general good conduct of the late Consul-General and Chargé d'Affaires, Senhor Moreira he has even assured some members of the Imperial Government, that Senhor Moreira has been calumniated; and, lately, he told me, that Senhor Moreira must still be recognized as Consul-General by Portugal, and by all other nations, notwithstanding the withdrawal of his Exequatur by the Brazilian Government.

I replied to Monsieur Figanière, that I could by no means admit Senhor Moreira's signature as valid in any public document, as Portuguese Consul-General; and that our cruisers would look upon papers granted by him as of no authority; that such a principle as he advanced would render any nation liable to have a Consul-General forced upon them by a more powerful Government, who might choose to contend, that the acts of their agent were legalized by their appointment, without reference to a recognition by the country in which such Consul might reside, &c.

Monsieur Figanière has also written me several official notes on the subject of the detention of the "*Maria Carlota*" and "*Recuperador*."

He has also written officially in favour of the Portuguese slave traders captured on board the prizes. But, not wishing to judge hastily, and knowing the difficulties of the position of any Portuguese Minister at this place, where there are about 30,000 Portuguese, all, it may be said, slave dealers, I shall proceed, as long as expedient, as though convinced of his good intentions and cordial co-operation in matters relating to Slave Trade.

No. 182.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, June 22, 1839.

(Received August 17.)

(Extract.)

SENHOR Candido B. de Oliveira told me the other day that the survey of the Brazilian officers had proved that the "*Carolina*" is an unserviceable vessel, and that consequently the Brazilian Government had abandoned their intention of purchasing it as a cruiser. It is in fact an excellent vessel, well adapted for their purpose, drawing little water, and a remarkably fast sailer; this survey has evidently been made under the influence of the slave traders. I enclose a copy of a note which I wrote on this subject, and on that of prisoners, whom the Minister of Marine had agreed to take as sailors on board the Brazilian guard-ship, as he had done on previous occasions, but he has either been tampered with, or threatened, by the Portuguese Minister or the slave dealers.

The "*Carolina*" is a vessel that would be highly useful as a cruiser for Rio Grande, particularly where small draft of water is requisite; lately the Vice-Consuls and other English residents in that province petitioned for some British man-of-war, as a protection in the present state of civil war; and where privateers are fitting out under the flag of the *soi-disant* Republic, with the apparently significant name of "*Piratinem*." The Commodore dispatched the "*Chamelion*," which, although a small 10-gun brig, could not cross the bar. If this vessel were bought (and it will doubtless be sold much below its value) it would be highly serviceable as a tender to the flag-ship, and might be sent to Rio Grande, or employed against Slave Trade, and very probably would sell for more afterwards than it will be sold for here by the Brazilian officers.

Senor Candido B. de Oliveira lately suggested to me, in an official conference, either that the Commission should be removed to Demerara, Trinidad, or elsewhere, out of Brazilian territory, or that all Brazilian and British Commissions should be done away with, and Great Britain might seize any vessel engaged in Slave Trade on this coast, without inquiry from Brazil, as that traffic was entirely prohibited, leaving them the internal regulation of repressive measures. I requested his Excellency to put on paper a memorandum of his views on this subject, which he promised me if the packet could be detained 48 hours (as his plan must be approved by the Regent in Council). I therefore assented, and am in hourly expectation of receiving this paper for transmission to your Lordship.

At this moment every effort is making by the Slave Trade interest to defeat the intentions of Her Majesty's Government; it is here that the Slave Trade can best be crushed, here that the capitalists reside, and the speculations are made, the vessels bought, manned, and fitted out.

First Enclosure in No. 182.

Memorandum on the Suppression of the Traffic of Africans.

(Translation.)

Rio de Janeiro, June 22, 1839.

If it is painful to the Brazilian philanthropist to witness almost daily the inefficacy of the measures repressive of the traffic in Africans on the whole extent of the Coast of Brazil, how much more distressing must the position of the first authorities of the country be considered, who, participating in similar sentiments, and having in their charge the execution of the treaties and laws on this subject, still find themselves under the sad necessity of allowing the inadequacy of the means placed at their disposal, without, on the other hand, being able to supply a remedy for the evil; not at the same time concealing the fact, that the prejudice in favour of the above traffic prevailing among the agricultural population, has been one of the causes which favour its continuance, and which can only be effectually opposed by indirect measures, well combined, and opportunity put in practice.

The inconsistency of the stipulations of the treaties on this subject, regarding the end which they have in view, viz., the total extinction of the trade in Brazil, is now fully proved by practice. In effect what signifies the formation of two Mixed Anglo-Brazilian Commissions, one at Rio, the other at Sierra Leone, if they have only adjudication of subjects of either of these two nations. The Slave Trade on the Coast of Brazil being exclusively carried on by the Portuguese, and under the protection of the flag of their nation. How can one reconcile the co-existence in Brazil of free Africans, distributed for domestic service, they being submitted to the same conditions of servitude, and which in nowise distinguish them from slaves, with the almost inevitable risk (in many cases) of losing an emancipation badly secured to these individuals, or that which is even, worse, of compromising the interests of an innumerable body of Brazilian proprietors, and even in some cases, the public security? In consequences of these considerations, it becomes indispensable to make essential alterations in the conditions with Great Britain on this subject, adopting, perhaps, in preference to other measures, the following fundamental dispositions:—

1st. It is expedient immediately to abolish the second Mixed Anglo-Brazilian Commissions, the capturing of vessels carrying on the Slave Trade on the Coast of Brazil, remaining exclusively the duty of the English cruisers.

2nd. The Government of Brazil will only undertake the suppression of the traffic within the country; putting in full force the Legislation on this point, concurring to the complete fulfilment of existing Treaties.

Second Enclosure in No. 182.

Mr. Ouseley to M. de Oliveira.

MONSIEUR LE MINISTRE,

Rio de Janeiro, Juin 21, 1839.

C'EST à regret que je dois annoncer à votre Excellence que les négriers paraissent continuer d'être les plus forts à Rio de Janeiro. Le Commodore Sullivan vient de m'informer que le Commandant de la Frégate Impériale a refusé de prendre 3 des Marins prisonniers, qu'on lui avait envoyés (conformément à ce

dont nous étions convenus) dont l'un est *Brésilien* les deux autres Espagnols. A l'égard des deux derniers j'avais déjà parlé au Chargé d'Affaires d'Espagne, qui me dit qu'il ne les réclamait pas.

Pour ce qui regarde le bâtiment la "*Carolina*," je puis assurer votre Excellence que le rapport qu'on a fait au Gouvernement Impérial à ce sujet est entièrement faux; et probablement acheté ou écrit par les intéressés; cette goëlette est non seulement en bon état, mais elle est tout ce qu'on pourrait désirer pour en faire un croiseur pour le service des eaux de Rio Grande: c'est à dessein qu'on a voulu tromper le Gouvernement. Je connais assez ces Messieurs pour pouvoir en assurer votre Excellence.

Je prends la liberté à cette occasion de rappeler à votre Excellence qu'en prenant sur moi d'admettre, que les derniers bâtimens condamnés fussent livrés aux autorités subalternes Brésiliennes, c'était sous la garantie de votre Excellence que la vente ne se ferait pas, comme par le passé, d'intelligence avec les négriers, mais qu'une notification suffisante soit donnée publiquement du jour et de l'heure.

J'aurai l'honneur de communiquer à votre Excellence quelques détails à ce sujet qui prouveront combien c'est nécessaire d'être sur sa garde contre la fourberie et la mauvaise foi, en tout ce qui regarde cette question.

J'ai l'honneur d'être de votre Excellence, &c.

(Signé) W. G. OUSELEY.

M. C. B. de Oliveira,
&c. &c. &c.

(Translation.)

(Confidential.)

M. LE MINISTRE,

IT is with regret that I must announce to your Excellency that the slave-traders apparently continue to have the upper hand at Rio de Janeiro. Commodore Sullivan has just informed me that the Commander of the imperial frigate has refused to receive three captured sailors who were sent to him (conformably with what we had agreed on), of whom one is a Brazilian and the two others Spaniards. With respect to the two latter, I had already spoken to the Spanish Chargé d'Affaires, who told me that he did not claim them.

As regards the "*Carolina*," I can assure your Excellency that the report made to the Imperial Government on this subject is entirely false, and probably paid for or written by interested persons. This schooner is not only in a good state, but she is all that can be desired for making a cruizer for the waters of the Rio Grande: an attempt has been designedly made to deceive the Government. I know enough of these gentlemen to be able to assure your Excellency of this.

I take the liberty on this occasion to remind your Excellency that, in taking upon myself to admit that the vessels recently condemned should be given up to the Brazilian subordinate authorities, it was under your Excellency's guarantee that the sale should not be conducted as heretofore, with an understanding with the slave-traders, but that sufficient notice should be publicly given of the day and hour.

I shall have the honour to communicate to your Excellency some details on this subject, which will prove how much it is necessary to guard against trickery and bad faith in all that regards this question.

I have, &c.,
(Signed) W. G. OUSELEY.

No. 183.

Viscount Palmerston to Mr. Ouseley.

(Extract.)

Foreign Office, August 20, 1839.

I HAVE received your Despatch Slave Trade, of the 17th May, 1839, respecting the sale of slave vessels condemned in the Mixed Court of Commission at Rio de Janeiro.

I have referred your Dispatch, and other communications upon the same subject, to Her Majesty's Advocate General, and I have now to acquaint you, in accordance with his opinion, that under the Convention between Great Britain and Brazil, authorizing the establishment of the Mixed Court of Commission, the vessels con-

demned by that Court, must "be sold by public sale for the benefit of the two Governments,"

With reference to the low price at which some of the condemned vessels, are stated to have been sold, you will take such measures as you shall judge best calculated to ensure a fair sale of such vessels, and I have directed Her Majesty's Commissioners to give to you any assistance in their power in this matter.

No. 184.

Viscount Palmerston to Mr. Ouseley.

Foreign Office, August 25, 1839.

Circular transmitting Address of House of Peers.

(See No. 7.)

No. 185.

Viscount Palmerston to Mr. Ouseley.

Foreign Office, September 3, 1839.

Circular transmitting Act for the Suppression of Slave Trade.

(See No. 11.)

No. 186.

Viscount Palmerston to Mr. Ouseley.

Foreign Office, September 6, 1839.

SIR,

I TRANSMIT herewith to you a copy of a Despatch from Her Majesty's Commissioners at Rio de Janeiro, giving an account of the sale of the Brazilian slave vessel, "*Diligente*," and of expenses incurred in the case of that vessel.

I transmit to you also a copy of a communication, which I have received from Her Majesty's Treasury upon this subject, and I have to desire that you will, according to the suggestion contained in the communication from Her Majesty's Treasury, claim from the Government of Brazil the sum of 3817. 0s. 2½*d.*, being the amount of the expenses which accrued in the case of the "*Diligente*," over and above the proceeds of the sale of that vessel.

You will communicate the contents of this Despatch to Her Majesty's Commissioners at Rio de Janeiro, and request from them any further information, and any assistance, you may require and they can give, towards carrying into effect the instruction contained in this Despatch.

Mr. W. G. Ouseley,
&c. &c. &c.

I am, &c.
(Signed) PALMERSTON.

First Enclosure in No. 186.

H. M. Commissioners to Viscount Palmerston.

Rio de Janeiro, April 29, 1839.

Sending the Account, Sale of the "Diligente."

Second Enclosure in No. 186.

Mr. Pennington to Mr. Strangways.

SIR,

Treasury Chambers, August 21, 1839.

WITH reference to your letters of the 8th of April last, and 6th instant, on the subject of the captured slave vessel "*Diligente*," I have it in command from the Lords Commissioners of Her Majesty's Treasury, to transmit extract of a Report from Mr. Rothery, relating to the Bills drawn by Captain Preston and Lieutenant Heseltine, together with copies of the said bills, and to request that, in submitting the same to Viscount Palmerston, you will state to his Lordship that the holder of the Bill drawn by Captain Preston, has been referred to Messrs.

Hallett and Co.; and that, under all the circumstances of the case, my Lords have been induced to authorize the acceptance and payment of the Bill drawn by Lieutenant Heseltine; but as the expenses, on account of which that Bill was drawn, ought obviously, as suggested by Mr. Rothery, to have been defrayed by the Brazilian Government, I am desired to request you will move his Lordship to convey such directions as may be requisite to the Queen's Commissioner in the Mixed Court, at Rio de Janeiro, for obtaining repayment from the Government of the amount of those expenses.

Adverting, also, to the irregularity of the Drafts on their Lordships in both these cases, my Lords desire you will further move Lord Palmerston to cause such instructions to be given, with the concurrence of the Board of Admiralty, to Her Majesty's Naval Officers employed in the prevention of the Slave Trade, as will prevent, for the future, the drawing or negotiating of Bills on Her Majesty's Government in this irregular manner; and as much inconvenience also attends the practice of drawing bills at the short dates of those in question, my Lords have likewise to request that the Officers may be instructed to let all bills they may be authorized to draw on account of captured vessels, be made payable at not less than 30 days after sight.

I have, &c.

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

(Signed) G. J. PENNINGTON.

Sub-Enclosure A. in No. 186.

Extract from a Report of Mr. Rothery, dated August 12, 1

"IN obedience to your Lordship's commands, I have perused and considered the Documents herewith returned, consisting of a letter from the Hon. W. Fox Strangways, dated the 5th of August instant, with the copy of a Despatch from Her Majesty's Commissioners at Rio de Janeiro, and an account of sale of the Brazilian brig "*Diligente*," E. R. de Silva, Master; also, copies of two Bills of Exchange, one drawn by Captain Preston, of Her Majesty's ship "*Electra*," the captor of the said vessel, for 80*l.* sterling, for lawyers' fees and charges, and the other by Lieutenant I. S. Heseltine, of the "*Electra*," the Officer in charge of the "*Diligente*" for 381*l.* 0*s.* 2½*d.* sterling as the balance of accounts rendered to the British and Brazilian Mixed Commission Court. And with reference to my Report of the 3rd of June last, wherein the circumstances of the capture and subsequent condemnation of this vessel and slaves are fully detailed, I do further most humbly report to your Lordships, that that Bill of Exchange, drawn by Captain Preston on your Lordships, for the sum of 80*l.* sterling, being for charges incurred by the captors, is improperly so drawn, and should not be accepted; but in order to avoid any inconvenience by the same being returned dishonoured, with the expenses attendant thereon, I have seen Messrs. Hallett and Co., the agents for the captors, who are ready to accept and pay the said Bill of Exchange, if presented to them; I therefore submit that the parties should be referred to Messrs. Hallett and Co., of Great George-street, Westminster, for that purpose, and should your Lordships adopt this course, it may be desirable that Messrs. Hallett and Co. should be so informed.

"I beg leave further to report, that it appears from these Documents, that the nett proceeds of the vessel, stores, &c. amounted to the sum of 1,359,680 milreis, the amount whereof has been paid to Messrs. C. Tross and Co., at Rio de Janeiro, in part payment of the expenses of maintenance of the Africans seized on board this vessel, and the Bill of Exchange, drawn by Lieutenant Heseltine for 381*l.* 0*s.* 2½*d.* sterling, in favour of the said Messrs. C. Tross and Co. is, as appears upon the face of such Bill of Exchange for payment of the balance of these expenses, as per accounts rendered to the British and Brazilian Mixed Commission Court. This Bill of Exchange also appears to me to have been improperly drawn upon their Lordships, inasmuch as the same is to reimburse the excess of expenses incurred for the support and maintenance of slaves seized on board this vessel, beyond the proceeds of the vessel and cargo; and, as the slaves were emancipated and delivered over to the Brazilian authorities, such excess of expenses should be paid by the Brazilian Government and not by this country; and, by way of elucidation, I beg to refer your Lordships to Mr. Backhouse's letter of the 13th of December, 1827,

CLASS B.

transmitting for your Lordships' information, the copy of a letter addressed by the then Secretary of State for Foreign Affairs to His late Majesty's Commissioners at Sierra Leone, wherein it is laid down; first, "that expenses of this description should be borne out of the proceeds of the vessel on board of which the slaves were found; and, secondly, that if there should be no proceeds, or proceeds which are not sufficient, the expenses, or the residue of them, should be paid by that Government which will eventually have the advantage of the labour of the slaves."

Upon this principle I submit, therefore, that the said sum of 381*l.* 0*s.* 2½*d.* should have been paid by the Brazilian Government.

(Signed) WILLIAM ROTHERY.

Sub-Enclosure B. in No. 186.

Bills, &c.

William Preston, Esq., Commander of Her Majesty's ship "Electra," to Robert Hesketh.

FOR lawyers' fees, expenses, documents, and services in the case of the slave schooner "*Diligente*," Eighty Pounds sterling. £80.

Received this Thirtieth day of March, 1839, from William Preston, Esquire, Commanding Her Majesty's ship "*Electra*," the sum of Eighty Pounds sterling, by a set of Bills of Exchange drawn by him on the Lords Commissioners of Her Majesty's Treasury, in payment of the above account.

(Signed) ROBERT HESKETH.

Witnesses,

CHARLES RAYNSFORD, JUN.

JOHN P. C. WESTWOOD.

£80 0 0.

Rio de Janeiro, March 30, 1839.

AT Ten Days sight, this my first of exchange, (second and third of the same tenor and date unpaid) please to pay Robert Hesketh, Esq. or order, the sum of Eighty Pounds sterling, for lawyers' fees and other charges in the case of the slave schooner "*Diligente*," captured by Her Majesty's ship "*Electra*," under my command.

I have, &c.

(Signed) WILLIAM PRESTON.

The Lords Commissioners of Her Majesty's Treasury, London.

£381 0 2½ sterling.

MY LORDS,

Rio de Janeiro, May 21, 1839.

TEN days after sight of this my first Bill of Exchange, second and third of the same tenor and date, not being paid, please pay Messrs. Charles Tross and Co., on order, the sum of Three Hundred and Eighty-one Pounds and Twopence Halfpenny sterling, being the balance of accounts rendered to the Brazilian and British Mixed Commission Court, at this place for provisions and other necessary supplies for the use of the blacks on board Her Majesty's ship "*Electra*," prize "*Diligente*," as per voucher transmitted by, my Lords, your Lordships', &c. &c.

(Signed) J. S. HESELTINE,

*Lieutenant of H. M. S. "Electra,"
in charge of the Slave Prize "Diligente."*

*To the Right Hon. the Lords Commissioners of
Her Majesty's Treasury, London.*

THIS is to certify, that the sum above-mentioned is due for the service stated, and that the Bill was drawn in payment thereof.

(Signed) J. B. SULLIVAN,
Commodore and Senior Officer.

We the Undersigned, two British merchants residing at Rio de Janeiro, do hereby certify that, at the date of drawing this Bill, the course of exchange for Bills on the British Government was at the rate of 29¾*d.* per milreis.

Given under our hands, at Rio Janiero, 21st of May, 1839.

(Signed) CHARLES KELLY.
THOMAS TAFFRAY.

No. 187.

*Viscount Palmerston to Mr Ouseley.*SIR, *Foreign Office, September 13, 1839.*

I HAVE received your Despatch, Slave Trade, of the 22d of June, 1839, enclosing a copy of a letter from Mr. Hesketh, on the subject of the Mixed British and Brazilian Commission, established at Rio de Janeiro for the suppression of the Slave Trade.

Mr. Hesketh divides his observations into four heads:—

1. The proceedings in the Mixed Commission Court.
2. The victualling of the negroes.
3. The treatment of the sick negroes, and
4. The custody of the negroes and of the crews of captured slave vessels.

On the first head Mr. Hesketh remarks, that the proceedings of the Mixed Court are faulty, inasmuch as they are not usually completed within the space of 20 days, limited by the Treaty, but, on the contrary, are extended to periods the average of which amounts to 54 days; and Mr. Hesketh attributes this evil, partly to the want of proper officers, and partly to the practice prevailing in the Mixed Court of doing no business on those days which, by the custom of Brazil, are observed as holidays.

With respect to the first cause, Mr. Hesketh recommends the appointment of some person whose office it may be to summon the Court; secondly, the appointment of a permanent interpreter; thirdly, the appointment of a sufficient number of messengers or constables to perform business out of Court; and, fourthly, the appointments of assistants to the Commissioners and to the Registrar.

On these points it is to be observed, that a few years ago the number of the inferior officers, attached to the Court at Rio de Janeiro, was greater than the number of those attached to the Court at Sierra Leone, where an infinitely greater quantity of business is performed than at Rio; and yet the delays in the adjudication of cases in the Rio Court were as great then as they have been since the reduction of the establishment of that Court, and since the business of that Court has increased.

By my Despatch to you, "Slave Trade," of the 2d of July, 1839, in answer to your representations as to the increasing business of the Court, you were authorized to sanction the appointment of a permanent interpreter; and of a merrinho, an officer attached to the court, in addition to the previously existing establishment; and I trust that these appointments will enable the Court to transact its business more speedily, and that there will no longer be so much ground, as has hitherto existed, for complaints of delay in the adjudication.

I have further to desire, that you will endeavour to persuade the Government of Brazil to follow the example of the Spanish authorities at the Havana, by exempting the Mixed Commission from the necessity of observing the holidays which are kept by the Courts of Law.

Mr. Hesketh states, that both the Brazilian Commissary Judge and the Registrar have the duties of other officers to perform, besides those of the Mixed Court, and that if the present pressure of business continues in the Mixed Court, its proceedings are likely to be delayed by that circumstance.

As these two functionaries are appointed by the Brazilian Government, it is for that Government to consider, how far their other duties are compatible with the performance of those belonging to the Mixed Court.

But, with respect to the Judge, it is acknowledged by Mr. Hesketh, that the proceedings of the Court are assisted and expedited by the circumstance of his being also Under Secretary of State; and with respect to the Registrar it is to be observed, that the business of the Mixed Court at Rio de Janeiro has, till the present year, been so very small, that if the Registrar had nothing to do but what fell to his lot as Registrar, his time would have been almost entirely unemployed.

Considering, however, the recent increase in the correspondence of the Mixed Court, I have authorized Her Majesty's Commissioners to employ a clerk.

I have also intimated to Her Majesty's Commissioners, that if the business before the Court should continue to increase, and if the Brazilian Government should represent that the Registrar needs help, and Her Majesty's Commissioners should concur in the reasonableness of such representation, Her Majesty's Government will not object to the appointment of an assistant to the Registrar.

With respect to messengers, I do not at present see that there is need for more

than one efficient messenger for the purpose, of executing the routine business out of the Court. But I observe that it is stated in a Report from Her Majesty's Commissioners, that the present messenger is unequal to his duty; and that the time of the doorkeeper is taken up in doing the business of the messenger.

I have to desire that you will confer with the Brazilian Government on this point, and that you will suggest the appointment of some fit person in the room of the present messenger, and you will state, that Her Majesty's Government will consent to allow the present messenger one year's wages in advance, as a gratuity on his retirement; and that amount may be charged in the contingent expenses of the Commission.

With respect to the second, third, and fourth heads mentioned by Mr. Hesketh; namely, the victualling of the negroes, the treatment of the sick negroes, and the custody of the negroes and of the crews of captured slave vessels, I am glad to find, by your Despatch of the _____, that the advantages which you had anticipated from the arrangements which you had recently made for providing for these services have been completely attained.

I have communicated to the Admiralty that part of your Despatch which relates to these points. Her Majesty's Government is considering whether it would be expedient to remove the Mixed Court from Rio de Janeiro, and also whether some better provision than at present exists should be made for negroes captured and taken to Brazil. There are reasons which would render it desirable that the Mixed Court should be established in one of Her Majesty's possessions in the West Indies, and that arrangements should be made for settling the liberated negroes in some of those possessions.

But there are serious objections to any plan which would require that slave vessels, taken on the South American coast, should be sent to any very distant place for adjudication, and for the disposal of their cargoes of slaves. For in such cases the negroes, who would already have suffered from their voyage from Africa, would have to undergo another long voyage, which would probably prove fatal to many of them.

It is also to be borne in mind, that many of the slave vessels, taken off the coast of Brazil on their return voyage from Africa, are not seaworthy, and are unfit for another long voyage; and, therefore, if they were to be sent to any distant place, the slaves would frequently have to be transhipped, which would be inconvenient and expensive.

Besides these considerations, the long absence of the sailors who might be employed to navigate these slave-vessels to places at a distance from the cruising ground, would strip Her Majesty's cruisers of hands necessary for the efficiency of those vessels.

When Her Majesty's Government shall have decided on the propriety of proposing to the Brazilian Government any special arrangement upon these points, I shall furnish you with the necessary instructions for your guidance.

In the mean time I rely on your zeal and vigilance, to give effect, under the present arrangements, to the stipulations of the Slave Trade Treaty between Great Britain and Brazil.

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

I am, &c.
(Signed) PALMERSTON.

No. 188.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, September 14, 1839.

WITH reference to my Despatch to you, marked Slave Trade, of the 19th of July last, relative to the disposal of certain Portuguese subjects who formed part of the crews of the Brazilian slave-vessels "*Carolina*" and "*Especulador*," I herewith transmit to you copies of a Despatch and of its Enclosures from Her Majesty's Envoy at Lisbon, by which you will learn that the men in question have been delivered over to the Government of her Most Faithful Majesty.

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

I am, &c.,
(Signed) PALMERSTON.

Enclosure in No. 188.

*Lord Howard de Walden to Viscount Palmerston.**Lisbon, August 26, 1839.*

(See No. 107, page 127.)

No. 189.

(Extract.)

*Mr. Ouseley to Viscount Palmerston.**Rio de Janeiro, June 27, 1839.**(Received September 21.)*

THE more friendly tone which, according to communications from M. Lisboa by the last packet, has been perceptible in your Lordship's language since the receipt of the Despatches announcing the abolition of embargoes in Slave Trade cases, has caused much satisfaction here; and I am assured personally, both by the Regent and the Minister of Foreign Affairs, that the Imperial Government will not relax a moment their efforts effectually to extinguish the traffic in Africans, and thus to merit the confidence of the Government of Great Britain.

No. 190.

*Mr. Ouseley to Viscount Palmerston.**Rio de Janeiro, June 28, 1839.**(Received September 21.)*

MY LORD,

I HAVE the honour to acknowledge the receipt, on the 24th instant, by Her Majesty's packet "Magnet," of your Lordship's Despatches of the Slave Trade series, dated the 18th and 25th of April, 1839.

I have, &c.,

(Signed)

W. G. OUSELEY.

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

&c.

&c.

&c.

No. 191.

(Extract.)

*Mr. Ouseley to Viscount Palmerston.**Rio de Janeiro, June 30, 1839.**(Received September 21.)*

WHEN the vessels "Maria Carlota" and "Recuperador" (formerly the condemned slaver "Feliz") were detained and examined, several letters and papers relating to the Slave Trade, and particularly to the transactions in which certain residents in this capital are concerned, fell into the hands of the captors; and an examination of these documents has afforded some information, which may be highly useful and important in exposing the system of operations of the slave dealers.

But one of the principal objects that I have thought it right to have in view since the receipt of your Lordship's Despatch "Slave Trade," of the 1838, was to obtain proofs of the complicity and connivance of the Portuguese authorities here with the slave traders.

I have the honour to enclose a copy of a Note which Senhor Candido Baptista de Oliveira lately addressed to Senhor Figanière, representing against the misconduct of the Portuguese Consul-General and his assistants, which his Excellency communicated to me in a Note, of which I subjoin an extract.

It is with much satisfaction that I forward to your Lordship this proof of the sincerity of the intentions of the present Administration, in discouraging the scandalous abuses and connivance that have been so long notorious here in all matters relating to the suppression of the Slave Trade. The determination shown on this occasion has already produced a good effect, as it has induced Senhor Figanière tardily to acquiesce in the resolution of the Brazilian Government, not to allow Senhor Moreira's misemployed functions to be exercised, either directly or by his accomplices, as a new Consul-General is named by the Portuguese Minister to act *ad interim*, whose character is such as to cause much discouragement to the slave traders.

First Enclosure in No. 191.

(Translation.)

*M. de Oliveira to M. de Figanière.**Rio de Janeiro, June 26, 1839.*

It appears by the examinations undertaken by the Brazilian Commissary Judge of the Brazilian and British mixed Commission established in this capital, of the papers seized on board the barque "*Maria Carlota*" and the schooner "*Recuperador*," which were detained by the Commander of the British brig-of-war "*Grecian*," that the documents and manifest of the cargo of the first vessel were passed by the Portuguese Consulate on the 27th of last May, some of them being signed by the Ex Consul-General, Joao Baptista Moreira, and others by the Clerk of the Consulate; the undersigned has now, therefore, to bring before Senhor Joaquim Cesar de Figanière e Morao, &c. this fact, which appears of an inexplicable nature; since it seems, on the one hand, that the said Joao Baptista exercises functions which do not now belong to him; and, on the other, connivance is apparent on the part of the Clerk of the Consulate, who is thus guilty of abandoning the strict line of his duties.

To the above glaring irregularity must be added the very aggravating circumstance, that the papers thus legalized offer evident proofs, that these vessels were destined for the barbarous and illicit traffic in Africans, in contravention of the laws of the empire, and with manifest slight and disrespect of the Imperial Government, which is bound to the religious execution of the Treaties on the introduction of Africans into the country.

The Undersigned must not omit to mention that one of the captured vessels, bearing the name of "*Recuperador*," has been already condemned in this harbour for a similar reason, under the name of "*Feliz*," and was sold by public auction; notwithstanding which, and being besides of American construction, the Portuguese Consulate has not hesitated to nationalize her, in opposition to the express disposition of the Decree published in Portugal, dated January 16, 1837.

In consideration of the above, the Undersigned judges it to be his most rigorous duty, in fulfilment of the commands of the Regent, in the name of His Majesty the Emperor, to submit to Senhor Figanière the necessity of naming, as early as possible, a fit person to perform provisionally the consular functions, until the office of Consul-General be definitively filled up by the Government of Her Most Faithful Majesty, in order that a term may be placed to the scandalous conduct of the Portuguese Consulate, and that the Imperial Government may be spared the unwelcome necessity of adopting decisive (*terminantes*) measures on the above subject.

The undersigned renews, &c.,

(Signed)

CANDIDO BAPTISTA DE OLIVEIRA.

Senhor J. C. de Figanière e Morao.

Second Enclosure in No. 191.

*Extract from a letter from M. de Oliveira to Mr. Ouseley.**Praia Flamengo, de 29 Juin, 1839.*

J'AI l'honneur de vous transmettre la copie de la note que je viens d'adresser au Ministre résident de Portugal, au sujet de la conduite du Consulat Portugais par rapport aux navires de la même nation qui vont faire la traite en Afrique: et j'espère que vous ne perdrez pas l'occasion de donner connaissance à votre Gouvernement de cette nouvelle démarche du Gouvernement Impérial, comme une preuve de son intention sincère de mettre en pratique tous les moyens de réprimer un si abominable trafic.

(Signé)

CANDIDO B. DE OLIVEIRA.

A Mons. W. G. Ouseley,
&c. &c. &c.

(Translation.)

I HAVE the honour to transmit the copy of a note which I have just addressed to the resident Minister of Portugal, on the subject of the conduct of the Portuguese

Consulate with respect to the ships of that nation which are about to carry on (slave) trade in Africa; and I hope that you will not lose the opportunity of informing your Government of this new measure of the Imperial Government as a proof of its sincere intention to put in practice all means of repressing this abominable traffic.

(Signed) C. B. DE OLIVEIRA.

No. 192.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, July 1, 1839.

(Received September 21.)

MY LORD,

I HAVE the honour to transmit Returns of the number of vessels which have entered this harbour, after having landed their cargoes of slaves in the vicinity of this capital, during the months of April and May, 1839.

I have, &c.

(Signed)

W. G. OUSELEY.

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

&c.

&c.

&c.

First Enclosure in No. 192.

Return of Vessels engaged in the Slave Trade, which have entered this Port, and been navigated under the Portuguese Flag during the month of April, 1839.

Brig "*Jehova*," from Angola, landed 504 slaves at Macahé.

Patacho "*Oito de Dezembro*," from Angola. This vessel had part of a cargo of bees-wax and oil; but she landed 80 slaves at Mangaratiba.

Brig "*Amizade Constante*," from Quillimane, landed 400 slaves at Ilha Grande.

Bark "*Veloz*," from Angola, landed 425 slaves on the beach outside the harbour.

Brig "*Diligencia*," from Angola, landed 389 slaves at Alto Moirao.

Brig "*Emilia*," from Angola, landed 650 slaves at Campos.

Patacho "*Congresso*," from Benguella, discharged into canoes outside the harbour 314 slaves, which were landed at the depository of Colonel Vasco at Fort St. Joao.

Brig "*Ulisses*," from Angola. This vessel has Portuguese and Brazilian papers. She entered as Brazilian, after having landed 520 slaves at Campos.

Schooner "*Josephina*," from Benguella, landed 294 slaves at the beach outside the harbour.

Brig schooner "*Tentador*," from Angola, discharged into the canoes of Colonel Vasco, outside the harbour, 327 slaves, which were landed at the depository at the Bay of Jurujuba.

Brig "*Ganges*," from Quillimane, captured by Her Majesty's ship Grecian, with 417 slaves on board.

Brig "*Leal*," from Cabinda. Captured by Her Majesty's ship Grecian, with 364 slaves on board.

Total number of slaves imported by twelve vessels as above, 4,684.

Rio de Janeiro, May 1, 1839.

Second Enclosure in No. 192.

Returns of Vessels engaged in the Slave Trade which have entered this Port, and have been navigated under the Portuguese Flag during the month of May, 1839.

Barque "*Constantia*," from Quillimane, landed 617 slaves at Campos. Schooner "*Jupiter*," from Cabinda, discharged into Colonel Vasco's canoes outside the bar, 340 slaves, which were taken to the depository at Fort St. Joao.

Bark "*Rosa*," from Mozambique, landed 610 slaves at an island to the southward of Campos.

Schooner "*Bellona*," from Rio Zaire, landed 357 slaves outside the bar, which were taken to the depository at the Bay of Jurujuba.

Brig "*Adamaster*," from Quilimane, landed 574 slaves at Sepettiba.

Brig "*S. Domingos Eneas*," from Angola, landed 290 slaves outside the bar, which were taken to the depository at the Bay of Jurujuba.

Total number of slaves imported by six vessels as above, 2,788.

Rio de Janeiro, June 1, 1839.

No. 193.

Mr. Ouseley to Viscount Palmerston.

(Extract.)

Rio de Janeiro, July 6, 1839.

(Received September 21.)

WITH reference to my Despatch of this series, dated the 17th ultimo, I have the honour to enclose copies of a continuation of the correspondence between the Brazilian Minister of Foreign Affairs and myself, on the subject of the mode of sale of the vessels condemned by the Mixed Commission.

Your Lordship will perceive by a reference to my answer to the note of May 15, Enclosure No. 1, that I still insisted upon the right to have a joint control over the sales of the condemned slave-vessels; indeed I had hopes of being enabled to gain this point, and was informed that the Minister and Brazilian Commissioner had been induced to take into consideration a mode of sale more consonant with the views of Her Majesty's Government than that hitherto followed, when an application was made on board the flag-ship, in the usual form, for the "*Especulador*" slaver. By a misunderstanding on the part of some of the naval Officers, this vessel was unconditionally given up without waiting for the decision of the "*Carolina*," by which I hoped to establish a precedent in our favour. The result, however, of this circumstance was that the Brazilian Government immediately insisted on the delivery, in the usual manner, of the "*Carolina*," as it was condemned under precisely similar circumstances as the "*Especulador*."

On conversing subsequently with Senhor Candido B. de Oliveira, I found that he was prepared to make a stand on the point, and said, that rather than depart from the interpretation of the Treaty hitherto admitted, the Brazilian Government would at once refuse to take any charge of the vessels or Africans, adding, that the present Government would let them be sent to Trinidad, or wherever we pleased. I saw that it was useless for the present to contend further; and therefore asked, whether his Excellency would put his expressed intention into the form of an official written assurance, for which he at once declared his readiness.

The note of May 23d (inclosed under No. 2) was consequently forwarded to me, by which your Lordship will perceive that it will in future depend upon Her Majesty's Government to send the vessels and Africans to any of our own Colonies, if such a plan appear advantageous.

I enclose my answer (Enclosure No. 3) to this note.

My object was to secure a more fair and real sale of the vessels than had hitherto taken place, and both in notes and interviews I urged the necessity of having a due announcement made of the place, day, and hour of sale, as it had happened that *bonâ fide* bidders, on appearing at the usual hour, intending to offer fair prices for the condemned vessels, were told that they were already sold at seven in the morning, for a fifth of the sum that they intended to offer.

I do not trouble your Lordship with a detail of the correspondence and conversations, which it became necessary to have on this subject with Senhor Candido B. de Oliveira. But Senhor Candido B. de Oliveira at last issued a positive order, which was published in the daily papers, reprehending the officers employed for their evident intentions of connivance, and directing the exact terms of advertisement of the sale.

Accordingly the ultimate sale is now properly announced for the 9th instant. An opportunity will be thus afforded for, at least, fair competition to legitimate purchasers, and of preventing the vessels from being again fitted out for Slave Trade, and depriving Her Majesty's Government of its share of their real value.

First Enclosure in No. 193.

Mr. Ouseley to M. de Oliveira.

Rio de Janeiro, May 23, 1839.

THE Undersigned, &c. has had the honour of receiving the note of his Excellency Senhor Candido Baptista de Oliveira, &c. &c. of May 15, in reply to that in which he laid before his Excellency the reasons for not delivering up the custody of the condemned slave-vessel "*Carolina*," as well as that of the negroes on board.

The Undersigned regrets to find that the Imperial Government does not acquiesce in the sufficiency of the reasons which he has given for not delivering up the vessel. He has to remark that, so far from having been a "constant practice" so to do when the Africans are given into the charge of the Brazilian Authorities, it has frequently occurred that the vessels have been left for some time in the care of Her Majesty's squadron.

But unfortunately the proceedings hitherto observed in all matters relating to the execution of the intentions, and even the positive stipulations of the Convention have been practically such as to render it highly desirable, that nearly all the "constant practices" should be altered. The Undersigned takes also the liberty of requesting his Excellency's more particular attention to the stipulations of the Treaty, and he will doubtless concur with the Undersigned in opinion, that the rule which is stated in his note to have been hitherto established in making over the vessels is by no means authorized by the Treaty; on the contrary, the joint sale and profits imply a joint custody, whereas the negroes on board condemned vessels are positively provided for otherwise.

The Undersigned is persuaded that any innovation or change in the mode of proceeding hitherto followed in matters relating to the Slave Trade, will, if found to be more conducive to the true intentions and objects of both Governments (viz. the extinction of that illegal traffic), as well as in accordance with the Treaty, so far from being considered inadmissible, be gladly adopted by his Excellency Senhor C. B. de Oliveira, particularly when the Undersigned assures his Excellency that the practice hitherto observed in this respect is so liable to abuse, that it is no longer possible for Commodore Sullivan to give up the captured vessels to the sole custody of the inferior Brazilian authorities, who, unlike those who fill the higher posts of the Imperial Government, are but too often entirely unworthy of all confidence, at least in matters connected with the effectual suppression of the Slave Trade.

The Undersigned therefore earnestly requests that his Excellency will cause the necessary measures to be taken for receiving the Africans from on board the "*Carolina*," without further delay, as the daily expense which falls equally on both Governments is so great, that Commodore Sullivan, having been already under the necessity of providing for a great number of those Africans on board the hulk and hospital, will now be obliged to incur further expenses, by hiring a schooner for the purpose of transshipping them, while he proceeds to clear and examine the "*Carolina*."

The Undersigned, &c.

(Signed)

W. G. OUSELEY.

His Excellency Senhor C. B. de Oliveira,
 &c. &c. &c.

Second Enclosure in No. 193.

(Translation.)

M. de Oliveira to Mr. Ouseley.

Rio de Janeiro, May 23, 1839.

THE Undersigned, &c., has the honour to acknowledge the receipt of the note which Mr. W. G. Ouseley addressed to him on the 23d instant, explaining the reasons for which Commodore Sullivan, &c., persists in his determination of not delivering up the brig "*Carolina*," and other vessels which may be condemned by the British and Brazilian Mixed Commission.

Mr. Ouseley calls the particular attention of the Undersigned to the stipulations of the existing Treaty between Brazil and Great Britain; and it was on these very stipulations that the Undersigned took his ground for requiring the delivery of the brig "*Carolina*," in his note of the 15th instant; and in fact the seventh Article of the Instructions for the Mixed Court, annexed to the additional convention of

July 28th, 1817, declaring that, in case of any vessel's being condemned for an illegal voyage, the hull shall be considered good prize, as well as the cargo, whatever it may consist of, except the slaves which may be on board for the purposes of commerce; and the said vessel and cargo shall be sold by public auction for the benefit of the two Governments, it must be clear to every understanding, that any vessel which may be condemned by sentence of the said Commission, must be delivered up to the authorities of the country, in order to give effect to such sentences. On this account the Undersigned cannot avoid declaring to Mr. Ouseley, that if Commodore Sullivan does not alter the opinion he has adopted on this subject, solely prompted by motives of convenience, the Imperial Government will not receive the Africans as is desired, nor will it consent that the Brazilian Commissaries should pass sentence on any other vessel which may be captured, inasmuch as if so positive an article of the Convention be not to be executed, it follows, as a necessary consequence, that the others also cannot be fulfilled.

The Undersigned, confiding in the discernment of Mr. Ouseley, and being certain that he will use his influence to dispel the doubts which have arisen on this matter, renews to him, &c.

(Signed)

CANDIDO BAPTISTA DE OLIVEIRA.

Mr. W. G. Ouseley,
&c. &c. &c.

Third Enclosure in No. 193.

Mr. Ouseley to M. de Oliveira.

Rio de Janeiro, May 25, 1839.

THE Undersigned, &c., &c., has had the honour of receiving the note dated 23d instant, from his Excellency Senhor Candido Baptista de Oliveira, in answer to that which he was under the necessity of addressing on the same date to his Excellency, explaining the objections that exist to giving up, in the manner hitherto practised, the slave-vessels condemned by the British and Brazilian Mixed Commission.

Senhor C. B. de Oliveira, referring to the 7th Article of the instructions to the Mixed Commission, founds upon it the necessity of giving up the vessels to the authorities of this Empire, in order to proceed to a sale in conformity with the stipulations above alluded to. The Undersigned is well aware that the sale of the vessels for the benefit of the two Governments is provided for, as he has already stated. In order to carry into effect such sale, it is by no means necessary to give up the custody of the said vessels; on the contrary, it is naturally of easier execution, that such sale should be made by the captors, or the Mixed Commission, before they give up their charge. And in fact such is the case at Sierra Leone, where the vessels are only given up by the Commission after the public sale, which takes place by authority of the Commissioners, without the intervention of any exclusively national authority.

His Excellency Senhor C. B. de Oliveira further says, in his note of the 23d, that rather than allow the sale in question to take place in a different mode than that which hitherto has been followed here, the Imperial Government will refuse to receive the captured Africans, and not allow their Commissioners to take cognizance of any future prizes, on account of the proposed violation, as his Excellency considers it, of one of the articles of the Treaty. The Undersigned will not fail to refer this important consideration to Her Majesty's Government; and in consequence of the difference of opinion in this respect, as well as for many reasons of importance, which his Excellency has elsewhere brought forward, it is very possible that the Queen's Government may agree with that of Brazil in the expediency of a total change in the arrangements and location of the Mixed Commission and of the liberated Africans.

The result, however, of the personal conference with which his Excellency Senhor C. B. de Oliveira had lately honoured the Undersigned, has been an impression produced by the arguments of his Excellency, that it would be inexpedient, in the present cases of the "*Carolina*" and "*Especulador*," further to urge the adoption of the proposed change in the manner of effecting the sales, more particularly as due notice had not been previously given so as to admit of arrangements for its being practically executed.

The objections, therefore, in the cases of the "*Carolina*" and "*Especulador*" will be waived, but the Undersigned cannot admit the principle of the necessity of

any intermediate authority taking charge of the condemned slave-vessels, the sale of which should in fact take place while in the hands of the Mixed Commission, as in other similar commissions, and therefore hopes that the Imperial Government will be induced to take such steps as are necessary, in order to empower their commissioners, or qualified persons acting for them, to carry into effect, conjointly with Her Majesty Commissioners, or persons on their parts respectively, the sales of such vessels as may be in future condemned.

The Undersigned will not fail, with a view to furthering the objects of both Governments, duly to communicate to his Government the opinion of his Excellency Senhor C. B. de Oliveira on the subject of this note, on which as well as on other topics connected with the suppression of the Slave Trade, he is in daily expectation of receiving instructions from England.

The Undersigned avails, &c.

(Signed)

W. G. OUSELEY.

His Excellency Senhor C. B. de Oliveira,
&c. &c. &c.

Fourth Enclosure in No. 193.

Mr. Ouseley to Senhor Candido B. de Oliveira.

June 21, 1839.

(See Second Enclosure in No. 182, page 306.)

No. 194.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, July 9, 1839.

(Extract.)

(Received September 21.)

SENHOR C. B. de Oliveira, strengthened by the discovery of complicity of the late Portuguese Vice Consul in the Slave Trade, made in the intercepted correspondence on board the "*Maria Carlota*," and "*Recuperador*," outward bound slave vessels; has insisted upon the nomination of another Vice-Consul, and Senhor Fignière has been induced to name Senhor A. Cabral.

No. 195.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, July 9, 1839.

(Extract.)

(Received September 21.)

SOON after the appointment of Senhor Candido B. Oliveira to the post of Minister for Foreign Affairs, I took an opportunity of mentioning to Baron Rouen, the French Minister, that it appeared to me that the moment was favourable for bringing forward the Slave Trade Suppression Treaty between France and Brazil, for concluding which instructions have long been received by him.

Subsequently, Baron Rouen consulted me as to the disposition of the present Minister of Foreign Affairs and his colleagues on the subject of the Slave Trade, and I stated at once my conviction, that as Senhor Candido B. de Oliveira was sincerely inclined to suppress that traffic, and to co-operate in any practicable measure that might be proposed with that view, and as the other members of the Government were inclined either to support his Excellency, or not to oppose him, the present moment appeared highly opportune for urging the conclusion of the Treaty with France.

Baron Rouen said, that he had thought it incumbent upon him to confer with me on this subject, with which he expressed his opinion that I was more conversant than himself, as a preparatory step to entering upon the negotiation with the Brazilian Minister.

Subsequently, Senhor Candido B. de Oliveira mentioned to me, that Baron Rouen had spoken of the Treaty to him, but his Excellency said that the French Government, had never furnished Baron Rouen with the necessary drafts and papers, and that he had not even a copy of the Treaty between Her Majesty's Government, and that of France.

I afterwards supplied the French Minister (at his own request) with a copy of the Treaty concluded with His Majesty the King of the French, remarking, at the

same time, on the expediency of making some more stringent and efficacious provisions in the proposed Treaty, than had been thought necessary in that between Great Britain and France; also that some of the articles were inapplicable to the circumstances of this Empire, in which Baron Rouen seemed to acquiesce.

Since the above was written, I learn from Baron Rouen, that he has had more than one conversation with Senhor Candido B. de Oliveira, on the subject of the proposed Slave Trade Treaty.

Although Baron Rouen expressed a wish to co-operate with Her Majesty's Government in their repressive measures, he said that the completion of a Treaty could only have a moral effect; that he could not anticipate any permanent suppression of the Slave Trade, from the present depression and stagnation, that was apparent among those concerned in that traffic. He said that in formerly asserting that my exertions (in conformity with your Lordship's instructions) to obtain certain concessions, and to induce a more effective system of suppressive measures, would be utterly useless, he had been mistaken; he confessed his surprise that so much had been done, and that he had not anticipated the effects already produced on the Slave Trade; but although he saw them with pleasure, and was happy to congratulate me upon having (as he affirmed) effected so much, yet he could not look upon the Slave Trade as permanently checked by anything that we had yet done; that greater physical force was necessary; and above all some further and different stipulations, or a new convention, as that now in force was altogether illusory. He said that Senhor Candido B. de Oliveira had mentioned to him that his Excellency hoped that Her Majesty's Government would, conjointly with Brazil, adopt a new system of suppression, on more practically useful principles than the last, but that a considerable time would elapse before any such arrangement could be carried into effect; and that unless a much greater force was employed against the Slave Trade than we now possess, the present effects of discouragement would soon disappear, and the Slave Trade would revive, possibly in other quarters, with redoubled vigour, particularly as the price of slaves has already increased from a fourth to one-third in Rio de Janeiro, in consequence of the late strong measures taken by the instructions of Her Majesty's Government, so that the temptations to continue the traffic have increased, almost in proportion to the difficulties with which it is surrounded.

Much of what Baron Rouen said, is undoubtedly very true, and his opinions are formed upon very good authority, namely that of some French merchants here, who are most extensively and almost notoriously interested in the Slave Trade.

No. 196.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, July 18, 1839.

(Received September 21.)

(Extract.)

ON board the "*Maria Carlota*" and "*Recuperador*" slave vessels, lately detained by Her Majesty's brig "*Grecian*," among the intercepted correspondence, many letters and documents relating to the Slave Trade, written either by or to the principal slave-dealers, have fallen into the hands of the captor; and having been deposited in the Mixed Commission, an opportunity was obtained of examining them, with a view to fulfilling your Lordship's instructions in your Despatch, "*Slave Trade*," of the 29th December last.

Senhor Moreira, being no longer recognized as Portuguese Consul-General, has employed as Vice-Consul his *Chancellor*, and has thus continued indirectly to furnish the slave vessels with passports and papers as heretofore. This is made so evident by some of the papers which I took care should be laid before Senhor Candido B. de Oliveira, that, on my addressing his Excellency on the subject, he, as I have the honour to mention in another Despatch, officially declared to Senhor Figanière, the Portuguese Minister, that it was necessary to name another person to take charge of the Consulate.

Senhor Figanière mentioned more than once to me, that he much wished to obtain proofs of the complicity of the late Consul-General with the slave-dealers; and more recently has asserted that Senhor Moreira had denied his authority and kept back the papers and seals of office, and said that he had great difficulty in effecting any change in the Consulate.

Among the letters found on board the lately detained vessels is one* that expresses

a doubt as to whether the new Portuguese Minister will tread in the steps of Senhor Moreira. I mentioned that I had ascertained that the slave-dealers had no confidence in his assistance, and M. Figanière seemed pleased at the information, and requested that I would mention the circumstance to your Lordship.

I enclose an outline of the contents of such of the correspondence, as appears most likely to afford useful information on the subject of the system pursued by slave-traders.

Time does not allow of my analyzing the enclosed papers, but I particularly request your Lordship's attention to those marked Nos. 1 to 6, in proof of the discouragement and alarm of the slave-dealers at the late measures of Her Majesty's Government, and especially of the proceedings, by your Lordship's instructions, of Her Majesty's mission and cruizers here.

It is much also to the credit of the new Governor of Angola, that he has carried into effect the laws suppressive of the Slave Trade, although here his good conduct is attributed entirely to his having been highly *bribed*, by your Lordship's directions, to do his duty; but it is confidently asserted that he will either soon change his system or be assassinated.

Late accounts here from Loanda and Angola confirm the fears of the slave-dealers, and it is to be hoped that an increase of the number of cruizers here may enable Her Majesty's officers to follow up the severe blow already received by the Slave Trade.

A late work of Mr. Buxton, although doubtless the result of excellent information on the subject of Slave Trade generally, gives a calculation which, *quoad* this country, is not quite borne out by facts. I allude to the certain fixed rate of large profit, which the author affirms to be such in slave-trading speculations as to render suppressive measures, under existing Treaties, nugatory, from the great gains certainly attending the illicit traffic.

Those gains are so fluctuating in Brazil as to be affected almost as easily as the rate of exchange; and any degree of energy or determination to put down the Slave Trade, such as is shown by Her Majesty's Government, will, when acted upon in Brazil, at once deter the most sanguine speculators, and, as has lately been proved here, diminish their profits most seriously, and cause the insurance hitherto effected to be impossible, even at the most extravagant rates.

It is incumbent on me to call to your Lordship's particular attention the Letter marked No. 7, which discloses a plan to poison the whole of the prize crews that might have been placed on board the slave vessels in case of capture by British cruizers.

I take the liberty of suggesting, that the widest circulation be given to this evidence of the crimes with which those who engage in the Slave Trade are familiar, both in order to place our officers on their guard, and for the purpose of throwing on the slave traders the odium and discredit which they deserve.

I have thought it my duty to communicate to Commodore Sullivan, and the other officers of Her Majesty's squadron, the greater part of the contents of this correspondence.

The information as to the direction to be taken by the slavers may be very useful, and the intention of poisoning the crews will be duly made known on board all ships of war on this station.

The "*Grande Leopoldo*" mentioned in the letter instructing the slave captains to use poison, is an officer employed by the Brazilian Government in the Customs House Department, who has honourably distinguished himself by his opposition to the slave dealers, and his endeavours to expose them.

Enclosure in No. 196.

Translations of Papers found on board "Recuperador," brigantine, and "Maria Carlota," bark, under the Portuguese flag, detained by Her Majesty's ship "Grecian," off Rio de Janeiro Harbour, as being equipped for the Slave Trade.

A. Papers found on board "*Recuperador*."

No. 1.—*Extract of a Letter, dated Loanda, January 28, 1838, from A. M. P. Alvarenga to his brother Diago Ibaries Alvarengo, second pilot of brigantine "Recuperador," then pilot of brig "Duas Irmas."*

"I have to announce to you the arrival of the new Governor of Angola, on the

22nd January. With respect to the contraband trade, all is gone to the devil; he, the Governor, desires to prohibit the trade entirely, and everything is in a bad way. He has already sent an order to the administrator of the Custom House to examine all the vessels, for the purpose of finding out whether they have got slaves on board, or indications of their being fitted out for that traffic, and on this account they have all put the slaves on shore, as well as the boilers and other articles; it is also said that orders are to be given for their sailing with no more water than what might be sufficient for a lawful voyage. In fine it all looks very bad."

No. 2.—*Extract of a Letter, dated Rio de Janeiro, April 16, 1839, from M. T. de Aranjeo to Jacob M. Mauritz.*

"I have to inform you of the state of affairs here with respect to the contraband trade. The patacho belonging to the Caxapas; Manoel Pinto's brig-schooner 'Carolina;' and the lugger, now brig, 'Ganges,' have all been captured by the corvette 'Electra,' and the brig whose name will not be forgotten, 'Grecian;' both remaining out, together with another which sailed two days ago; not a single vessel escapes being visited by them; and they are expecting five small vessels besides for the same service. So that you may rest assured that the traffic will, from its nature, come to an end, in consequence of the cruisers, both English and Portuguese.*"

No 3.—*Extract of a Letter, dated Rio de Janeiro, April 26, 1839, from Joao de Tosta Fernandes Machado, to Narcizo Jozé Pacheco Lages, or Anna Joaquina dos Santos, or Domingos Jozé de Lemos, or Valeriano Ramas da Fonseca Angola.*

"In consequence of the English having become very vigorous, and having captured nearly all the vessels which came here with slaves, I request that you will not remit to me the produce of the venture you took with you, employed in any goods of that sort (*genero de qualidade alguma*), but that you will convert it all into patacoons and Spanish dollar money, and remit it to me in a safe bill of exchange by a safe hand. Should you, however, already have purchased with it my goods (*generos, i. e. negroes*), you will have the goodness to sell them at what price they will fetch."

B. Papers found on board "Maria Carlota."

No. 4.—*Extract of a Letter from Francisco Jozé da Senhor Ericeiro, to Anacleto Luiz Seia (Second Pilot of "Maria Carlota"), dated Ericeira, February 6, 1839.*

"I had settled to make a voyage in a vessel sailing from Lisbon, to touch at Mozambique, going on to Goa and returning to Mozambique, and there to arrange a cargo for Rio; and having sold my vessels, and brought these cursed affairs to a conclusion, I took the fourth part of a ship and her cargo. The affair promised considerable profit; but our philanthropists of Great Britain wish to put a stop to this commerce, and have lately advanced with gigantic strides; and since the Portuguese Government yields to their desires (as one of the Ministers told me), there is nothing to be hoped for; and, consequently, you will soon see sanctioned the law which reduces our flag, in this worthy respect (*caro sujeito*), to the same footing as that of Brazil; and, consequently, my undertaking will not take place this year.

"However, I find in the law of December 10, 1836, and in the law of nations, recognized among civilized people, sufficient scope for carrying into effect my project, if the vessel should sail from Lisbon, with the elements of an enterprize of such importance; and having the papers arranged in conformity with my plan, the basis of which I look upon as solid, no one could detain me even though I should be forced to enter Rio.

"In order, however, to carry the enterprize into effect, time is necessary; and, in the mean while, the season is advancing, consequently I shall be able to do nothing this year."

* Note by Mr. Ouseley, alluding to late captures by Portuguese cruisers on the coast of Africa.

No. 5.—*Extract of a Letter, dated Rio de Janeiro, April, 1839, from Anacleto Luiz Seia (Second Pilot of "Maria Carlota") to Rufino da Costa.* N.B. This letter was left in an unfinished state, and had never been sent to its destination. The person it was intended for appears, from a letter from him, to which this is a reply, to be or to have been a resident at Lisbon.

"By what you say to me, I see that the fear you have of Africa is the cause of your not having accepted the offer to command the brig destined for traffic to Angola; it is, in truth, at the risk of life that such climates are visited; and it is only the consideration of the great gains they afford which leads men into such speculations, besides that there is scarce any other navigation but the coasting trade.

"They have pressed me so much that at last I have resolved to make a voyage to Goa by the Ports of Eastern Africa; I am to sail in all the month of May next, and will let you hear from me whenever an occasion offers.

No. 6.—*Extract of a Letter, dated Rio de Janeiro, May 7, 1839, from Antonio José de Mesquita to Captain Simplicio José de Mattos, Quilemane, or, in his absence, to Romão José da Silva.*

"I hope that you may have had a prosperous voyage, and have arrived safely at your destined port. The Treaty has not been made; this has given work to the English. They have given orders for the capture of all the Portuguese vessels with coffee.* They have cruizers at Cape Frio, namely, two brigs; and they have already taken two from Loanda; I therefore request you to come to the southward, to the north of Santos, to a place called Rio de Frigo. If you have a good wind come direct to Mangaratiba, or to Sahy, which is the same thing; and, should the wind not serve, go to St. Sebastian, addressing yourself to the house of Velozo. You will arrange this with Senhor Gaspar, to whom I write, under this date, on the same subject. What I beg of you is that you will come soon, because things are looking very bad. Many ships are about to sail, but I think that all will not do so. The Portuguese Minister has arrived. João Baptista is no longer Consul; and it is said that the Minister will prohibit the sailing of vessels. We shall see in a few days how it is to turn out.

"P.S.—Dated 25th May, 1839.

"Above you have the copy of my last letter to you; its contents I now confirm. The cruizing is now less vigorous; and up to this date no other vessels have been taken. Of those to arrive there are still wanting only the barque of Carvalho Bastos, the 'Commodore,' and the brig, 'Vexo Oriental.' Except these all have arrived safely. I again recommend you to come to the southward, and to endeavour to get to Sahy, because of the greater facility of transport from thence.

"N.B.—Senhor Lopez is of opinion that if you go to St. Sebastian, you should effect the disembarkation at the Fazenda (Estate) of Veiga.

"The Portuguese Government has not yet concluded the Treaty, nor will it do so this year. The English Minister has left Lisbon much irritated."

No. 7.—*Letter enclosed in the above.*

"SENHOR GASPAR,

Rio de Janeiro, April 20, 1839.

"I FORWARD you half a pound of *sal amargo* (arsenic, probably, or oxalic acid), to be sent to Senhor Simplicio, so that he may be furnished with it in case he is captured (which God forbid). He must put a good dose of it into a barrel of wine, and another into a barrel of brandy, as they (the Captors) immediately begin drinking, and so they will be done for, and you be rid of them. This is the method which I have thought of for settling them, as they are very determined and rash, and treat their prisoners worse and worse. To day in the Palace Square there was a great disturbance, from our trying to rescue the Captain of the 'Ganges;' and we did rescue him; and there was plenty of pelting of stones and brickbats; and the Chief of Police was obliged to send a force to protect them (the English), and to take the necessary precautions; but notwithstanding, the English are still prevented from coming on shore, and their provisions are sent off in boats, otherwise many deaths would certainly take place; and I still think it likely that much blood will be spilt; and this is why I thought of this *remedio* (prescription, remedy), as I

* Note by Mr. Ouseley that is, negroes.

was once denounced to the Minister of Justice by the '*Grande Leopoldo*,' who does not mind being harassed (viz., by slave traders). The dose is enclosed, and I strongly recommend this remedy to Senhor Simplicio.

(Signed)

ANTONIO JOZE MESQUITA."

No. 197.

Mr. Ouseley to Viscount Palmerston.

(Extract.)

Rio de Janeiro, July 20, 1839.

(Received September 21.)

I HAVE the honour to enclose a copy of a note that I addressed to the Brazilian Minister for Foreign Affairs since the date of that transmitted in my Despatch, "Slave Trade," of the 6th inst., on the subject of the "*Maria Carlota*" and "*Recuperador*," detained slave vessels.

I have waited in hopes of receiving an answer from Senhor Candido Baptista de Oliveira, but am informed that the intention attributed to his Excellency of acceding to the request, which I have made, that he should instruct the Brazilian Commissioner to take cognizance of the cases of these vessels, has met with so violent an opposition, and the influence of the slave traders has been so strongly exerted, that it is still doubtful whether his Excellency will be enabled to establish a precedent of such vital importance to the effectual suppression of the Slave Trade, as that to which I am in hopes of obtaining his consent.

Time does not admit of my entering at length into the state of this question at present, and I take the liberty of referring your Lordship to the enclosed note, for the view in which I have represented it to the Brazilian Government.

As far as the disposition of Senhor de Oliveira is concerned in this question, nothing can be more satisfactory.

I have since ascertained that, as I hoped and expected, the counsel for the Crown having been consulted, gave his opinion, that the Brazilian Commissioners having once examined the papers, cognizance by the Mixed Commission had actually began.

Enclosure in No. 197.

Mr. Ouseley to M. de Oliveira.

Rio de Janeiro, July 1, 1839.

THE Undersigned, &c., has already had the honour to address his Excellency Senhor Candido Baptista de Oliveira, &c., on the subject of the lately captured slave vessels, the "*Maria Carlota*" and the "*Recuperador*."

Application has been made to the Undersigned, on the part of the captors, to know whether the Mixed Commission Court is likely soon to decide upon the cases of these vessels, in order to take such further measures as may be requisite in their case, either by sending them to Sierra Leone or otherwise.

The Imperial Government has so repeatedly declared its determination to put an end to the traffic in Africans, and has pledged itself so frequently and in such strong terms to afford all the co-operation in its power in effecting that object, that the Undersigned cannot but anticipate from his Excellency Senhor Candido Baptista de Oliveira the most prompt and energetic adoption of every measure, likely to contribute to a total suppression of that illegal traffic.

It is in this expectation that the Undersigned, in the name of his Government, most earnestly requests his Excellency to cause the laws of this empire, which positively forbid any participation whatever in the Slave Trade to Brazilian subjects, to be carried into effect, and not to allow the ends of justice to be defeated (as has but too frequently been the case in matters connected with Slave Trade) by the direct or indirect machinations of interested parties, nor by allowing legal technicalities (if any such are resorted to by the guilty parties) to prevent the complete execution of the spirit of the treaties and laws suppressive of the fatal traffic in question.

These vessels are evidently and indubitably fitted out for the purposes of the Slave Trade; they are also proved to be Brazilian property, and illegally navi-

gated ; the "*Recuperador*" is proved to be the identical vessel, lately condemned under the name of "*Feliz*," and by the connivance of the subaltern authorities, (against which the Undersigned has already protested, and which it is evident that neither Her Majesty's Government nor that of Brazil can longer tolerate, affecting as it does their mutual interests), sold to its former Owners, and in the course of a few months again captured, when proceeding on a slaving voyage. So that the facts of these cases are too notoriously and scandalously flagrant to admit for a moment of their being allowed, when in the power of the two Governments mutually interested in suppressing the Slave Trade, to escape just condemnation for an infraction of the laws of this empire and the stipulations of Treaty.

Were the consequences of the condemnation of the vessels of a nature injuriously to affect Brazilian interests, an unwillingness might be felt to urge the strict execution of the spirit of the Treaty and laws of this empire, against the culpable parties implicated in this slave-trading speculation. But far from any advantage resulting to Brazil or Brazilians from the inhuman traffic in which these vessels were engaged ; in the first place, the persons directly interested are Portuguese, who, misemploying their ill-gained capital and their property in this country, only procure letters of naturalization for the greater facility afforded to them of carrying on a trade, forbidden alike by the laws of the empire and the dictates of humanity, and which threatens, at no very remote period, the greatest misfortunes to this empire, while, at the present moment, it is the most formidable obstacle to its prosperity and advancement, in all that is desirable to the well-wishers of Brazil.

The Undersigned trusts that unprincipled foreigners will no longer be allowed to abuse with impunity the hospitality afforded to them by a too indulgent Government.

No objection can be made on the score of slaves not being found on board, as a reference to the cases of several vessels already captured will amply prove :—

The "*Paquete do Sol*" captured by Her Majesty's ship "*Satellite*" in 1834 ;

The "*Dois de Março*" in the same year ; and

The "*Aventura*" in 1835, both captured by a Brazilian ship of war ; and

The "*Vencedora*," captured in 1836 by Her Majesty's ship "*Hornet*."

Three of these vessels were under Portuguese colours ; two were condemned, one escaped from an informality in the papers of the capturing cruiser, and the other from being found not to be Brazilian property, (*i. e.* to the satisfaction of the Brazilian Commissioner, although against the conviction of the British Commissary Judge.)

These cases would be sufficient to prove that the vessels in question, if found to be employed in Brazilian speculations, are undoubtedly subject to condemnation by the Mixed Commission ; and it is the positive duty of the Undersigned to call to the most serious attention of the Imperial Government the expediency, nay necessity, (if there exists a desire on the part of the Imperial Government to co-operate cordially with that of the Queen in this and other questions deeply affecting their mutual relations), of giving on this occasion a convincing proof of the fidelity with which this Government intends to fulfil its engagements towards that of Her Majesty, and of the energy with which it means to carry into effect its own laws repressive of this impolitic and inhuman traffic ; and the Undersigned appeals to his Excellency in order to submit to him whether it be not incumbent on him to issue such instructions, as may bring the cases of these vessels for adjudication before the Mixed Commission without further delay.

A departure from this direct line of action in cases of such flagrant violations of the laws as those by the vessels now captured, would be on every account to be deplored, not only as morally and deeply affecting the ultimate end and object of the laws and measures suppressive of the Slave Trade, but as inimical to the feelings of confidence and good understanding, which the Undersigned trusts will continue unabated between their respective Governments, and of which he is authorized to assure his Excellency, that Her Majesty's Government will be gratified in having it justly in their power to afford proofs.

The general principles which the Undersigned has thus far urged sufficiently authorize immediately taking under the cognizance of the Commission the cases of the "*Maria Carlota*" and the "*Recuperador*." But his Excellency Senhor

Candido Baptista de Oliveira will doubly feel that it is his duty to act vigorously on the present occasion, if only to vindicate the character of the Imperial Government for a sense of justice and desire to repress crime, when he learns some of the details that have transpired from the examinations of letters and papers found on board the captured slavers.

It could scarcely be believed, but for the irrefragable proofs afforded by these documents, that the miscreants interested in these criminal voyages deliberately plan and endeavour to carry into execution the murder of the whole of the British officers and crews, who may be placed on board their vessels when captured.

One of the sharers in the attempted speculations of the "*Maria Carlota*" and "*Recuperador*" writes, giving circumstantial directions to his correspondents and agents (for he writes to more than one person) on the Coast of Africa to mix "a strong dose" of certain virulent poison in the wine and brandy which are to be laid in the way of the unsuspecting sailors; alludes to having done so at other times; and the letter in question is the duplicate of one unhappily previously forwarded.

This is but one specimen of the pitch to which the nature of the wretched criminals, occupied in the slave-trading transactions, is depraved by their hateful employments.

Other letters give particular details of their participation in the rescue of the Captain of the "*Ganges*," of the advantage they took of the unfortunate occurrence (brought about by themselves) of the deplored death of a Brazilian on board the "*Especuladora*," to cause disturbance and outrage, and of their intention and hopes of committing with impunity violence and assassinations on the persons of the naval officers and others of Her Majesty's subjects. These circumstances the Undersigned has already had the honour of bringing to the knowledge of the Imperial Government, in the correspondence that took place on the unfortunate occurrence above alluded to, but now the positive proofs of their active complicity are patent.

It never can be for a moment supposed that the Imperial Government will afford its protection, however indirectly, to the deep guilt of the parties concerned, by allowing these vessels to be considered, by a strained interpretation of the provisions of law and treaty, as not liable to condemnation by the Mixed Commission. Such a course would be contrary to every principle of equity and right feeling. That an indulgent interpretation of the law may be excused in cases of mere legal crimes of contraband, and of such as are venial moral offences, the Undersigned is not inclined to dispute; but in crimes of the enormity of those under consideration, and which are the direct result of the habitual infraction of the laws by the slave traders, any indulgence would be worse than weak, any favour would be indirect protection or complicity.

When the necessary publicity is given to the enormities practised and attempted by the Owners and sharers in these vessels, and their accomplices, and when the Undersigned shall have brought them to the notice of Her Majesty's Government, the just indignation which will be felt, not only by those immediately affected by such acts, but by all classes of Her Majesty's subjects, and indeed by every civilized nation, will be such as to render inevitable more severe and active measures than have as yet been employed against the malefactors concerned.

As a first step, in the due co-operation of His Imperial Majesty's Government on this occasion, the utmost extent will naturally be given to the power by which his Excellency the Minister of Foreign Affairs is empowered to interpret the laws arising out of Treaties.

No obstacle can exist to the legal adjudication or condemnation of these slave vessels, in the face of the precedents afforded by that of the several vessels already cited, except indeed that which may arise from a false and fatal indulgence, which the Undersigned cannot but take upon himself to affirm, would in this instance, be criminally exercised.

The Government of Portugal has, at length, been induced to give some proofs of its sincerity, in a desire to prevent the odious traffic which has so long disgraced its flag. Should the Imperial Government act vigorously in the same sense, conjointly with that of the Queen, there are hopes that a traffic, contrary to the best interests of humanity, of justice, and of policy, will at length receive a check from which it will with difficulty recover; the Government of Great

Britain, and that of Brazil, being mutually pledged to crush it by every means in their power.

The Undersigned avails, &c.

(Signed)

W. G. OUSELEY.

Senhor Candido Baptiste de Oliveira,
 &c. &c. &c.

No. 198.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, July 20, 1839.

(Received September 21.)

(Extract.)

I HAVE the honour to enclose a copy of a letter which I addressed to Commodore Sullivan on the purchase of the lately condemned slaver "*Carolina*," to which I beg to refer your Lordship for some details on that subject.

This vessel is so fast a sailer, that none of Her Majesty's cruizers on this station could hope to take her, but by the consequences of an accident, or some fortunate circumstances, such as those which enabled Captain Preston of the "*Electra*" to capture her.

She is well found, and armed with a long gun of large calibre on a pivot, and some small guns, and when in complete order will not draw nine feet water, so that she will be able to go over the bar of Rio Grande, from whence the "*Chamelion*," 10-gun brig, was obliged to return without the possibility of communication with Porto Alegre, when sent out on that service, at the requisition of British subjects for their protection, and by orders from the Admiralty.

But the main object was to disconcert and break up the plans of the slave traders in the purchase and refitting of the captured vessels, to oblige them to place a higher value upon the condemned vessels, and to expose the system hitherto pursued. These objects have been completely attained, and, I may say, without expense to Her Majesty's Government, as the proceeds of the sales of these vessels, and probably of those which may hereafter be sold, will so far exceed the sums hitherto obtained for them, as to leave a balance in the hands of the Commission, instead of a deficit, to be made up by Her Majesty's and the Brazilian Governments, while an excellent small cruizer is added to the force of this station, well fitted for the service required on this coast.

Enclosure in No. 198.

Mr. Ouseley to Commodore Sullivan, C.B.

SIR,

Rio de Janeiro, July 14, 1839.

THE "*Carolina*," condemned slaver, having being advertized to be sold for the joint benefit of Her Majesty's and the Brazilian Governments, and the price, as usual, being fixed at less than a third or fourth of her real value, (judging from surveys and valuations made by competent persons), I thought it my duty to endeavour to prevent her falling into the hands of the slave dealers.

I was informed, that by an understanding with the Brazilian subaltern authorities, which has become almost an invariable practice in the sales of condemned slavers, this vessel was to have been bought by the late Owner at a low price; and, as from her excellent sailing qualities and armament, it would have been a very doubtful and difficult task to most of Her Majesty's cruizers again to capture her, in the event of her being met with employed in the Slave Trade, the only mode left open by the present system of sale of these vessels was to bid for her at the auction.

The "*Carolina*," whose real value is at least about ten contos, has therefore been purchased for and on account of Her Majesty's Government, at the unexpectedly low price of 5 contos 800 milreis, including all expenses, somewhat more than six contos. It must also be recollected that, in fact, but half of this sum is paid by our Government, as the proceeds of the sale are divided. But the conniving and fraudulent system by which the slave traders have been at once and easily furnished with vessels for their illegal traffic, has been at last completely exposed, if not broken up, by the measure now adopted; and the culpable agents

of the Government, as well as the more directly interested parties, are disconcerted and discouraged.

They have, in order to prevent the future purchase of vessels by the agents of Her Majesty's Government (which they now conclude will be a practice that will be continued), valued the "*Ganges*" and "*Leal*," condemned slavers, at eight and six contos respectively, hitherto such vessels have been sold for one conto and a half, or three contos at the utmost, and the expenses incurred by them often exceed the amount of sale.

By the present purchase, we pay in fact but three contos for a finer vessel than any that has been employed as a slaver for many years on this Coast, and by the subsequent sale of the "*Especulador*," at a sum beyond her real value (between four and five contos), and by the unusually high valuation put on the "*Leal*" and "*Ganges*," we shall in reality probably receive a considerable balance above the expenses incurred, and including the price paid for the "*Carolina*."

It is, however, less in a pecuniary point of view, that the purchase of this vessel is important, than as a check to the proceedings of the slave traders, both by depriving them of their best vessels, and by the possibility of employing her as a tender to the flag-ship; and sending her to cruize along the Coast, where her small draft of water will enable her to go.

But it is more particularly in the waters of Rio Grande that the "*Carolina*" will have a great advantage over any of the men of war on this station. Having received several applications from English subjects, and the mercantile body of the Province of Rio Grande, that a vessel of war might be sent to protect their interests, during the present state of civil war and disturbance that exists there, and which does not appear likely soon to cease, it becomes highly expedient to send a vessel thither. The "*Chameleon*" having already been sent by your orders, in conformity with the instructions of Her Majesty's Government, and it having been found that even that ten-gun brig could not pass the bar, I submit, Sir, to your better judgment, whether the "*Carolina*" might not be advantageously employed on this temporary service, as well as for cruizing against the Slave Trade.

I have, &c.

(Signed) W. G. OUSELEY.

To Commodore Sullivan, C.B.,
&c. &c. &c.

No. 199.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, July 20, 1839.

(Extract.)

(Received September 21.)

ACCOUNTS having been received in this capital of a recent resignation of office by Her Majesty's Ministers, I thought it my duty openly, and on every fitting occasion, to declare that, whatever change might occur in the choice of the persons composing the Government and Council of Her Majesty, on the question of the Slave Trade no relaxation of the suppressive measures, adopted by your Lordship and the Administration of Lord Melbourne, was to be expected; and I shall continue thus to express myself, as great exertions are now making to influence the chambers to pass the law proposed by the Marquis of Barbacena, and passed in the Senate. And I shall probably find it necessary to protest against that law being passed, at least without an amendment in the course of this session.

A law has been proposed by Senhor Andrada, in the Chamber of Deputies, that is much less exceptionable than that of the Marquis of Barbacena.

Some of the members in the Chambers of Deputies lately made some very warm remarks in a spirit of hostility and irritation against England, and Her Majesty's squadron and legation, in relation to the death of the Brazilian, which formed the subject of much correspondence, and of my Despatches, to your Lordship, Nos. 31 and 35 of the General Series.

Copies of the Correspondence between the Imperial Government and Her Majesty's Legation, were consequently called for, with a view to different motions couched in an unfriendly spirit towards the Administration, and to England. The late Minister for Foreign Affairs, and many others, opposed the production of this correspondence.

My note (which forms the Enclosure in No. 35) was consequently printed *in extenso*, in most of the different Journals of this Capital, and has been also printed in the Provinces; not a word further has been said in either Chamber since this publication, which has placed the whole affair in a light completely unexpected by the mass of the population of Brazil; and I trust that it has had a salutary effect.

No. 200.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, July 29, 1839.

MY LORD,

(Received September 23.)

I HAVE the honour to acknowledge the receipt on the 26th instant, by Her Majesty's packet "*Spey*," of your Lordship's two Despatches of Slave Trade Series of the 7th of May, 1839.

I have, &c.

(Signed) W. G. OUSELEY.

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

No. 201.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, July 29, 1839.

MY LORD,

(Received September 23.)

I HAVE the honour to enclose a copy and translation of a note that I have received from the Brazilian Minister for Foreign Affairs, in reply to that which I, in conformity with the instructions contained in your Lordship's Despatch, Slave Trade, of the 20th March, 1839, addressed to the Imperial Government, on the subject of the existence of a systematically organized society for carrying on Slave Trade at Pernambuco, disclosed in various papers which form the Enclosures to that Despatch.

Senhor C. B. de Oliveira states, that the strictest examination into the facts represented will be made by order of the Brazilian Government.

I also subjoin a copy of such part of my note to his Excellency, as I thought it expedient to add (the rest being, *mutatis mutandis*, exactly what your Lordship directed me in your Despatch, "Slave Trade," of the 20th March last to state), as bearing more particularly on affairs now pending relating to the Slave Trade.

I have, &c.

(Signed) W. G. OUSELEY.

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

(Translation.)

First Enclosure in No. 201.

M. de Oliveira to Mr. Ouseley.

Rio de Janeiro, July 27, 1839.

THE Undersigned, &c. acknowledges the receipt of the note which Mr. W. G. Ouseley, &c., addressed to him on the 19th instant, making representations against the traffic in Africans, which, as is gathered from the papers seized on board of the vessel "*Veloz*," condemned by the Mixed Commission of Sierra Leone, continues to be carried on upon a large scale in the city of Pernambuco.

The Undersigned, in order adequately to reply to Mr. Ouseley, is about to demand from the President of the Province of Pernambuco the necessary explanations; requiring him to proceed to the strictest investigations on this subject, and immediately to take such measures as may appear to him to be called for.

The Undersigned renews, &c.

(Signed)

CANDIDO BAPTISTA DE OLIVEIRA.

W. G. Ouseley, Esq.

Second Enclosure in No. 201.

Mr. Ouseley to M. de Oliveira.

Rio de Janeiro, July 19, 1839.

(The first part of this note being, mutadis mutandis, exactly to the same effect as the Despatch, "Slave Trade," of the 20th March, forwarding instructions to Mr. Ouseley, is not recopied here.)

"But it will also be the duty of the Undersigned to take an early opportunity of calling the attention of the Imperial Government, to cases of connivance and complicity on the part of persons employed in His Imperial Majesty's service in this capital, which disclose an organized system of Slave Trade transactions, much more extensive than that which forms the subject of this note.

"The Undersigned will be under the painful necessity, when representing to the Imperial Government the extent of the criminal proceedings of certain authorities in this city in connexion with the slave traders, of designating individuals, who, by their station and employments, ought to be most averse to entering into any guilty participation in the traffic in Africans, but whose position fortunately enables the Imperial Government to take such measures against them, as will strongly discourage future misconduct."

The Undersigned, &c.

(Signed)

W. G. OUSELEY.

Senhor Candido Baptista de Oliveira.

&c.

&c.

&c.

No. 202.

Mr. Ouseley to Viscount Palmerston.

(Extract.)

(Received September 23, 1839.)

I HAVE the honour to enclose copies of a correspondence, which has taken place between the Chevalier Figanière e Morao and myself, on the subject of the lately detained outward-bound slave vessels "*Maria Carlota*" and "*Recuperador*."

First Enclosure in No. 202.

(Translation.)

M. Figanière to Mr. Ouseley.*

Rio de Janeiro, June 1, 1839.

THE Undersigned; of the Council of Her Most Faithful Majesty the Queen of Portugal, and Her Minister resident at the Court of His Majesty the Emperor of Brazil, finding from the journals of this city of yesterday, the 31st May last, that on the preceding day, the 30th of that month, Her Britannic Majesty's brig the "*Grecian*," Smyth, Commander, had entered this port of Rio de Janeiro, convoying the Portuguese patacho "*Recuperador*," which sailed from this port for Angola and Benguela on the 26th of May last, and the Portuguese barque "*Maria Carlota*," which sailed from the same port for Quilimane on the 29th May last, both having been detained by that English brig off this port; he would be glad if Mr. William Gore Ouseley, Her Britannic Majesty's Chargé d'Affaires to the Brazilian Government, would inform him what ground Commander Smyth had for detaining those two vessels, doing him the favour of distinguishing the two cases; whether Mr. Ouseley thinks the detention to have been legitimate, or founded in an abuse, and exceeding the instructions furnished to Commander Smyth; and, finally, in either of these cases, what destination he means to give to those vessels.

The Undersigned avails himself, &c.

(Signed)

J. C. DE FIGANIERE E MORAO.

W. G. Ouseley, Esq.,

&c. &c. &c.

* The Notes from M. Figanière to Mr. Ouseley, Enclosures First, Third, Fourth, Fifth, and Seventh, were published by M. Figanière in the Despertador Newspaper at Rio de Janeiro.

Second Enclosure in No. 202.

Mr. Ouseley to M. Figanière.

SIR,

Rio de Janeiro, June 3, 1839.

I HAVE the honour to state, in reply to your note of the 1st instant on the subject of the two vessels captured under Portuguese colours, the "*Maria Carlota*" and "*Recuperador*," by a British cruizer, that I have as yet received no official communication on the subject, but have been verbally informed that the papers of those two vessels have been laid before the British and Brazilian Mixed Commission at this capital under the Convention for the suppression of the Slave Trade; and as soon as I learn the result of the examination of those papers by that tribunal, I shall lose no time in communicating it to the Legation of Her Most Faithful Majesty.

I have, &c.

(Signed) W. G. OUSELEY.

Senhor Figanière,
&c. &c. &c.

Third Enclosure in No. 202.

(Translation.)

*M. Figanière to Mr. Ouseley.**Rio de Janeiro, June 3, 1839.*

THE Undersigned Minister of Portugal, resident at this Court, acknowledges the receipt of the note which, on the 3d of this current month of June, Mr. William Gore Ouseley, Chargé d'Affaires of England, did him the honour to address to him, in reply to that which the Undersigned had transmitted to him on the 1st of the same month, concerning the detention, by the brig "*Grecian*," of the two vessels "*Recuperador*" and "*Maria Carlota*."

The Undersigned begs leave to observe to Mr. Ouseley; that the said reply does not in any manner satisfy the information which he deemed it his duty to demand. Waiving the declaration made by Mr. Ouseley, that the documents and papers of the said two ships had been submitted to the examination of the Mixed Brazilian and English Commission established in this capital by a Convention between these two Governments, to which Portugal was no party, the Minister of Portugal, referring to his note above-mentioned, hopes that the Chargé d'Affaires of England will be pleased to return him a categorical answer to what he therein requests.

Taking this opportunity, &c.

(Signed) J. C. DE FIGANIERE E MORAO.

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

Fourth Enclosure in No. 202.

(Translation.)

*M. Figanière to Mr. Ouseley.**Rio de Janeiro, June 15, 1839.*

THE Undersigned, of the Council of Her Most Faithful Majesty, and Her Minister resident at this Court, having received the representation of various persons stating themselves to be Portuguese belonging to the crews of the brigs "*Ganges*" and "*Leal*," and of others, passengers, likewise Portuguese, on the latter vessel, in which they allege that they are treated as prisoners on board the ships of war of Her Britannic Majesty, anchored in this port, or in depôts afloat, under the orders of the Commander of those English naval forces, has the honour to address Mr. W. G. Ouseley, Her Britannic Majesty's Chargé d'Affaires in this capital, requesting that he will be pleased to give such orders as will cause the Portuguese in question to be delivered up to the proper Authorities of this country, in order that it may be ascertained by their trial whether there exist any well-grounded indications of criminality or culpability against them, and, if not, that they may be set at liberty.

It would appear that some of these individuals have been kept upwards of 60 days as prisoners, ill provided on board the ships in which they are, and not allowed to communicate with persons on shore, so as to be debarred the conso-

lation of seeing their friends and procuring the means of justifying themselves from what perchance may be laid to their charge, which increases the sufferings of some, and ruins the health of others. This treatment is not justifiable on any principle, but is contrary to an enlightened administration of justice, and to the laws of humanity.

The Undersigned is willing to persuade himself that it is sufficient to state this fact to Mr. Ouseley, of which he very probably has had no knowledge, for him to hasten to give the proper orders required by the case, and to prevent a recurrence of the same hereafter ; for, as the captors have surrendered the captured ships to the examination and decision of a tribunal established in this capital, by reason of their deeming it competent, it does not appear on what ground the individuals found on board the captured ships can be retained exclusively under the jurisdiction of the said captors in the port of this capital.

The Undersigned avails himself, &c.

(Signed)

J. C. DE FIGANIERE E MORAO.

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

Fifth Enclosure in No. 202.

(Translation.)

M. Figanière to Mr. Ouseley.

Rio de Janeiro, June 21, 1839.

THE Undersigned Minister of Portugal, resident at this Court, had the honour to address himself to Mr. W. G. Ouseley, Chargé d'Affaires of England, at this Court, on the 1st and 5th of June instant, relative to two Portuguese vessels captured by Her Britannic Majesty's brig "Grecian," and subsequently, on the 15th of that month, he also called the attention of Mr. Ouseley to the fact of several Portuguese being detained on board the ships anchored in this port under the orders of the Commander of the naval forces of Her said Britannic Majesty, and requested that they either might be delivered up to the competent Authorities of Brazil, if there existed well-grounded suspicions of their having committed any crime, or that, in the contrary case, they might be set at liberty.

The Undersigned has not only been left without any reply from Mr. Ouseley to both communications, but has been concerned to learn, in reference to the last mentioned note, that among those Portuguese, the individuals bearing the names of Rezende and Braga, and two others, are on the point of being transferred on board the English packet, which is shortly to sail to Falmouth ; and that, in addition to this, some other Portuguese either have been, or are about to be, given up to serve by compulsion on board men of war of the Brazilian empire, about which latter intelligence, however, he entertains doubts, as he cannot bring himself to believe that the Imperial Government will consent to it.

The Undersigned, whom Mr. Ouseley will find ready to co-operate in putting an end to the Slave Trade, declared illicit by his Government in so far as regards the Portuguese flag, as he is certain that in this he acts in accordance with the views of his said Government, can nevertheless not consent that this repression should be accomplished by means considered far from legal, or which infringe the rights of Portugal and of its subjects ; wherefore he desires, and even hopes, that Mr. Ouseley will be able to state to him that there is no ground for suspecting that the said acts will be realised, for the Undersigned is loth to give way to the apprehension of the painful necessity under which he would find himself, in compliance with his duties, to protest against whom it may be fitting, with the view of obtaining the necessary reparation and the indemnifications for the prejudices which may result to all and every one of the individuals in question from such a proceeding if it should happen to be carried into effect.

The Undersigned repeats, &c.

(Signed)

J. C. DE FIGANIERE E MORAO.

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

Sixth Enclosure in No. 202.

Mr. Ouseley to M. Figanière.

Rio de Janeiro, July 1, 1839.

THE Undersigned, &c., has had the honour of receiving the note of the 21st ultimo from Senhor Joaquim Cesar de Figanière e Morao, &c., on the subject of two vessels (the Undersigned presumes Senhor Figanière to mean the "*Maria Carlota*" and "*Recuperador*," formerly "*Felix*"), which he calls Portuguese, lately captured by Her Majesty's ship "*Grecian*," while engaged in the Slave Trade.

Although the Undersigned has not yet obtained, as he hoped, the final decision on the case of these vessels, in order to have the honour of communicating it to the Portuguese Minister, he will, however, no longer delay answering his note, as he has it in his power to afford Senhor Figanière at present the satisfaction of assuring him, that neither of the above vessels are legally or *bonâ fide* Portuguese, as has already been amply proved, and thus a flag, already but too frequently abused to cover the purposes of the inhuman traffic in Africans, is free from the additional disgrace that would be incurred by its protection being available in the present instances.

The Undersigned feels much pleasure in receiving from Senhor Figanière e Morao, both verbally at different times, and in his note of the 21st ultimo, the repeated assurances of a sincere desire and determination to co-operate in endeavouring to put an end to the Slave Trade, in which, as he mentioned, he will only act in conformity with the letter and spirit of the instructions of Her Most Faithful Majesty's Government, as well as according to his own feelings of detestation for what he justly terms an odious traffic, forbidden alike by the laws of Portugal, and by the dictates of justice and humanity.

It was with some surprise, therefore, that the Undersigned perused that part of the Portuguese Minister's note, in which he supports preceding applications in favour of certain of the prisoners from on board the condemned vessels.

Senhor de Figanière e Morao can certainly not be aware, that the criminals whom he appears to think deserving of his protection were taken on the high seas, in the commission of an act of piracy of the worst description, inasmuch as it involves frequently the commission of robbery, rapine, and murder, not of a few individuals only, but of hundreds of unoffending human beings; that the very trade or employment of the miscreants engaged in this traffic is founded on the habitual commission of crimes of the deepest dye; that by following their unlawful calling they place themselves out of the pale of the law, and forfeit the protection of every civilized country. In fact, the delinquents on whose behalf the Portuguese Legation has so frequently exerted its influence in this capital, are, unfortunately, totally unworthy of its assistance, the Government of Portugal having already withdrawn from them the protection of its flag, by its own laws, decrees, and repeated assurances, of late made public.

So far from the culprits in question having suffered under hardships or severity from the British captors, they have reason to congratulate themselves for not meeting with the much more summary treatment than that they have incurred.

It is further the duty of the Undersigned to apprise Senhor Figanière e Morao that he can by no means recognize the right of the Portuguese Mission to interfere in the cases of the vessels which form the principal subject of his note, inasmuch as these vessels are not Portuguese, and even if they were, they have notoriously forfeited the protection of Her Most Faithful Majesty's Government. With respect to the prisoners, the same observation is applicable. Many of these individuals, calling themselves Portuguese, are not so; all of them are, however, implicated in systematic acts of piracy.

But without acknowledging any right of the Portuguese Minister to take cognizance of the capture of the slave vessels in question, the Undersigned, feeling every desire to act with the courtesy and consideration due to Senhor Figanière e Morao, personally and officially, has not hesitated, in consequence of his application, to request the Commander of Her Majesty's naval forces in this harbour to make over, at the requisition of the Portuguese Mission, the two persons calling themselves passengers, named by M. Figanière e Morao, whose state

of health it is affirmed is bad. They will be delivered to whomsoever the Portuguese Minister will charge to receive them.

The Undersigned, &c.
(Signed) W. G. OUSELEY.

Senhor Figanière e Morao,
&c. &c. &c.

Seventh Enclosure in No. 202.

M. Figanière to Mr. Ouseley.

(Translation.)

Rio de Janeiro, July 6, 1839.

THE Undersigned, of the Council of Her Most Faithful Majesty, and her Minister at the Court of Rio de Janeiro, has the honour to acknowledge the receipt of the note which Mr. W. G. Ouseley, Chargé d'Affaires of Her Britannic Majesty at the same Court, addressed to him under date of the 1st instant, in reply to that which the Undersigned had written to him on the 21st of last June respecting the prisoners detained on board the ships anchored in this port under the orders of the Commander of the naval forces of Her said Britannic Majesty, and in which he referred to two preceding notes of the 1st and 5th of the same month relative to the two Portuguese vessels "*Maria Carlota*" and "*Recuperador*," captured on their sailing from this port by the English brig "*Grecian*," and carried back to Rio de Janeiro.

Mr. Ouseley states to the Undersigned that the two vessels in question are not Portuguese, and that, consequently, he cannot recognize the right of the Portuguese Legation of interfering in this matter, not even if they were so, inasmuch as they have notoriously lost the protection of the Most Faithful Government; that the same observation applies to the prisoners, because they were taken out at sea committing piratical acts; but that, notwithstanding he does not recognize in the Portuguese Minister the right of taking cognizance of the capture of the said vessels employed in the Slave Trade, Mr. Ouseley, from motives of courtesy and consideration towards the Undersigned, has not hesitated to request from the Commander of the British naval forces the surrender of the two persons calling themselves passengers, to the orders of the Portuguese Legation.

In reply, the Undersigned has the honour once more to manifest to the Chargé d'Affaires of England that he will meet in the Undersigned with efficacious and true assistance in suppressing the Slave Trade, as Mr. Ouseley is pleased to acknowledge, but always, as he has already stated to him, by legal means, in observance of the Treaties and Conventions between Portugal and foreign countries as to what respects Portuguese ships and subjects, and according to the laws of Portugal, and in observance of his instructions and the orders of his Government, whenever he is to interpose his authority in cases exclusively of his competence. Therefore the Undersigned being aware of the capture, almost within view of the forts of Rio de Janeiro, of the "*Maria Carlota*" and the "*Recuperador*," which had sailed from this port without hindrance on the part of the Authorities of this country, in which the Slave Trade is illegal, and were despatched by the Portuguese Consulate, which has orders and instructions to that effect, it was strictly his duty to apply to Mr. Ouseley for explanations on the subject of such an occurrence; and until Mr. Ouseley can demonstrate to the Undersigned that those vessels are not Portuguese, he is under the necessity of recognizing them as such, from its having been represented to him that one of them had been ordered to be built at Oporto, in 1835, by Rodrigo de Abres Machado, an inhabitant of that city, that she always navigated as Portuguese property, and even belongs to the said Machado; and the other, though she should not be of national construction, was purchased by a Portuguese subject, and navigated under the Portuguese flag, previous to the decree of the 16th January, 1837, and was consequently recognized by that law as Portuguese property. And even though this vessel, called the "*Felix*," was condemned by the Mixed English and Brazilian Commission, this condemnation did not divest her of her nationality before the Portuguese Authorities, which cannot, without the express consent of their Government, recognize that tribunal competent to adjudicate Portuguese ships even carrying slaves, but only (when

captured by English ships), those created by the stipulations of the Treaty of the 22d January, 1815, the Convention of the 28th July, 1817, the instructions annexed to it, and the separate Article of the 11th September of the same year, 1817, between Portugal and England; and that vessel having continued to belong to a Portuguese subject, she was thus expedited from this port.

If the documents found on board the said vessels are those that seem to furnish a motive to Mr. Ouseley for declaring them not to be legally Portuguese property, the Undersigned begs leave to observe that the examination of the legality or illegality of these documents, according to the laws that determined them, belongs exclusively to the Portuguese Authorities; and, on the other hand, if the vessels were destined to the Slave Trade, as Mr. Ouseley affirms, and of which the Undersigned is as yet ignorant, they would, without doubt, have been judged good prizes by the Portuguese land and sea authorities in conformity with the laws of Portugal; but as it cannot be supposed that these vessels, which had scarcely left the port, should have on board Africans for that traffic, an essential circumstance required by the Treaty and Convention above referred to to enable the English men of war to capture them, and as the Undersigned is not cognizant of the ground of the capture, though he has repeatedly inquired it of Mr. Ouseley, he must report the occurrence to his Government, which will determine what it thinks proper; still, however, the Undersigned deems it his duty to protest against the capture of the barque "*Maria Carlota*," and of the patacho "*Recuperador*," by Her Britannic Majesty's brig "*Grecian*," as it is considered illegal for the reasons above stated.

As to the prisoners whom Mr. Ouseley designates as criminals, and guilty of piratical acts of the worst description, the Undersigned cannot but express, in the first place, how much he is surprised that the Chargé d'Affaires of England should impute criminality to those individuals, when, according to the principles of humanity and justice, the laws of the nation which Mr. Ouseley represents, and those of the most civilized nations, only hold as criminals those who have been adjudged and sentenced as such by competent tribunals; and, in the second place, that acts of piracy are only those which are generally considered as such by the concurrence of nations, or, in particular, by those who have designated them as such by their own laws, and it is not as yet known to the Undersigned that his Government, though it hates the Slave Trade, and has prohibited it by a law, has promulgated any law which declares those employed in this illicit traffic to be pirates; there seems then to exist no reason why Mr. Ouseley should apply this odious epithet to Portuguese, especially when they have not yet been tried.

There is one point in Mr. Ouseley's note which imposes on the Undersigned the duty of disputing the construction put on his communications respecting these prisoners. It seems to have been supposed that the Portuguese Legation is willing to protect those individuals, and desires them to be given up to it. By no means; higher sentiments influenced the Undersigned when he addressed himself to the Chargé d'Affaires of England; he requested, as he still does, in consequence of representations made to him, and from motives of humanity and justice, that greater sufferings might be spared the prisoners who complain of them, and that they might be dealt with in the manner which the Undersigned knows to have been practised on similar occasions, namely, that they might be delivered up to the authorities to be tried, and that, if guilty, they might be visited with the penalties of the law, or, if innocent, set at liberty as it was fitting. On this subject the Undersigned refers entirely to what he already had the honour to state in his notes of the 15th and 21st of June last, and declares to Mr. Ouseley that his just demand only relates to those who among the prisoners in question are Portuguese subjects, and that he by no means could be understood to comprehend those who were not such.

The Undersigned, acknowledging the consideration with which Mr. Ouseley does him the honour to treat him, and to which he already alluded in the beginning of the present note, hopes to obtain many occasions to show to Mr. Ouseley equal consideration and esteem to that with which the writer is animated towards him, as well in his private as his public character; but the Undersigned is very sorry that he cannot on this occasion avail himself of the courtesy of the English Chargé d'Affaires, to have the two prisoners Manoel José de Rezende, and João Peixoto da Costa Braga, given up by the Commander of Her Britannic Majesty's forces to the Portuguese Legation, because, as has already been said, he did not

require such delivery ; he demanded that these as well as the others might have prompt justice done them, inasmuch as he knew that the two individuals named were about to be carried to Falmouth, and that he had designated them by name, but the circumstance of granting them liberty now rests on the declaration of the individuals concerned that they are innocent of any irregularity practised on board the "*Leão*," in which they arrive as passengers, which also may be collected from the sentence against that ship, in which they are not designated as guilty ; and on referring to Mr. Ouseley's note to the Undersigned, that he chose to make an exception in favour of the two individuals, whom, in common with the rest, the Chargé d'Affaires of England terms malefactors, pirates, and undeserving of any protection or assistance ! There either are, or are not, indications of criminality against them. In the first case, the courts of justice must pronounce their decision ; in the second, they ought to be set free, without any necessity of their being given up to the Portuguese Legation.

The Undersigned will not fail, on this subject also, to make his report to his Government, which will take due notice of it, he being obliged, likewise, in this case, in compliance with his duty, to protest against whom it may be, meet, on account of, and against the detention of Portuguese subjects on board the English ships of war, or others, in this port, under the orders of the Commander of Her Britannic Majesty's naval forces, and also against the conveyance of those subjects to foreign countries, without a previous sentence of condemnation against them.

The Undersigned avails himself, &c.

(Signed)

J. C. DE FIGANIERE E MORAO.

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

Eighth Enclosure in No. 202.

Mr. Ouseley to M. Figanière.

MY DEAR SIR,

Rio de Janeiro, July 24, 1839.

I HOPED to have had the pleasure of seeing you and your family last evening, when we could have spoken on the subject which you mentioned to me in the morning ; but as I was disappointed, I now think it right to mention that I cannot, on reflection, think it either expedient or becoming to publish any part of the Diplomatic Correspondence that has passed. Of course my opinion may, very probably, not have sufficient weight with you to prevent your publishing your own notes ; but there are many reasons against the practice of appealing to the public on every occasion of Diplomatic Correspondence, which exists still more strongly in cases which remain still undecided. Besides, it is necessary for both parties to be aware of the intention of publication before a correspondence is begun. Either the correspondence is then written in conformity with that intention, or, if necessary, declined altogether, which latter course it would be incumbent, in my position, to adopt, if the resolution were announced to fill the papers with Diplomatic Communications, by their nature not fitting to be made the table-talk of every grog-shop.

Believe me, &c.

(Signed)

W. G. OUSELEY.

Senhor J. C. de Figanière e Morao,
&c. &c. &c.

Ninth Enclosure in No. 202.

M. Figanière to Mr. Ouseley.

MY DEAR SIR,

July 24, 1839.

I WAS perfectly aware of the well-grounded reasons you adduced against the publication of Diplomatic Correspondence ; but mine is a special case, made known to you before undertaking the publication of my notes to you, which were not certainly written with the intention to be published, but which, much against my will, and forced by circumstances, it became incumbent on me to take that

course. You will perceive I have not taken the liberty of publishing yours, nor shall I do so; mine will suffice to prove that the accusations against me are unfounded; nor for the satisfaction of my Government, nor of people who know me, but to guard the unwary to give credit to the utterance of malignant tongues, which will not stop short of any slander their object may require.

My lady was really too tired to have the pleasure of passing last evening at your house, and I was preparing the copies of what appeared this day in the "Despertador."

In haste, but very truly and respectfully, &c.

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

(Signed) J. C. DE FIGANIERE.

No. 203.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, July 29, 1839.

(Received September 23.)

MY LORD,

THE departure for England of Her Majesty's brig "Wizard," which sails at daylight to-morrow, affords me an opportunity of forwarding to your Lordship the enclosed copy and translation of a note from Senhor Candido Baptista de Oliveira, in which his Excellency officially informs Her Majesty's Legation, that the Regent has directed that instructions be issued to the Brazilian Commissioners to take cognizance, conjointly with Her Majesty's Commissioners, of the cases of the "Maria Carlota" and "Recuperador," outward bound slave-vessels, whose detention, and the refusal of the Brazilian Commissioner to consider them as before the Court, have formed the subject of my Despatch of the 20th Instant, forwarded by the last packet, and of other communications.

It is with feelings of great satisfaction that I have the honour of announcing to your Lordship this additional proof of the right feeling of the present Administration of this country on the African Slave Trade, and of the wish that prevails in the present Councils of the Regent to act in accordance with the spirit and the letter of the engagements with the Queen's Government, and to co-operate effectually in the measures adopted and proposed by your Lordship completely to extinguish the Slave Trade.

It is to the energy and upright intentions, on the question of the Slave Trade, of the present Minister of Foreign Affairs, that I must chiefly attribute the adoption of a measure, perhaps more vitally important to the effectual extinction of the Traffic in Africans than any which, under present circumstances, could have been obtained. The blow thus given to the interest of the slave traders is considered by them most fatal, as the efforts, direct and indirect, which have been made to prevent the Imperial Government from taking a right view of this subject, sufficiently prove; and it would be difficult for your Lordship, or for any person not practically acquainted with the difficulties that surround this question here, and which have hitherto been allowed to deter the Government of Brazil, justly to estimate the moral force required to carry into effect such a decisive measure as that which has now been taken.

About 20 vessels, fitted out, or preparing for the Slave Trade, have been detained in this harbour, in order to await the decision of the Imperial Government on this question; and the daily expected arrivals of more cruisers on this station will enable Her Majesty's Officers completely to prevent the departure of slave-vessels, as heretofore, from this port, fitted out for the African Slave Trade.

I have, &c.

(Signed)

W. G. OUSELEY.

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

&c. &c. &c.

(Translation.)

Enclosure in No. 203.

M. de Oliveira to Mr. Ouseley.

Rio de Janeiro, July 27, 1839.

THE Undersigned, &c., having laid before the Regent, in the name of the Emperor, the note addressed to him by Mr. W. G. Ouseley, on the 1st instant,

relative to the barque "*Maria Carlota*" and the schooner "*Recuperador*," which have been detained by the British brig of war "*Grecian*," has received orders to communicate to Mr. Ouseley, that the necessary instructions have just been issued to the Brazilian Commissary Judge of the Brazilian and British Mixed Commission, established in this capital, in order that he should, conjointly with his colleague, take cognizance of the said vessels, in conformity with the stipulations of the additional Convention of July 28, 1817, and the regulations now in force.

The Undersigned, &c.

(Signed) CANDIDO BAPTISTA DE OLIVEIRA.

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

No. 204.

Viscount Palmerston to Mr. Ouseley.

Foreign Office, October 12, 1839.

Circular sending Lord Howard's two Notes to be reprinted

(See No. 61.)

No. 205.

Viscount Palmerston to Mr. Ouseley.

Foreign Office, October 12, 1839.

Circular on Negotiations with Portugal.

(See No. 15.)

No. 206.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, August 9, 1839.

(Received October 14.)

MY LORD,

THE passage in the speech of his Excellency Senhor Candido Baptista de Oliveira, the present Brazilian Minister of Foreign Affairs, to which reference is made in my Despatch of the general series of this date, and a copy and translation of which I have the honour to enclose, is to the effect that the Administration of which his Excellency forms a part, intending to fulfil religiously the obligations imposed upon it by Treaties with Foreign Powers, it is more especially its intention to observe, and carry strictly into effect, its engagements, however difficult in practice, on the subject of the Slave Trade; that the present Administration have already given unequivocal proofs of this their decided resolution, which will continue to form a distinctive feature in their principles and policy.

I feel the greater satisfaction in having to bring this declaration of Senhor Candido Baptista de Oliveira, on the part of the Imperial Government, to your Lordship's notice, inasmuch as I am convinced that it is made by his Excellency in a spirit of sincerity and firmness; and also because it has been received with a greater degree of favour, and has even already produced morally more effect, than was generally thought possible.

I have, &c.

(Signed) W. G. OUSELEY.

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

&c. &c. &c.

(Translation.)

Enclosure in No. 206.

Extract from Speech delivered on August 3, in the Brazilian Chamber of Deputies, by Senhor Candido Baptista de Oliveira, Minister of Foreign Affairs, and, ad-interim, of Finance.

I PASS on to the Department of Foreign Affairs. It is my opinion, and I think it is also that of the Administration of which I have the honour to be a Member,

that our relations ought to be preserved unimpaired with all nations ; that we ought religiously to observe all Treaties, having regard, however, in every case, to the national dignity. I need not observe, that among these Treaties there are some, from the non-execution of which subject of grave compromise to the nation may arise, for instance, that on the Slave Trade. The Administration has already given unequivocal proofs, that it is determined to enforce not only all those Treaties, but, in an especial manner, that just named, with the most religious exactitude. This is the second characteristic trait of the Administration.

No. 207.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, August 9, 1839.

(Received October 14.)

(Extract.)

THE newly appointed Portuguese Minister at this Court, Senhor de Figanière e Morao, has shown a disposition to act uprightly, and in accordance with the declared spirit of his instructions, on the subject of the suppression of the Slave Trade carried on under the flag of Her Most Faithful Majesty.

I am the more ready to do justice to that Gentleman's honourable conduct in this point, as he was at one time accused of being likely to connive at the scandalous proceedings of his predecessors in office ; and it was even asserted that he intended to follow in their steps. Were no other evidence of the becoming character of the Portuguese Minister attainable, a sufficient proof of its correctness would be afforded, by the hostility and undisguised violence, with which he has been attacked in the public journals by the satellites and accomplices of M. Moreira, the late Portuguese Consul-General.

It is exceedingly creditable to M. Figanière that he has thus incurred the enmity of the late Portuguese Consul-General, and of the mass of his countrymen here.

M. Moreira has refused to give up the Archives of the Mission, and particularly of the Consulate.

M. Moreira, however, is about to proceed to Lisbon. He is sustained by a great majority of his countrymen here (nearly 30,000 in number), some of them of great wealth.

He is a part proprietor of the " Nacional," Lisbon paper.

No. 208.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, August 9, 1839.

(Received October 14.)

(Extract.)

ALTHOUGH the necessity for bringing forward the proposed plans of Government in the Chambers, and recent events of moment, have of late completely occupied the attention and time of Senhor Candido B. de Oliveira, yet I took an opportunity of communicating to his Excellency, according to your Lordship's instructions, the proposed annex to the Convention for the suppression of Slave Trade of 1826, (transmitted in your Lordship's Despatch of the Slave Trade Series, dated the 27th May last.)

As I have already had the honour of stating generally to your Lordship, the proposal, now on its way to England, made on the part of this Government, by Senhor Candido B. de Oliveira, appears to that Minister to anticipate the greater part of the objects proposed by the articles in question, and to render some of them unnecessary, and even to go beyond others in the sense desired by Her Majesty's Government.

His Excellency, therefore, although expressing great readiness to go into the subject, whenever the present press of business shall have, in some measure, ceased to engross his time and attention, was of opinion that it would be advisable to await an answer to the proposals already made by him, and which I had the honour to transmit to your Lordship in my letter of June 22.

With respect to the captures which might be made by the Brazilian cruizers, as provided for in your Lordship's proposed annex, his Excellency said that his plan did not admit of the adoption of the details proposed in the articles transmitted from the Foreign Office, inasmuch as his intention was not to permit the

introduction of Africans under any circumstances, whether liberated or otherwise ; and, in answer to my inquiry, further said, that he would gladly place them all at the disposal of Her Majesty's Government, and even such as were found in the interior, after successful introduction, would be taken charge of by the Government and re-exported, or at least sent out of the Brazilian continental possessions, possibly to Fernando Noronha, or to our West Indies, or wherever we pleased.

No. 209.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, August 1, 1839.

MY LORD,

(Received November 14.)

I HAVE the honour to transmit returns of the number of vessels which have entered this harbour, after having landed their cargoes of slaves in the vicinity of this capital, during the months of June and July, 1839.

Although at this season, fewer slave vessels land Africans in this neighbourhood than during other months, yet a comparison with the returns of last year in the corresponding months, shows the gratifying result of a diminution of upwards of 2,000 in the number introduced, which reduction is solely to be attributed to the active measures adopted by desire of Her Majesty's Government.

I have, &c.

(Signed)

W. G. OUSELEY.

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

&c.

&c.

&c.

First Enclosure in No. 209.

Returns of Vessels engaged in the Slave Trade which have entered this Port, and have been navigated under the Portuguese flag during the month of June, 1839

BARQUE "*Commodore*," from Mozambique, discharged into canoes outside the bar 700 slaves in a very bad state; nearly the whole have been attacked with ophthalmia, and many are blind. This vessel has, for some years past, been a regular trader, and has invariably landed her slaves in a sickly condition, and in some instances one half of those embarked have died during the voyage.

Brig schooner "*Pallas*," from Angola, discharged 328 slaves into canoes outside the bar. This vessel made a previous voyage without entering this port; and then landed 293 slaves at the Ilha Grande.

Brig schooner "*Esperança*," from Cabinda, landed 370 slaves at Campos.

Barque "*Amelia*," formerly "*Sincapore*," from Mozambique, but last from Monte Video, landed 600 slaves at Cananea, and from thence proceeded to Montevideo, where she loaded a cargo of beef for this port.

Brig "*Nova Sociedade*," from Benguela, discharged into canoes outside the bar 475 slaves, which were landed at the house of Colonel Vasco.

Total number of slaves imported by five vessels as above, 2,766.

Rio de Janeiro, August 1, 1839.

Second Enclosure in No. 209.

Return of Vessels engaged in the Slave Trade which have entered this Port, and have been navigated under the Portuguese flag during the month of July, 1839.

PATACHO "*Dois d'Abril*," from Rio Zaire, landed 339 slaves at the estate of Dois Rios, in the Ilha Grande.

Brig "*Valerozo*," from Angola, landed 280 slaves outside the bar.

Brig schooner "*Florinda d'Africa*," from Benguela, landed 324 slaves at Paranagua.

Total number of slaves imported by three vessels as above, 943.

Rio de Janeiro, August 1, 1839.

No. 210.

(Circular.)

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, November 2, 1839.

WITH reference to my Despatches, marked "Slave Trade," of the 25th of August and of the 3d of September last, the first enclosing copies of an Address upon Slave Trade from the House of Peers to Her Majesty, and Her Majesty's most gracious Answer thereto, and the second enclosing a copy of an Act of Parliament recently passed for the suppression of the Slave Trade, I have to acquaint you that the Queen has been pleased to command that orders should be given to the Commanders of Her Majesty's cruizers to detain vessels engaged in Slave Trade and sailing under the flag of Portugal, wherever met with; and also to detain vessels engaged in Slave Trade, but hoisting no flag, and destitute of any papers proving their nationality.

Orders have also been given to establish British Courts of Vice-Admiralty at any places within Her Majesty's Dominions and Colonies abroad, where such Courts may be requisite for the adjudication of vessels detained as before mentioned.

Thirdly. Orders have been given that the crews of Portuguese slave vessels so detained shall be sent to that port of the Portuguese dominions to which it may be most convenient to convey them, in order that they may there be delivered up to the Portuguese authorities.

Fourthly. Orders have been given that negroes found on board such detained vessels shall be landed at the nearest British port or settlement, and shall there be placed under the care of the Governor or other Officer in command.

And Fifthly. Orders have been given to the Governors of Her Majesty's Forts and Settlements abroad to make the necessary arrangements for the care and support of the negroes who may be landed and set free under these orders.

The officers commanding Her Majesty's cruizers employed for the suppression of the Slave Trade, have, at the same time, been acquainted that nothing contained in the before-mentioned Act of Parliament is intended to confer upon British cruizers any new right of search as to any vessel sailing under the flag of a state with which Great Britain has no Treaty granting a mutual right of search; and that with respect to vessels sailing under the flag of a state with which Great Britain has a Treaty granting a mutual right of search, that Act of Parliament is not intended to authorize Her Majesty's naval Officers to visit and search such vessels in any other way than that which is prescribed by such Treaties, and by the instructions annexed thereto.

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

I have, &c.
(Signed) PALMERSTON.

No. 211.

*Mr. Ouseley to Viscount Palmerston.**Rio de Janeiro, September 17, 1839.*

MY LORD,

(Received November 14.)

I HAVE the honour to enclose a copy of a note which I addressed to Senhor Candido B. de Oliveira, shortly before his Excellency resigned the post of Minister of Foreign Affairs, in pursuance of the intentions intimated in my correspondence by the last packet, requesting an official recognition of the proposal made on the 22d of June last, on the part of the Imperial Government, by Senhor Candido B. de Oliveira, for placing the whole system adopted in respect to the Slave Trade suppression, and particularly as relates to the ultimate provision for the captured and liberated Africans, on a totally new footing.

The accompanying copy and translation of the late Minister's answer to my note, will, I trust, be considered satisfactory. Had his Excellency continued in office, it might have been possibly rendered more complete and detailed, as re-

CLASS B.

gards the points mentioned in my note, but the recognition of the proposal in question, is sufficiently clear.

I have, &c.

(Signed)

W. G. OUSELEY.

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

&c.

&c.

&c.

First Enclosure in No. 211.

Mr. Ouseley to M. de Oliveira.

Rio de Janeiro, August 10, 1839.

THE Undersigned has the honour to address his Excellency Senhor Candido B. de Oliveira, &c., on the subject of the Additional Articles, forming an annex to the Treaty for the suppression of the Slave Trade, of 1826, which he has already, in conformity with the instructions of his Court, communicated personally to his Excellency.

From the tenor of Senhor C. B. de Oliveira's remarks on that annex, as well as from reflections on the nature of the proposal made by his Excellency, on the part of the Imperial Government, previously to the reception by the Undersigned of that on the part of the Queen's Government; and taking into consideration the peculiar circumstances of this Empire, as brought forward by the Minister of Foreign Affairs, the Undersigned cannot but feel himself authorized to await instructions from his Government, on the subject of the proposals already made by the Brazilian Government, and possibly already in England, before he proceeds with the negotiation with which he has the honour to be charged.

As, however, the proposals now alluded to were made formally and publicly on the part of Her Majesty's Government, it becomes necessary for the Undersigned to request, from Senhor C. B. de Oliveira, an official communication of the before-mentioned proposals on the part of the Imperial Government, together with such a declaration of adhesion to the principles of the annex which the Undersigned has been charged to propose, as will facilitate, and indeed commence a final and satisfactory arrangement of the matter in question, whether on the basis proposed by Her Majesty's Government, or on that brought forward by Senhor C. B. de Oliveira.

In fact, excepting as a matter of form, this official measure on the part of the Imperial Government may hardly be deemed necessary, inasmuch as the proposal already forwarded to Her Majesty's Government, only differs from that contained in the annex, in not entering into many details, for some of which the Imperial Government is of opinion that its proposed plan has obviated the necessity.

It appears, however, to the Undersigned, that the first of the two Articles, of which the proposal made by Senhor C. B. de Oliveira consists, requires a greater degree of force and amplification in the terms used, viz., that it should be expressly declared, "that all vessels endeavouring to introduce Africans into this Empire, or in any way engaged in Slave Trade, whether with Africans on board or not, and under whatever flag, be declared as having no right to appeal to the protection of the flag and laws of Brazil, and be left to the discretion of Her Majesty's Government, whose cruizers are by the projected plan of his Excellency empowered, as far as the Brazilian Government is concerned, or has dominion, to capture all vessels in any way employed or concerned in the Slave Trade, and to adjudicate upon them and the Africans and others on board them, in such Admiralty or other Court, as they may deem proper, and to deal with them generally as they think fit."

It is only by a modification in the above sense of the existing system, that the present Mixed Commission can be dispensed with, if the two high contracting parties should mutually agree to abolish those courts as proposed by the Imperial Government.

The Undersigned requests an early answer to the observations which he now has the honour to submit to his Excellency Senhor C. B. de Oliveira, and avails, &c.

(Signed)

W. G. OUSELEY.

His Excellency Senhor C. B. de Oliveira.

&c

&c.

&c.

Second Enclosure in No. 211.

M. de Oliveira to Mr. Ouseley.

THE Undersigned, &c., in compliance with the wish of Mr. Ouseley &c., expressed in the note which he addressed to him on the 10th instant, has the honour to communicate to him, that the Imperial Government, having stated in the memorandum which the Undersigned placed confidentially in Mr. Ouseley's hands, on the 22d of last June, and which is now to be considered as forming part of this note, what the measures were, which, in the actual circumstances of Brazil, appeared best adapted effectually to put a stop to the inhuman traffic in Africans, it is the opinion of the said Government, that the answer which the Government of Her Britannic Majesty shall give to the proposal which has been made to it on this subject, ought first to be received, in order then to enter upon the negotiation to which that reply will give rise.

(Signed) CANDIDO BAPTISTA DE OLIVEIRA.

No. 212.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, September 17, 1839.

(Received November 14.)

MY LORD,

I HAVE the honour to enclose a copy of a note, in which I officially announced to the Imperial Government, the fact of the "Carolina," condemned slaver, having been purchased and converted into a tender to Her Majesty's ship "Stag," as also a copy and translation of Senhor Candido B. de Oliveira's answer.

I have, &c.

(Signed)

W. G. OUSELEY.

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

&c.

&c.

&c.

First Enclosure in No. 212.

Mr. Ouseley to Senhor C. B. de Oliveira.

Rio de Janeiro, July 24, 1839.

THE lately condemned slaver "Carolina," having been bought for Her Majesty's Government, I have the honour to inform his Excellency, Senhor C. B. de Oliveira, that this brigantine is now fitted out and employed as tender, or assistant vessel to the flag ship "Stag," and Her Majesty's squadron now on this station.

I am officially informed by Commodore Sullivan, that the "Carolina," now called "Fawn," is about to proceed to Sea, in order to cruise against the vessels employed in the Slave Trade, and is furnished with the proper officers and crew from on board the flag ship, and with the necessary papers from the "Stag," of which frigate the "Fawn," forms part of the force.

In making this communication for the information of the Imperial Government.

I avail, &c.

(Signed)

W. G. OUSELEY.

His Excellency Senhor C. B. de Oliveira,

&c.

&c.

&c.

Second Enclosure in No. 212.

M. de Oliveira to Mr. Ouseley.

(Translation)

Rio de Janeiro, July 26, 1839.

In answer to the note which Mr. Ouseley, &c., addressed to me on the 24th instant, I have to inform him that I have just applied to the Ministers of Marine

and War, to issue the necessary instructions to recognise the brigantine "*Carolina*," bought in public auction, on account of the British Government, as part of the English squadron in this harbour, with the name of the "*Fawn*," which forms the subject of the same note.

I avail, &c.

(Signed)

CANDIDO BAPTISTA DE OLIVEIRA.

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

No. 213.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, September 17, 1839.

(Received November 14.)

MY LORD,

I HAVE been officially informed by Her Majesty's Commissioners, that the brig "*Pompeo*" under Portuguese colours, detained by the "*Fawn*," tender to Her Majesty's ship "*Stag*," has been brought before the Mixed Commission Court for adjudication, as being engaged on a slaving voyage.

The "*Pompeo*" is a remarkably fast sailing vessel, and was supposed to be able to escape from any of our ships of war; it is therefore a satisfactory proof of the good qualities of the "*Fawn*," late the slaver "*Carolina*," as a cruizer. But the success of the "*Fawn*" in interfering with the Slave Trade is not confined to the capture of this vessel; several others have been chased by her, and some have been driven into this harbour, where their voyages have been, for the present at least, abandoned.

The discouragement and irritation produced among the Portuguese slave dealers were very great; and immediately on the report of the capture of the "*Pompeo*" being made public, I received an official note from Senhor Figanière, the Portuguese minister, remonstrating, and asking upon what pretext or authority that "Portuguese" vessel was seized, particularly after the late cases of the "*Maria Carlota*" and "*Recuperador*" "had been proved by him to be illegal and arbitrary."

In my reply I declined giving any official information, as I had not obtained any, and expressed an opinion, that official correspondence between the Portuguese Minister and myself was, at least, unnecessary if not inexpedient, on that subject, and that as to the captures to which he alluded, they had been proved to be perfectly justifiable and necessary.

A long note was sent to me in reply, protesting against the capture of the "*Pompeo*." I do not trouble your Lordship with this correspondence at present, although it may perhaps be continued and ultimately require transmission.

I have, &c.

(Signed)

W. G. OUSELEY.

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

&c.

&c.

&c.

No. 214.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, September 17, 1839.

(Received November 14.)

MY LORD,

A SLAVER has been captured off Pernambuco by a Brazilian cruizer, and will, I learn, be shortly brought for adjudication before the Mixed Commission Court. This event, which occurred during the ministry, and in consequence of the instructions, of Senhor Candido B. de Oliveira, affords a gratifying proof of the sincerity of the administration of which his Excellency formed a part, in seconding the efforts of Her Majesty's Government for the suppression of the Slave Trade.

A further evidence of their intentions practically to take such steps as are best calculated for extinguishing the traffic in Africans, is furnished by the late purchase of the "*Ganges*," condemned slaver, for and on account of the Brazilian Government. This vessel is new and well built, and has been dispatched as a transport to convey troops and ammunition to Maranham and the northern ports.

The price at which this vessel was valued much exceeded that of the "*Carolina*" (now employed as tender to the "*Stag*") and the moiety of the purchase-money coming to Her Majesty's Government, will, consequently more than cover the whole expenses incurred in adding to the force of the squadron on this station a most useful and efficient cruizer.

I have, &c.

(Signed)

W. G. OUSELEY.

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

No. 215.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, September 17, 1839.

(Received November 14.)

MY LORD,

I HAVE received an official notification from Her Majesty's Commissioner of the condemnation of the Portuguese barque "*Maria Carlota*" captured when outward bound from this port, for the Coast of Africa, prepared and equipped for the Slave Trade.

The British and Brazilian Commissioners differing in their sentences on this vessel, and the decision on the case having fallen to Her Majesty's Commissioner of Arbitration, Mr. Grigg, that gentleman confirmed the sentence of Sir George Jackson.

This decision is, I need hardly say, of the greatest importance to the views of Her Majesty's Government for the entire suppression of the Slave Trade. Condemnations of vessels under the circumstances attending the case of the "*Maria Carlota*" will more contribute to prevent the Slave Trade than perhaps any measure that, under the present Convention, could have been adopted. This is sufficiently proved by the consternation and distrust excited among those connected with the traffic in Africans. The failure of several of the principal slave dealing Portuguese houses, and the disinclination now felt by English houses to furnish, as hitherto, large quantities of goods, and to give long credit to the Portuguese houses, has already produced a salutary effect. The losses sustained by several English mercantile houses by the late failures, although of course severely felt at this moment, will ultimately, by preventing future advances on speculations, more than suspected of complicity with Slave Trade undertakings, place English commercial transactions on a surer and better footing than heretofore.

The large amount also of specie, as well as of goods, that has, hitherto, been drained from this country, to bring back thousands of unfortunate savages in slavery, has rendered the exchange and currency fluctuating and uncertain. Should the measures of Her Majesty's Government continue to be as successful as they lately have been, the mercantile and financial affairs of Brazil, particularly in her relations with Great Britain, will be placed upon an infinitely more solid, and, in the end, more advantageous footing than at present.

But it is more particularly on the score of humanity that the capture of vessels when proceeding on their voyage from this coast, is important. By taking the outward bound slavers, we prevent an amount of suffering and loss of life, that can perhaps be only appreciated by those who have had opportunities of becoming aware of the misery and dreadful cruelties, to which thousands of unoffending human beings are exposed, and the outrages which are daily and systematically inflicted on the wretched Africans, by the miscreants, chiefly Portuguese, engaged in the Slave Trade. The abominations committed by these man sellers, commencing in the first instance on the Coast of Africa, do not cease to be practised on their part, with more or less aggravation, according to circumstances, until the Africans are finally disposed of in this country; when it is an alleviation of the sufferings of these unfortunate beings to be sold into hopeless slavery, often to work in the mines, or to be cruelly treated during the whole of their existence. Yet these Portuguese and others engaged in the Slave Trade, when taken or interfered with in their inhuman business, appeal to the feelings of their countrymen or others, as though injured in the pursuit of an honourable business; nor do they nor unfortunately do most of their countrymen feel, the ignominy and hateful nature of their crimes, and their claims to indulgence and compassion are put forward with an unblushing

effrontery, and even, sometimes, an apparent absence of any consciousness of guilt or shame, that is almost inconceivable to Englishmen and other Europeans.

The demoralising effects of the Slave Trade upon the free population of this country are most fatal. The sort of dishonour which is thrown on the exertions of industry, and the disinclination to labour of free people of all colours and from all countries, after a short residence here, are among the bad results of the existence of slavery and the Slave Trade.

The domestic and public demoralisation occasioned by this terrible evil, are too positive and fatal to escape the notice of even the most prejudiced observer; and it is with satisfaction that I have occasionally remarked of late, in the speeches of the representatives, and in some of the publications in this country, a sound view taken of the formidable and fatal injuries and evils, arising to this empire from the present system of slavery. It is true that the considerations and dangers most dwelt upon are those, which obviously grow out of an anticipation of the inevitable ultimate consequences to Brazil of a continued importation and increase of a barbarous African population, destined, as it is openly asserted, at no distant period, to throw off the yoke of a people daily degenerating from the effects of the very system they encourage. A part at least of the most intelligent and powerful individuals of this country would see with pleasure an effectual check given to the fatal African traffic. That check can only be expected from the continuance of the efforts and energetic resolutions of Her Majesty's Government, and an increase of the practical means of carrying them into effect.

I have, &c.,

(Signed)

W. G. OUSELEY.

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

&c.

&c.

&c.

No. 216.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, September 17, 1839.

(Received November 14.)

MY LORD,

I HAVE the honour to enclose a copy of a note that I addressed to the Brazilian Minister for Foreign Affairs on the 12th of August, in answer to different applications from the Imperial Government, made at the instance of individuals having negroes employed on board condemned slave vessels, for their restitution as slaves to their respective owners.

The late changes in the Ministry, and the uncertainty and difficulty of the position of the Government, as well perhaps as the doubtful nature of the case involved, have prevented my receiving a reply to my note; but I think it right to call your Lordship's attention to the grounds upon which I have refused to give up the negroes in question; and as the subject in general of the prisoners made when slave vessels are captured is of greater importance than perhaps has hitherto been thought, as affecting the ultimate abolition of the Slave Trade, I venture to offer a few observations on the mode of proceeding at this capital, as relates to the prisoners in question.

Hitherto, *i. e.* until within little more than a year, the prisoners, with the exception of the Master, and perhaps one or two others, have never been guarded with any care, often sent at once on shore, and in some cases, even those essential, or at least whose examination was much wanted, in prosecuting the cases before the Mixed Commission, were either allowed to escape, or made over in a careless manner to Brazilian authorities, from whose hands a little money could always procure their enlargement.

But it was not only on account of the necessity of examining prisoners with a view to conviction, that their escape or liberation was highly objectionable; their perfect impunity and prompt enlargement enabled them often, long before the ultimate condemnation of the vessel in which they had been captured, to be again employed on board other slavers, in fresh illegal voyages to the Coast of Africa. The general Slave Trade was scarcely impeded by their temporary imprisonment, and the same individuals have been repeatedly taken by Her Majesty's cruisers.

By guarding the prisoners more efficiently on board the hulk now employed, and by sending several of the Portuguese subjects employed on board to England, to be

either forwarded to Lisbon, or otherwise disposed of, the greatest panic has been created among them. Much higher wages are demanded; many absolutely refuse to serve; and the actual number of those who make this sort of navigation their occupation is positively diminished; besides the system and connexions are broken up.

Another consequence of putting in force all the legal modes of detention or deportation that we can employ, is that many now wish to declare themselves Brazilians, who would otherwise endeavour to prove being Portuguese. The consequence of this may often be, since the instruction of your Lordship relative to Brazilian property have been in force, the condemnation of the slave vessels as Brazilian.

An objection may be raised on the score of expense in detaining and victualling the prisoners, as also for their passage to Europe; but this expense is extremely trifling in comparison with that occasioned by their immediately taking service on board other slavers, and necessitating a much larger number of cruizers to prevent the trade. The capture of a single slaver with slaves on board, causes a greater expense than the detention of the crews and Officers of ten, or, when with numerous slaves, twenty outward bound vessels would occasion.

But it is above all the moral effect in preventing Slave Trade undertakings that is advantageous. The "Fawn," (late slaver "Carolina") on a recent cruize chased a large barque off this harbour a day or two out. The barque ran into port in the night, and the Captain and some of the crew immediately sought the owners of the slaver, gave up their situations, and refused to serve: and I believe the vessel remains in port ever since, as do many others, unemployed.

Moreover the cargo and specie generally found on board the outward bound slavers are much more valuable to the captors than anything brought back with the negroes from the Coast of Africa. Possibly a certain share of this prize money might in any new Convention, be awarded to the Naval Officers capturing vessels. The "Maria Carlota" has, I believe, several thousand pounds worth of specie and goods on board, all of which will be divided between the two Governments, and thus the expenses of the Commission be exceedingly lightened by this capture, notwithstanding the long custody of the crew and Officers.

With respect to the negro slaves employed as crew, cooks, &c., and to whom more especially the enclosed note refers, if they were allowed to enter on board Her Majesty's ships, or were sent to the West Indies, or any of our possessions on the Coast of Africa, they might be useful. They are often intelligent and active sailors.

I have, &c.

(Signed)

W. G. OUSELEY.

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

&c.

&c.

&c.

Enclosure in No. 216.

Mr. Ouseley to M. de Oliveira.

Rio de Janeiro, August 12, 1839.

THE Undersigned, &c. has to apologize for not having sooner replied to the notes which his Excellency Senhor C. B. de Oliveira, &c. did him the honour to address to him, dated the 10th and 12th of last month, on the subject of certain negroes, slaves, it is asserted, of different persons at this capital and elsewhere, now detained by Her Majesty's ships of war on this station, found on board different slave vessels lately condemned by the British and Brazilian Mixed Commission.

The Undersigned cannot, without particular instructions from his Government, admit the propriety or even legality of restoring these slaves (if the negroes thus claimed are considered the property of individuals) inasmuch as they were captured in the commission of an act of piracy, for which they, or, if acting on compulsion, others, are liable to punishment.

The negroes in question must be regarded by the Brazilian Government and laws, either as individuals, or as mere property; in the former case they are responsible for their acts; in the latter they must, by the terms of the Convention, be sold for the benefit of the two Governments, in the same manner as the condemned vessels, cargo, or other property on board.

But the Undersigned is convinced, that the Queen's Government will never allow that the individuals in question, or any other human beings, over whose fate they

have any control, shall be sold, whether partly or entirely, for their benefit, and would, it appears to the Undersigned, rather consent to pay the moiety of the sum at which the negroes now in custody may be valued, in order to secure to them their future liberty.

But this plan is neither advisable, nor necessary to the ends of justice and humanity, nor in accordance with the direct proceedings provided in such cases by Brazilian legislation.

The Undersigned ventures to recall to his Excellency Senhor C. B. de Oliveira, that by Brazilian laws now in force, no Africans, whether free or slaves, shall be introduced into this empire. Some of the slaves in question are claimed by individuals, foreign subjects, and some of them residents on the Coast of Africa. But, supposing them to be the reputed property (according to Brazilian law) of inhabitants of this capital, they have been taken to the Coast of Africa, and from thence are reimported into this country, which, by the laws of Brazil, is illegal, and renders them subject to deportation; indeed the law requires that they should not be allowed to be again introduced into this empire.

It appears, therefore, to the Undersigned, that the Imperial Government can only require from the agents of that of Her Majesty, an assurance that the negroes in question be sent out of this country; and the interests of humanity, as well as in order to carry into effect the spirit of the Convention, and the laws of both Great Britain and Brazil, demand that their freedom be secured to them.

To resume, it is manifest that the persons calling themselves owners of these negroes, assert a most extraordinary and unwarrantable claim in demanding their restoration. By a parity of reasoning, had all and each of these Africans committed murder, or any other atrocity, too frequent in the course of acts of piracy like theirs, they would be irresponsible agents, and be delivered over to those claimants, to be again probably immediately employed in similar criminal acts. Unless the persons making these claims agree to place themselves in the position of the negroes, now prisoners, so as to become responsible in their persons for the acts committed, they cannot expect their release, supposing such a substitution were in accordance with the laws.

The claim, therefore, of the individuals to the restoration of these Africans as slaves, is utterly inadmissible, as it would be totally opposed to the real attainment of the objects of the two Governments, who can never consent to encourage a vicarious or any other engagement in the Slave Trade on the part of their subjects respectively, that would enable them, a pleasure, to defeat the intentions of a law and treaty with complete impunity.

The Undersigned avails, &c.

(Signed)

W. G. OUSELEY.

His Excellency Senhor C. B. de Oliveira,

&c.

&c.

&c.

No. 217.

Mr. W. G. Ouseley to Mr. Fox Strangways.

(Supplementary.)

Rio de Janeiro, September 23, 1839.

SIR,

(Received November 15.)

IN my Despatch forwarded on the 18th instant to the Foreign Office, by Her Majesty's packet "Sheldrake," inclosing a note from the Imperial Government, officially recognizing the overtures made in a confidential manner by the late Minister of Foreign Affairs, for a complete revision of the present system adopted by the two Governments for effecting the complete extinction of the Slave Trade, with a view to render it more efficient, a copy was not forwarded of the memorandum containing the basis upon which such proposed changes were to be made, as Her Majesty's Government might agree to carry into effect in this matter. I now, therefore, transmit a copy and translation of that memorandum, in order that they may be appended as Enclosures in the above mentioned Despatch.

I have, &c.

(Signed)

W. G. OUSELEY.

The Hon. W. Fox Strangways,

&c.

&c.

&c.

(Translation.)

Enclosure in No. 217.

*Memorandum on the Suppression of the Traffic in Africans.**Rio de Janeiro, June 22, 1839.*

IF it is painful to the Brazilian philanthropist to witness almost daily the inefficacy of the measures repressive of the traffic in Africans on the whole extent of the Coast of Brazil, how much more distressing must the position of the first authorities of the country be considered, who, participating in those sentiments, and having in their charge the performance of treaties and laws on this subject, still find themselves in the sad necessity of confessing the inadequacy of the means placed at their disposal, without, on the other hand, being able to supply a remedy for the evil; not, at the same time, concealing the fact, that the prejudice in favour of the above traffic prevailing among the agricultural population, has been one of the causes which favour its continuance, and which can only be effectually opposed by indirect measures, well combined, and opportunely put in practice.

The irrelevancy of the stipulations of the treaties on this subject with regard to the end which they have in view, viz. the complete extinction of the trade in Brazil, is proved by experience. In effect, what avails the formation of two Mixed Anglo-Brazilian Commissions, one at Rio de Janeiro, the other at Sierra Leone, if they have only the adjudication of subjects of either of these two nations? the Slave Trade on the Coast of Brazil being exclusively carried on by the Portuguese, and under cover of the flag of their nation! How can one reconcile the co-existence in Brazil of free Africans distributed for domestic service, being submitted to the same conditions of servitude, by which they are in no wise distinguished from slaves; with the almost inevitable risk (in many cases) of losing an emancipation badly secured to such individuals, or that, which is even worse, of compromising the interests of a considerable number of Brazilian proprietors, and even in some cases the public security? in consequence of these considerations, it becomes indispensable to make essential alterations in the agreements with Great Britain on this subject, adopting perhaps, in preference to other measures, the following fundamental regulations:

1st. It is expedient immediately to abolish the two Mixed Anglo-Brazilian Commissions; the capturing of vessels carrying on the Slave Trade on the Coast of Brazil remaining exclusively the duty of the English cruisers.

2nd. The Government of Brazil will only undertake the suppression of the traffic within the country, putting in full force the legislation on this point, concurring to the complete fulfilment of existing treaties.

No. 218.

*Mr. W. G. Ouseley to Viscount Palmerston, G.C.B.**Rio de Janeiro, September 25, 1839.*

MY LORD,

(Received November 15.)

IN conformity with the instructions contained in your Lordship's Despatch, Slave Trade, of the 11th June, 1839, I addressed a note to Senhor Lopes Gama, now Minister of Foreign Affairs, stating to his Excellency that Her Majesty's Government highly appreciated the promptitude and decision, with which the Brazilian Government have, by the dismissal of Senhor Gomez, (late Brazilian Commissioner of Sierra Leone,) vindicated the declaration of their determination to fulfil zealously and honourably the compacts between Great Britain and Brazil for the suppression of Slave Trade.

I have, &c.

(Signed)

W. G. OUSELEY.

No. 219.

*Mr. Ouseley to Viscount Palmerston.**Rio de Janeiro, September 25, 1839.*

MY LORD,

(Received November 15.)

THE recent condemnation by the Mixed Commission of the outward bound slaver "*Maria Carlota*," as mentioned in my Despatch of the 17th instant, which

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I had the honour to forward to your Lordship by the "Sheldrake" packet on the 19th instant, continues, together with the subsequent detention by the "Fawn" (lately "Carolina" slaver) tender to Her Majesty's ship "Stag," of the "Pompeo," under circumstances similar to those of the "Maria Carlota," to cause much alarm among the slave traders here, and has seriously affected their interests.

Some considerable failures since those mentioned in my late Despatches have occurred among the Portuguese (slaving) houses, and great discouragement has been thrown on the system of giving credit, and making advances to the Portuguese, as has but too generally been done by the English merchants established at this capital.

I learn that the slave dealers are making efforts now to make Bahia their great central resort, and it would be expedient to render Her Majesty's squadron sufficiently strong in cruizers to detach two or three to be stationed off that port.

An armed steamer to send out to cruize at the interval between the land and sea breezes, and in calms, would be the probable means of capturing many slave vessels on their approach to this harbour, that now escape from sailing vessels under circumstances which would insure their capture by a steamer.

The "Clio" brig of war has arrived within these few days, to remain on this station, and the "Orestes" Corvette will proceed immediately to the Pacific.

I have, &c.

(Signed)

W. G. OUSELEY.

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

&c.

&c.

&c.

No. 220.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, November 19, 1839.

WITH reference to previous correspondence respecting the slave vessel the "*Flor de Loanda*," I have to acquaint you, for your information and guidance, that Her Majesty's law officers have reported it to be their opinion, that no further proceedings can be successfully prosecuted in this case; and that instructions should be given to all parties concerned to abandon, on the part of the British Government, all claim on this vessel.

You will not act in conformity with this opinion of the law officers in any question which may arise at Rio de Janeiro in respect to the "*Flor de Loanda*;" and you will communicate the substance of that opinion to Her Majesty's Commissioner at Rio de Janeiro, for their information and guidance.

I have, &c.

To W. G. Ouseley, Esq.

(Signed)

PALMERSTON.

&c.

&c.

&c.

No. 221.

Viscount Palmerston to Mr. W. G. Ouseley.

SIR,

Foreign Office, November 19, 1839.

WITH reference to my other Despatch of this date, respecting the slave vessel the "*Flor de Loanda*," I herewith transmit to you a copy of a letter, which has been received at this office from Her Majesty's Treasury, upon the subject of the sale and expenses in the case of this vessel; and I have to direct, that you will carry into effect the desire of the Lords of Her Majesty's Treasury upon this subject, as expressed in the enclosed letter.

I have, &c.

To W. G. Ouseley, Esq.,

(Signed)

PALMERSTON.

&c.

&c.

&c.

Enclosure in No. 221.

Mr. G. J. Pennington to Mr. Fox Strangways.

SIR,

Treasury Chambers, September 11, 1839.

WITH reference to your letter of 13th July last, relating to the disposal of

the negroes captured in the Portuguese slaver "*Flor de Loanda*," and to the sale of the vessel, I have it in command from the Lords Commissioners of Her Majesty's Treasury, to request you will state to Viscount Palmerston, that my Lords concur in the approval his Lordship has signified to Mr. Ouseley of the measures he had adopted in those respects; and that you will further observe to his Lordship, that as the expenses incurred by Her Majesty's Government for the maintenance of those negroes have been very considerable, in consequence of the difficulties that have occurred in obtaining any adjudication on the capture, my Lords have to request, that Her Majesty's Chargé d'Affaires at Rio de Janeiro may be desired to use every endeavour to procure punctual payment of the sums that will become due for the hire of the negroes, and to keep and forward, for the information of this Board, a regular account of the receipts for such hire; making remittance thereof, as well as of such amount as may be obtained from the sale of the vessel, to this country, in order that the same may be applied in reimbursement of the issues that have been made to defray the expenses before adverted to.

I have, &c.

(Signed)

G. J. PENNINGTON,
Pro-Secretary.

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

No. 222.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, September 28, 1839.

(Received December 14.)

MY LORD,

I HAVE the honour to enclose a copy and translation of a note that I have received from Senhor Lopes Gama, the Minister of Foreign Affairs, announcing the capture of the Portuguese slave-vessel "*Providencia*," in the latitude of Itamaraca, near Pernambuco, by the Brazilian brig of war "*Constança*." His Excellency adds, that orders will be issued for bringing the above vessel for adjudication before the Mixed Commission. A copy of my answer to the Brazilian Minister's note is also enclosed,

In communicating to your Lordship the strong proof thus afforded of the sincerity of this Government in its desire to co-operate with Great Britain in putting an end to the Slave Trade, I take the liberty of calling the attention of Her Majesty's Government to the extreme difficulty and delicacy of the circumstances, under which the administration of this country have not hesitated to adopt such effectual measures as are in their power against the slave trading interest in Brazil. Opposed and thwarted as they are in every measure suppressive of the Traffic in Africans, by a powerful and wealthy party, almost entirely composed of Portuguese, some of whom are naturalized Brazilians, and all having extensive connexions and influence in this empire, and almost wholly unsupported by the local and other authorities of the country, who are willing to receive the profits of these speculations, if they do not engage in them actively. The Regent's Government, in honourably fulfilling its engagements with that of Her Majesty, risks its popularity, and even exposes itself to raising an opposition which may become fatal to its political existence.

Although the Regent, as well as several of those who support his Government, are, I am convinced, opposed to the Slave Trade on principle; and although those who compose his Ministry are generally inclined, from motives of humanity, as well as policy and justice, to put an end to this traffic,—yet there are many of those forming the Government party, who, from the prejudices of education and habit, still consider the importation of slaves, and the continuance of slavery, as essentially advantageous, if not absolutely necessary, to the prosperity of this country. That this Government should, notwithstanding the opposition with which it meets, and the difficulties with which it has to contend, successfully carry into effect measures, in concert with great Britain, for the extinction of the Slave Trade, is, I cannot but think, a convincing evidence of the importance that it attaches to the continuance of friendly relations and good intelligence with England, and of its earnest wish to cultivate and merit the good will and esteem of Her Majesty's Government.

In corroboration of the opinion which I cannot but entertain of the honourable and sincere desire, which the Imperial Government at present feels to go hand in hand with that of Her Majesty, in effectually suppressing the Slave Trade, I have

further to mention, that Senhor Lopes Gama, in a late conversation that I had with his Excellency, stated that it had been the wish and intention of the Brazilian Government to send out cruizers against the vessels engaged in the Slave Trade; and that although at this moment, from the necessity of keeping several vessels of war employed at Rio Grande, as well as in the neighbourhood of St. Catherine's, Bahia, Maranhão, and Pará, they had little or no disposable force, yet he hoped soon to be enabled to send out a cruizer, or two, to assist our squadron in the capture of slavers.

I was aware that the predecessor of Senhor Lopes Gama had intentions of the nature of those mentioned by his Excellency, and I thought it my duty to express the satisfaction that I felt at finding they had not been abandoned. I also ventured to mention to the Brazilian Minister, that I could not but anticipate that your Lordship would be extremely gratified at finding, on the part of the Brazilian Government, so faithful an execution of its engagements with that of the Queen, and a cordial co-operation in furthering the interests of justice and humanity.

The first energetic and frank measures against the Slave Trade were adopted by the late Minister, Senhor Candido Baptista de Oliveira; and as long as the Regent and the present Administration govern this empire, I think that I can safely assure your Lordship of a continuance of the fair and honourable fulfilment of the engagements of Brazil towards Great Britain, and of a conduct, in respect to the Slave Trade, calculated to further the interests of humanity and civilization.

I have, &c.

(Signed)

W. G. OUSELEY.

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

(Translation.)

First Enclosure in No. 222.

M. Gama to Mr. Ouseley.

SIR,

Rio de Janeiro, September 26, 1839.

THE Minister of Justice having informed me, that the President of the province of Pernambuco had communicated to him the fact of the detention, by the brig of war "*Constança*," of the Portuguese brigantine "*Providencia*," because she was fallen in with in the latitude of Itamaracá, engaged in the prohibited commerce of Africans;—I have the honour to acquaint Mr. Ouseley, &c., that the necessary orders will be despatched by the Marine Department for bringing the said vessel to this port; in order that the Brazilian and British Mixed Commission Court may take due cognizance of the case.

On this occasion I renew, &c.

(Signed)

CAETANO MARIA LOPEZ GAMA.

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

Second Enclosure in No. 222.

Mr. Ouseley to M. Gama.

Rio de Janeiro, September 28, 1839.

I HAVE had the honour of receiving from his Excellency Senhor Caetano Maria Lopez Gama, &c., the note dated the 26th instant, in which information is communicated to Her Majesty's Legation, that the Portuguese slave-vessel "*Providencia*" has been captured near Itamaracá, while engaged in the illegal Traffic in Africans, by His Imperial Majesty's brig of war "*Constança*;" and that the vessel thus detained will be, by order of the Minister of Marine, brought for adjudication before the Mixed British and Brazilian Court of Commission.

In acknowledging the intelligence which Senhor Lopez Gama was good enough thus to convey to me, I cannot but express to his Excellency the gratification which I feel in having to communicate to the Queen's Government this additional and convincing proof, not only of the interest which the Imperial Government feel in opposing the continuance of the Slave Trade, but of the practical and efficient measures which have been thus commenced for the real suppression of that impolitic and inhuman traffic. There is little doubt but that the cordial and efficient co-operation of the Imperial Government with that of Her Majesty would effect, at no

distant period, the extinction of the fatal traffic in question on this Coast; while I am convinced that I only express the real sentiments of my Government in affirming, that every step taken by an enlightened Administration towards the attainment of that object will very powerfully contribute to strengthen and confirm the feelings of mutual good will and harmony, that so happily subsist between the two Governments.

I avail, &c.

(Signed)

W. G. OUSELEY.

His Excellency Senhor Caetano Maria Lopez Gama,
&c. &c. &c.

No. 223.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, October 8, 1839.

(Received December 14.)

MY LORD,

IN answer to your Lordship's Despatch (Slave Trade) of the 27th July last, directing that when Portuguese prisoners, from on board condemned slave-vessels, are forwarded to England, evidence, by which they may be brought to trial in Portugal, should be sent with them, I have the honour to state, that whenever such persons have been sent, I have been careful to confer with the Commanding Officer on this station, and with the Attorney, or Proctor, for the Captors (in late cases Mr. Hesketh), and have always directed that a certified copy of the sentence condemning the vessel should be forwarded with them; as also evidence to prove their having been engaged in the acts for which their respective vessels have been condemned. It is possible, however, that the necessary papers may not, in some instances, have been, as I supposed, duly forwarded. I shall not fail to be attentive in any future cases of a similar nature, that your Lordship's directions be punctually followed.

I have, &c.

(Signed)

W. G. OUSELEY.

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

No. 224.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, October 12, 1839.

(Received December 14.)

MY LORD,

WITH reference to your Lordship's Despatch, Slave Trade Series, of 18th July last, enclosing copies of a correspondence, which has taken place between the Foreign Office and the Admiralty, respecting Domingo Antonio Perez, one of the crew of the "Carolina" slaver, I have the honour to state, that on applying to Commodore Sullivan, in order to carry into effect your Lordship's instructions, I received a letter from that Officer, informing me that the individual in question effected his escape from on board the vessel in which he was detained, on the 20th of April last.

I shall, however, communicate the substance of your Lordship's Despatch to the Brazilian Minister; and the instructions which it conveys, as well as the correspondence transmitted, will serve to guide Her Majesty's Legation in any future cases of a similar nature.

I have, &c.

(Signed)

W. G. OUSELEY.

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

No. 225.

*Mr. Ouseley to Viscount Palmerston.**Rio de Janeiro, October 14, 1839.**(Received December 14.)*

(Extract.)

ALTHOUGH, for some time past, the energetic language and measures of Her Majesty's Government, on the subject of the Suppression of Slave Trade, had succeeded in effectually discouraging the speculations in that traffic, and preventing a great number of vessels from leaving this harbour for the Coast of Africa, so that there has not been for years such a complete depression of that trade, yet the news lately received, *via* Lisbon, of the loss of the Bill lately introduced for the better suppression of the Portuguese Slave Trade, together with the remarks and reports of the Lisbon papers, have for the present revived the hopes and undertakings of the slave dealers.

Several vessels have begun to prepare for the Coast of Africa, and some have left Rio on their voyage, and the moral effect of the loss of the proposed law in the House of Lords has been most unfavourable to the views of Her Majesty's Government, for the real extinction of the Slave Trade, and the well founded hopes of those who consider that traffic as opposed to every principle of humanity, justice, and policy.

The impression, however erroneous, created in the minds of the Brazilians, and industriously circulated by the Portuguese, so as to induce members of the Legislature and Government to partake it, is that the "Tory party in England had declared themselves the champions of Slavery," at least, "in the Portuguese Colonies and this Empire."

Senhor Moreira, the late Portuguese Consul-General, the chief promoter and abettor of Slave Trade here, on the eve of his departure for Lisbon, published a series of legal opinions and arguments furnished him by different lawyers of eminence in this country in support of his having given papers to the slavers, and of his general conduct. A number of vituperative remarks upon your Lordship, Lord Brougham, and Lord Minto, &c. were made, both by the members of the Legislature in opposition to the Regent's Government, and in articles in newspapers.

A new political paper has even appeared, warm in its opposition to the present ministry, and endeavouring to throw obloquy and ridicule upon the proceedings of Her Majesty's Government for the suppression of the Slave Trade. This traffic is avowedly supported by the writers of the "Instincto," as this newspaper is called. It is written with sufficient talent to influence, at least, the classes to whose passions and prejudices it is addressed, and is extremely abusive in its language in speaking of your Lordship, and laudatory of the party that voted against the Slave Trade Bill.

The Portuguese minister and all his countrymen are, of course, loud in their praise, while the slave dealers exult extremely in the fate of the motion in the House of Lords.

I have endeavoured, but with little success, to give an impression that the Duke of Wellington objected to the form, not the matter or object, of the Bill, namely, the suppression of the Slave Trade, and that it will ultimately be carried into effect in a different mode from that at first proposed.

The accounts that have been received here of the late debates in Parliament are very imperfect, and come *via* Lisbon, from whence we now generally receive the latest European news, since the establishment of steam packets to Portugal.

No. 226.

*Mr. Ouseley to Viscount Palmerston.**Rio de Janeiro, October 15, 1839.**(Received December 14.)*

(Extract.)

WITH reference to that part of your Lordship's Despatch, marked "Slave Trade," of the 27th of May last, that instructs me to endeavour to obtain the ratification of the two Articles, which were concluded between Great Britain and Brazil on the 27th of 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 have the honour to state, that I have not lost sight of the ratification of those Articles, but have constantly urged that measure upon the Imperial Government whenever a favourable opportunity appeared to me to offer. The late Minister for Foreign Affairs, Senhor Candido B. de Oliveira, would have brought forward the ratification whenever a favourable opening might have presented itself, had the short time he was in office allowed it; the present ministry could not have hoped to carry this measure in the present Chambers, even had the session not been so near its close.

In the impracticability of obtaining the ratification in question, the detention and adjudication of vessels equipped for Slave Trade, of which Her Majesty's Government has already been apprized by my late communications, have, in fact, gone far to supply the place of the Equipment Article; and the good effects of that for the breaking up the condemned vessels are partly obtained by the better arrangements for their sale, lately adopted at the instance of Her Majesty's Legation, and by the occasional purchase, on the account of either government, of such vessels as may be made useful either as cruizers, transports, &c.

The purchase for Her Majesty's Government of the "*Carolina*," now an efficient and fast sailing cruizer and tender (the "*Fawn*") to the "*Stag*," was followed by that of the "*Ganges*" by the Brazilian Government; and it is likely that the "*Maria Carlota*," a fine barque, lately condemned for being equipped for the Slave Trade, will also be bought by the Imperial Government.

No. 227.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, October 19, 1839.

(Received December 14.)

(Extract.)

I HAVE the honour to transmit a copy of a letter, which Commodore Sullivan has written to the Admiralty, intended as a refutation of that printed in the Slave Trade Papers of 1838 and 1839, Class A., Further Series, marked No. 65, page 143.

Enclosure in No. 227.

Commodore Sullivan to the Secretary to the Admiralty.

SIR,

H. M. S. "Stag," Rio de Janeiro, October 19, 1839.

HAVING seen in the Slave Trade Papers, Class A., Further Series, Correspondence with British Commissioners, 1838 and 1839, a letter from the English Commissioners of the Mixed Court in this city, bearing date 5th February, 1839, and containing strictures on the conduct of myself, and the Officers of Her Majesty's squadron under my command, I feel called upon, in justification of myself and the Officers alluded to, to lay before their Lordships some explanation upon the tangible subjects adverted to in this Document.

First, in reference to the assertion of the English Commissioners, that the circumstances which have occurred since the sentence of the Court on the 19th of June, have been "of a nature to do harm to their cause, and to indispose even those most favourable to the suppression of the traffic;" the English Members of the Commission Court have no grounds from their own knowledge or personal inspection to warrant such a conclusion.

The vague charges instituted by them could only have been grounded on the hearsay of the abettors of this traffic, to whom slanders have given echo; and a leader of this faction, whose calumnies they have servilely adopted, besides being justly stripped of his official character, has drawn upon himself the marked indignation of the whole body of Foreign Diplomats, which has repudiated him from honourable society.

The mock scene of the providential escape from the fate universally antici-

pated to the "*Flor de Loanda*" must have been limited to the source whence this malignant insinuation originated; for as it was generally known, when the English Commissioners drew up this Report, that the intention of a second voyage had been abandoned thirteen days before, the Commissioners must have known there could have been no apprehension of the Africans being again exposed to these sufferings.

The mortality and misery which attended the unfortunate negroes on board this vessel, with sickness and small-pox on board, formed one amongst the many instances that occur in vessels employed in this nefarious traffic; but instead of that indifference to the sufferings of the poor negroes, imputed by the Commissioners, they were daily supplied with fresh beef and vegetables; coverlids and mats were provided for them, screens formed, and every means taken to shelter them from the cold, and to mitigate their afflictions; and they were treated with a care and humanity, such as are utterly unknown on board slave-vessels while in the hands of their slave trading owners; of these attentions to their necessities proofs are at hand.

That when the incompetency of the Mixed Commission Court was declared, and the Imperial Government and Portuguese Consul had refused to take charge of the vessel, or of the negroes, it was thought that she would have been at once given up, or taken without delay to Sierra Leone, clearly shows that the persons entertaining the latter opinion could not be amongst those who have descanted upon the actual state of their wants and sufferings.

Humanity forbade that the vessel should be hurried to sea immediately after the declaration of the Mixed Commission Court on the 19th June; and the intervening time, till the period of her sailing from this port on the 24th August (which the Commissioners have ascertained to be three months), was employed in using every means to soften the condition of the slaves, to restore their health, and put the vessel into a fit state for the voyage.

The English Commissioners have not shown a similar sensitiveness to the misery of the Africans in other slave-vessels awaiting their decision; but, on the contrary, their decrees have been delayed by every obstruction, which apathy on the one hand, and vexation on the other, could effect; more particularly in the case of the "*Brilhante*," when the British Commissioners recommended that the vessels and negroes should be detained, until an answer could be received from Her Majesty's Government to a reference from hence.

Various applications were ineffectually made to the Brazilian authorities, to allow the slaves to be landed at the Casa de Correccion previously to her sailing. From a report of two lieutenants, pursuant to my order to survey the actual state of the vessel, and of the slaves on board, I addressed a letter to Mr. Ouseley, Her Majesty's Chargé d'Affaires, expressing my hope that it might be in his power to ameliorate their condition.

Despairing of the consent of the Brazilian authorities to land these slaves, I applied for a hulk into which to tranship them; this also failing, they were ultimately shifted over to a hired lump.

Every article was then taken out of the "*Flor de Loanda*," her hold was swept, and all means used, by ventilation, fumigation, and whitewashing, to render her wholesome; her hull was caulked, and her rigging put into a state fit for sea.

During the necessary preparations, the poor negroes were recovering their health, and looked forward to the joyous hope of emancipation on their own shores.

The severe weather experienced by the "*Flor de Loanda*," soon after leaving this harbour, compelled the mate in charge of her to return in six days, when I again, with no better success, requested that the negroes might be landed at the Casa de Correccion during the examination of the vessel's defects, which proving to be too extensive to warrant the expense of a general repair, I addressed another letter to Mr. Ouseley, stating my relinquishment of the attempt of a second voyage. To this gentleman, as the representative of Her Majesty, I have invariably communicated my sentiments upon these delicate subjects; and have acted upon no opinion of my own unsanctioned by his concurrence.

This brief, yet faithful and undeniable, statement of facts is offered in direct contradiction of the asserted *general feeling*, expressed by the English Commissioners to have prevailed.

"We assert the knowledge of such respectable and extensive exceptions, as

will boldly challenge the *sentiments* expressed by their colleagues, and their own candid *participation* in those *sentiments*."

The fact of some of the crew having been two or three times in irons, with the mere view to prevent escape from the small ships of war in which they were embarked, and in consequence of occasional resistance offered, and mutinous conduct to the officer or force in charge of them, has been already adverted to in my letter to the Secretary to my Lords Commissioners of the Admiralty, and this occurred prior to my arrival in this port. This letter informed their Lordships of the unprincipled and unfounded attack upon myself, in reference to the treatment of the crew of the "*Flor de Loanda*," contained in a petition, purporting to be from the crew of that vessel, and which had been officially communicated by the Portuguese Chargé d'Affaires to Mr. Ouseley, Chargé d'Affaires of Her Britannic Majesty, and vouched for by that person to Mr. Ouseley.

The officers of Her Majesty's ship "*Stag*" will bear evidence with myself, that the whole of the crew of the "*Flor de Loanda*," who, from considerations for their health, were put on board the "*Stag*," when summoned by me on the quarter deck, without exception declared their ignorance of such a petition, (written, in fact, by a notorious legal adviser of the slave traders at this place,) and that they had no complaint to make.

Let these facts be placed in juxta-position with the assertion of the English Commissioners, that the decrees of the Portuguese Government have been violated by the officers of Her Majesty's Navy.

I conclude in the language of the English Commissioners, without dwelling on the detail into which I might have entered, in justification not of opinion, but of measures that have actually been adopted with the view to carry into effect the object of the treaties upon this traffic, and the amelioration of the sufferings of its victims.

I have, &c.

C. Wood, Esq., M.P.,
Secretary to the Admiralty.

J. B. SULLIVAN, Commodore.

No. 228.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, October 20, 1839.

MY LORD,

(Received December 14.)

I HAVE the honour to transmit, at the request of Her Majesty's Consul, copy of an official letter from him, inclosing copies of letters and documents forwarded by Captain Smyth, of Her Majesty's brig-of-war "*Grecian*," to Mr. Hesketh, appealing against the late decision of the Mixed Commission Court in the case of the "*Recuperador*."

The lateness of the hour at which I have received these papers does not allow me to give an outline of their contents.

It is, however, incumbent upon me to state, that I fully concur with Mr. Hesketh and Captain Smyth in their view of this unexpected decision.

I have, &c.

(Signed)

W. G. OUSELEY.

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

First Enclosure in No. 228.

Mr. Hesketh to Mr. Ouseley.

SIR,

Consul's Office, Rio de Janeiro, October 11, 1839.

HAVING acted as Commander Smyth's agent or proctor before the British and Brazilian Mixed Commission Court, in the two cases of the "*Maria Carlota*" and "*Recuperador*," I regret to feel that it falls within the range of my duties, in

CLASS B.

that capacity, to place before you, Sir, a copy of the complaint which Commander Smyth is transmitting officially, respecting the result of the "*Recuperador's*" case.

On reference to that document, which with its enclosures I have thus the honour to place before you, the following appears to be distinctly shown and satisfactorily proved; in the first place, that the two cases were, up to the period when the "*Maria Carlota*" was condemned as an illicit slave-trading vessel, considered by both the British and Brazilian Commissary Judges as identical, or equal in degree of criminality; in the second place, that the circumstances which, in the case of the "*Maria Carlota*," established the guilt of that transaction, such as irregularity and illegality of ship's documents, a complete and evidently especial equipment for carrying slaves, and an ample corroboration from the correspondence found on board of the fact that those interested in the voyage were engaged in African Slave Trade from Rio de Janeiro; yet all such circumstances existing in the case of the "*Recuperador*" were considered so totally insufficient and so powerless in establishing the guilty nature and the true object of the "*Recuperador's*" voyage, that the Court decreed her restitution to the owners; at the same time that, by denying any claim against the captor for detention, and by warning those concerned in the "*Recuperador*" against the penalties of again proceeding to Africa with such an equipment, not only is the evident propriety of such detention acknowledged, but the decision on the case held up as an act of grace to the guilty parties.

This decision on the case of the "*Recuperador*" being in some degree founded on a declaration, that the allegations made by those concerned in the vessel were not disproved, it now becomes imperative on me to show why they were not.

Ever since I began to transact or attend any business in the Mixed Commission Court, I have, up to the period the "*Maria Carlota*" and "*Recuperador*" were brought into that Court, been allowed to be present at the examination of witnesses, and I have even had permission to put questions to the witnesses, because experience has clearly shown, that it was impossible, by adopting precisely the forms and questions pointed out in the regulations of the Mixed Commission Court, to extract truth from the horrible combination of deception and perjury practised by the slave-dealers; these regulations having been framed for proceedings in cases of a different nature, inasmuch as then a restricted Slave Trade was allowed, and then a just decision in a case might involve a legal argument or definition.

But under the existing circumstances of total abolition of Slave Trade, nothing like a legal definition is required, but merely a verification of facts, and therefore the custom has been equitably and beneficially pursued, of allowing the captor's agent to be present at such examinations, to take cognizance of all the attempted deceptions on the part of the accused; a duty which the Commissary Judges have even imposed on the captor's agent, with apparent injustice, particularly when the difficulty of obtaining documents and other proofs from Brazilian tribunals is considered. Because, if the duty of the Commissary Judges be to decide on the truth, it imposes on them the responsibility of guarding against deception, and there does not appear any prescribed form in the proceedings of the Commissioners, which can debar them from adopting the most satisfactory method of verifying facts or allegations, nor any instructions constituting them, as judges, tied to a peculiar or restricted course of evidence.

It was, therefore, under this understanding of the forms of the Court that I attended when witnesses were examined, with the consent of the Court. However, when the cases of the "*Maria Carlota*" and "*Recuperador*" were before the Court, these proceedings were altered, and it was intimated that the Mixed Commission was a close Court, which results in depriving the captor's agent of any ready or even possible means to ascertain the allegations, or rather the nature of the deceptions attempted on the Court; and as the Commissary Judges consider themselves relieved from all responsibility respecting the verification of any of the facts or allegations, the consequence was that, in the case of the "*Recuperador*," they have considered themselves justified in stating that in no part of the process were the two allegations disproved, that there was no connivance on the part of the owner of that vessel, and that the equipment was the same as was sold with the "*Feliz*;" whereas the fact is, that the Commissary Judges never sought to verify such allegations; nay, more than that, the allegations were never made known to me as the captor's agent, because, had they been communicated, I could not have had any difficulty in placing before the Court the same conclusive proof of the falsehoods of

such allegations, as the Commissioners could themselves very readily have obtained, had their object been to test impartially such important declarations.

All this the enclosed document clearly demonstrates, so that I reluctantly conclude that the decision on the "*Recuperador*" evinces much greater solicitude and exertion to render valid the exculpatory allegations of an evidently guilty party, than to search out actively and impartially the true object of the voyage of the "*Recuperador*;" a voyage which evidently affords the same proof of guilt as that of the "*Maria Carlota*."

In fact, the conviction of the guilt in both cases was the same at one period in the minds of both the Commissary Judges; but the difference which ultimately appears in their sentences is not founded on verified facts, but on the mere allegations of the accused; received without being submitted to that just proof which was so obviously within the reach of the Commissary Judge.

Moreover, giving to the British Commissary Judge the fullest range for his conscientious opinion as to the delicacy of his judicial character, still his object may with propriety be presumed to have been to ascertain the truth of the case, or the particulars of the transaction under adjudication, and he was in daily communication with me on this point of public service; but he never communicated to me the allegations above referred to; he never required from me, who felt equally bound with himself by the public service, to inform him respecting such allegations; and he concealed from me, acting as the captor's agent, that allegations existed against the declaration which was made as to the boiler and other articles in the Court by the captor. He allowed such allegations to be verified, not openly, not by a survey on the articles themselves, but by a general, and, in fact, irrelevant certificate, given by a Brazilian tribunal, already notorious for its subservience to the interests and influence of the slave-dealers.

Therefore, under such a mode of taking and of verifying evidence, it cannot be surprising that the existence of a charter party, with a formal clause prohibiting any contraband transaction, should be taken as a proof of the lawfulness of the voyage, and innocence of the parties, when these circumstances were not openly and fairly weighed against, nor compared with, the positive facts and real acts of both the owners and the charterers of the "*Recuperador*."

The illegal use of the Portuguese flag by the "*Recuperador*" was still more glaring than when she was the "*Feliz*;" for the "*Feliz*," being condemned as Brazilian by the British and Brazilian Commission, she could not possibly ever become entitled to a legal Portuguese register. But the Commissioners declare that the "*Recuperador*" was justifiably navigated to an African port, to obtain the requisite and legal ship's papers; whereas the facts that the vessel was again proceeding to Africa, fully equipped to bring back a cargo of slaves, and publicly reported and known to belong to her former owner, had no weight in the decision of the case.

The great contrast exhibited by the two decisions on the "*Maria Carlota*" and "*Recuperador*," appearing to be, from the expressions in the decision of the "*Recuperador*," unaccountably attributed to an insufficiency of evidence before the Court, I have considered it requisite to make the above observations while transmitting the enclosed document.

I have, &c.

(Signed)

ROBERT HESKETH,

Her Britannic Majesty's Consul.

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

Second Enclosure in No. 228.

Captain Smyth to Mr. Hesketh.

SIR, *Her Majesty's ship "Grecian," Rio de Janeiro, October 10, 1839.*

HEREWITH I beg to inclose to you a copy of a complaint that I have made, through Commodore Sullivan, C.B., to the Lords Commissioners of the Admiralty, of the most daring act of injustice done towards me, my Officers and crew, by the British and Brazilian Commissary Judges in the case of the "*Recuperador*."

From being my Proctor in this affair, and upon the spot during the time the adjudication of the vessel was in progress, you may, perhaps, be able to throw more light upon the unjust manner by which that vessel has been liberated, as well as

the detention, difficulties, and obstacles, raised by those gentlemen throughout the case.

I have, therefore, to request that you will be pleased to forward this complaint, in your official capacity, to Her Majesty's Government; with your remarks, whatever they may be, upon the case, in order that the conduct of the Commissary Judges may be more clearly shown.

I have, &c.

(Signed) WILLIAM SMYTH,
Commander of Her Majesty's ship "Grecian."
Robert Hesketh, Esq.
&c. &c. &c.

Third Enclosure in No. 228.

Commander Smyth to Commodore Sullivan, C.B.

SIR, *Her Majesty's ship "Grecian," Rio de Janeiro, October 10, 1839.*

By the 12th Article of the Regulations for the Mixed Commissions, annexed to the Convention with Portugal of the 17th July, 1817, it is determined that, "when the parties interested shall imagine they have cause to complain of any evident injustice on the part of the Mixed Commissioners, they may represent it to their respective Governments, who reserve to themselves the right of mutual correspondence, for removing, when they think fit, the individuals who may compose these Commissions."

It is with much regret that, in the performance of my duty, I have to complain of the most manifest injustice which has been practised by the British and Brazilian Commissary Judges of the Mixed Commission established here, in the cases of the two slave-vessels "*Recuperador*" and "*Maria Carlota*," captured by Her Majesty's sloop "Grecian," under my command; and I have to solicit that you will be pleased to transmit this, my complaint, and the grounds on which it is founded, for the consideration of Her Majesty's Government.

In the month of May, of the present year, the two vessels named were captured by Her Majesty's sloop "Grecian," under my command, for being engaged in the illicit Slave Trade. Both vessels sailed from this port completely equipped for the traffic in slaves. The "*Maria Carlota*" was bound for Mozambique, and the "*Recuperador*" for Angola.

The capture of vessels sailing from the Ports of Brazil on slaving voyages is unprecedented; therefore the capture of these in question created great sensation amongst the slave traders, at they foresaw that, should the legality of the captures be established, a decisive blow would be struck to the further prosecution of their infamous traffic, and to avoid which the whole united influence of the parties interested in such speculations was exerted to obtain their release.

On the arrival of the prizes in this port, I took the necessary measures for having them adjudicated by the British and Brazilian Mixed Commission. Although at the time of their capture they were navigated under the Portuguese flag, yet I had good reason for believing that Brazilian subjects, or persons residing in Brazil, were the real owners of the speculations, and moreover, the fact of their having sailed from this port, where they were equipped for the Slave Trade, was in manifest violation of the first Article of the existing Treaty betwixt Great Britain and Brazil, consequently the Mixed Commission was the only competent Court to take cognizance of the legality of the capture.

The papers seized on board of both vessels having been presented to the Mixed Commission, a question respecting the competency of the Court was raised by the Brazilian Judge, and it was only when the instructions from the Brazilian Minister for Foreign Affairs on that question were transmitted to him, that the cases were proceeded in.

On the 31st August the Brazilian Commissary Judge gave his opinion or decision (document No. 1), which I deem unnecessary to remark upon in detail; but I cannot help noticing the latter part of it, where he says, that the 1st Article of the Regulation for the Mixed Commissioners orders, that the Judges shall determine according to the letter of the existing Treaties, while the Article referred to expressly orders, that the *spirit* as well as the *letter* of the Treaties is to be observed by the Commissioners. Another important and suspicious circumstance may also be noticed, that the Brazilian Commissary Judge determines, by his decision, the fate of both vessels at once, while, in the subsequent proceedings, the

British Commissary Judge has adjudicated in the two cases separately. On the 2d September, the British Commissary Judge having given his opinion specially on the case of the "*Maria Carlota*," and in favour of the legality of the capture, and in opposition to the opinion of the Brazilian Commissary Judge, it fell by lot to the British Commissioner of arbitration to decide the case; and he having also given his opinion on the 9th September, in which he concurred with the British Commissary Judge, the "*Maria Carlota*" and cargo was condemned in terms of the existing Treaty and Conventions.

The reasons for this judgment and the arguments on the case are so clearly set forth in the document (No. 2), and the justice of the final decision is so manifest, that it is difficult to account for the subsequent decision of the British Commissary Judge in the case of the "*Recuperador*," by which he has subverted every principle previously adopted by him, and has determined the capture to be illegal, although the circumstances of this case are similar to those of the "*Maria Carlota*," with the addition that the "*Recuperador*" was a vessel which had recently been condemned by the Mixed Commission for the illicit traffic in slaves under the Portuguese flag, and was now captured for being engaged in the same trade and under the same flag, with a passport signed by João Baptista Moreira, styling himself Portuguese Consul-General; while it was well known to the Commissary Judges that the *exequatur* of that person had been withdrawn in the month of April last; and the reputed passport bears date on the 25th day of May following.

As my present complaint has reference more particularly to the sentence in the case of the "*Recuperador*" (document No. 3), I take leave to notice, in detail, the false and unjust grounds on which the judgment is founded.

The Portuguese brig schooner "*Feliz*" was captured by Her Majesty's brig "*Wizard*" in December, 1838, with a cargo of slaves on board. She was furnished with Portuguese papers, which were considered by the Mixed Commission to be false; and it was established in the trial that she belonged to persons domiciled in Brazil, and consequently, in conformity with the instructions of 1835, she was condemned, and the slaves on board emancipated. The "*Feliz*" was afterwards sold by public sale, and appears, by the present process, to have been purchased by José Francisco de Souza, a Portuguese subject, who changed her name to the "*Recuperador*;" it, however, is notorious that this person is merely the nominal, and that her former owners were the real purchasers. The Commissioners, with a view of establishing the innocence of the vessel on her present voyage as the "*Recuperador*," bring forward that a charter-party, found among the papers seized on board by the captors, and by which the charterer pledges himself not to load any contraband cargo, and of course not to put slaves on board. Far from this charter party and its restrictive clause proving the innocence of the voyage, it tends to establish, beyond the possibility of a doubt, that the document was altogether fictitious, and made to cover the diabolical trade in which the vessel was engaged, and which, at the time of her capture, had already commenced; for the same Commissioners tell us, in the fourth paragraph of their sentence, that there existed on board 250 barrels of gunpowder and 17 cases of muskets, which were not manifested, and consequently were contraband goods; and moreover we are told, in the fifth paragraph of the same sentence, that some part of the prohibited articles with which the vessel was equipped were intended to be sold on the Coast of Africa, and no mention is made of them in the manifest; consequently they also are contraband.

The "*Recuperador*" sailed from this port on the 26th May as a Portuguese vessel, and furnished with a passport, signed by João Baptista Moreira, the Portuguese Consul-General. It is certainly remarkable that this passport is dated only the day previous to the sailing of the vessel. It was published officially in the newspapers of the place that the *exequatur* of João Baptista Moreira, which authorized him to act as Portuguese Consul-General, was withdrawn by the Imperial Government, consequently no act done by him in his official capacity could be admitted in a Brazilian tribunal, or recognized by any authority in the country, after the date when his *exequatur* was withdrawn. Is it not, therefore, extraordinary that the Commissioners should admit the validity of a document granted by the Consul-General on the 25th May, when his functions in Brazil had ceased a month previous? It seems, the nature of this document was to serve as a safe conduct for the vessel during the voyage to Angola, where it is pretended she was to legalize her papers, in conformity with the Portuguese Decree of the 17th December, 1836.

As the Commissioners were well acquainted with all the facts and circumstances connected with the "*Feliz*," now the "*Recuperador*," they cannot be exculpated for

admitting, as one of their reasons for releasing the vessel from condemnation, the document referred to, knowing, as they must, that the document was in its nature fraudulent, and had for its purpose to complete a fraud and admit a vessel to carry on, under cover of the Portuguese flag, the atrocious traffic in slaves. When the "*Feliz*" was captured, she had Portuguese papers; but I have already mentioned that these papers were declared by the Commissioners to be false; that her real owners were domiciled in Brazil; and it was only because of these facts being proved, that the vessel was condemned, not, however, as a Portuguese, but as a Brazilian vessel. Had it been otherwise and her Portuguese ownership been established, the British and Brazilian Mixed Commission could not have adjudicated in the case; moreover she was a Sardinian built vessel, and being condemned by the Mixed Commission, she had forfeited all right she might have had to navigate under any other flag than those of Brazil or Great Britain, or that of the nation of her future purchaser. That purchaser is said to be a Portuguese subject; but still I contend she could not be registered as a Portuguese vessel, because the Decree of 17th December, 1836, expressly prohibits the admission of any foreign built vessels after that date to the privileges of the flag. It is, therefore, evident that any legalization of the papers of the "*Recuperador*," on the Coast of Africa, could only be accomplished by fraud and in violation of the decree referred to, as also of the instructions of Her Majesty's Government to the Commissioners, of date of 30th April, 1838.

The fifth paragraph of the sentence says, that the only foundation for suspicion that the vessel was engaged in the Slave Trade is the equipment articles having been found on board; and to get rid of this difficulty, the Commissioners have recourse to the most unjust and sophistical line of argument, and assumption of facts and circumstances to support their conclusions, and, as they trust, justify the release of the vessel and cargo. They say that the Mixed Commission is not authorized to order that, in the sale of a slave-vessel condemned, the equipment articles should be sold separately; and as, in the case of the "*Feliz*," these articles were sold with the vessel, and the Commissioners received the proceeds for account of the two Governments, they were tacitly approving of the sale being effected in this manner, and therefore it would be contrary to every principle of justice to take advantage of this circumstance, and conclude that the articles, being found on board the "*Recuperador*," indicated her destination to be for the purpose of the illicit Slave Trade. Thus to do what they consider an act of justice to a person who had purchased a slaver, they do not scruple to do an act of the most glaring injustice to me; and it seems the only foundation they have for so acting, is the production of a certificate from the Judge of the Municipal Court that the equipment articles were sold along with the "*Feliz*." I do not doubt that the articles were sold as mentioned in the certificate; but that is no reason why they should remain on board the vessel, and be taken to the Coast of Africa in her under the new name of "*Recuperador*." She, be it remembered, sailed under the Portuguese flag, and consequently her having these articles on board was in violation of the Portuguese decree of 10th December, 1836; but it is said that the allegation of the captured has not been refuted, that the articles belonged to the previous voyage, and some of them had been applied for ballast of the vessel, and others were intended to be sold on the Coast of Africa, where, under existing circumstances, a high price would be obtained for them. It surely cannot be contended that an allegation is any proof of a fact, and much less can the allegation referred to be admitted as a proof of the innocence of the voyage of the "*Recuperador*," more especially in the face of the declaration I made (document No. 4), in conformity with my instructions, and to the truth of which I was solemnly sworn when the vessel was libelled before the Mixed Commission Court. By that document the different articles found on board at the time of capture are enumerated, and amongst others special mention is made of "hatchways larger than a vessel of that size ought to have as a merchant vessel, and fitted for gratings, with iron bars, such as are always in use on board slavers; a larger quantity of farinha and rice than was necessary for the voyage, and which is not manifested." These are circumstances to which the allegation of the captured cannot apply; and the Portuguese Decree of 10th December, 1836, expressly orders that vessels, with hatchways as described, or with a larger quantity than necessary of farinha and rice on board, not manifested, are to be considered indicating that the vessel is employed in the Slave Trade; therefore no other indications than the above were necessary to establish the criminality of the voyage.

I further stated in my declaration "that the said vessel appeared to me *most expressly* and *most effectively* and *completely equipped* for the illicit traffic in slaves;

and I have no doubt but that when her hold is unstowed, the slave deck, with all the other gear appertaining unto that traffic, will be found on board." I submit that it was the duty of the Commissioners, when they had such a declaration before them, not to admit, and act upon, any allegation whatever to the contrary, or receive an allegation as proof of the articles found on board being the same as those purchased with the vessel, but rather have at once ordered a survey and examination of the articles on board. That the allegation referred to is altogether false is fully established by the survey ordered by Commodore Sullivan subsequent to the sentence of the articles on board (document No. 5), which proves that nearly the whole of the equipment articles are new, and other articles being found which were not mentioned in my declaration.

The Commissioners declare in the sentence that it "would be against all the principles of justice, even admitting the want of good faith on the part of the charterer, if peradventure he should wish to make a contrary use of the stipulations agreed with the owner of the vessel, to impose upon the said owner the penalty of confiscating his property without proving against him, the owner, any connivance or want of good faith, respecting which connivance there does not exist in this process the least proof."

The admission of such a principle as is here contended for would be a most dangerous precedent, and would tend, in a great measure, to defeat the chief object of the Treaty, and be an obstacle to the future condemnation of any vessel whatever. It is tantamount to a declaration, that if two parties go together in the perpetration of any crime, neither shall be punished, because each of these parties has not committed the whole crime, but only a part of it; and it does not appear in what way the principles of justice, on which the Commissioners found their opinion, can in any way lead to such a conclusion. I cannot admit the propriety of dividing the interests of the parties engaged in this transaction, and can only regard them as one party and one interest. It is quite notorious that in this traffic the real parties seldom appear in their true character, and that every evasion and subterfuge is resorted to; and if such a quibble as the present were admitted, it would constantly be resorted to, and would enable vessels to sail from this port daily, without risk of condemnation if they should be seized by Her Majesty's cruisers. It is clearly the duty of the owner to look to the character of the person to whom he freights the vessel; and if he does not do so, he must run the risk consequent upon his neglect, even admitting him to be free from all share in the illicit traffic.

The Commissioners, by their sentence, seem to acquiesce in the propriety of suspected vessels carrying prohibited articles to the Coast of Africa for sale, even although not contained in their manifest. This seems to be totally at variance with the spirit of the whole Treaty; they even go further, and advance this as a justification of her release.

In the concluding paragraph of the sentence the Commissioners recommend the owner to remove the articles which, they say, justify her detention; "as in that case they will not absolve him, as they now have done, from the penalty they incur;" thus admitting the existence of the penalty, *i. e.* her condemnation, and at the same time refusing to enforce it.

For the reasons assigned in the sentence, the Commissioners have ordered the vessel and cargo to be released and delivered to the owners, by which decision I consider that a manifest injustice has been done to me, my Officers and crew, and of which I complain to Her Majesty's Government.

I have, &c.

(Signed) WILLIAM SMYTH,
Commander of Her Majesty's ship "Grecian."

Commodore J. B. Sullivan, C.B.,

&c. &c. &c.

Fourth Enclosure in No. 228.

*Documents relating to the Legality of the Detention and Sentence of the Barque
"Maria Carlota" and Schooner "Recuperador."*

Document No. 1.

M. de Oliveira to the Brazilian Judge, and the Opinion of the latter.

By command of the Regent, in the name of the Emperor, to whom I presented

the reasons alleged by your Worship in your Despatch of 6th June last, for considering the Brazilian and British Mixed Commission, of which you are a Member, incompetent in the cases of the barque "*Maria Carlota*" and schooner "*Recuperador*," lately detained by Her Majesty's brig "*Grecian*," I return you the following answer for your Government.

The principal argument advanced by your Worship being the circumstance that it could not be supposed that Africans destined for the traffic existed on board those vessels, as is expressed in the Fifth Article of the Additional Convention of 28th July, 1817, to make good the detention, as stipulated in the said Convention, because both vessels had just sailed from this port; such an allegation can, doubtless, only avail to render illegal the detention, when once the adjudication is proceeded with in the manner prescribed in the aforesaid Convention, and the instructions annexed thereto, but it can never avail in the question of incompetency, because, it being the right of the Mixed Commission to judge all cases of captured vessels, the Captor will necessarily remain responsible for loss and damages, in case of the sentence declaring the capture illegal. Consequently it behoves your Worship, together with your colleague, to take cognizance of the cases referred to, in conformity with the existing stipulations and instructions.

God preserve your Worship,

(Signed) CANDIDO BAPTISTA DE OLIVEIRA.

To Senhor Joao Carneiro de Campos.

Palace; July 27, 1839.

Opinion.

The Brazilian Commissary Judge having objected to the admission and examination of the papers relating to the Portuguese barque "*Maria Carlota*" and the schooner "*Recuperador*," for the reasons set forth in his vote of 3rd June last; and having subsequently, in compliance with the Imperial Avizo or Order of 27th June following, entered into the examination of the said papers, proceeds now to state his reasons on which he founds his declaration that the detention of the aforesaid vessels is illegal, considering that these vessels, be they Brazilian or Portuguese property, were taken or detained by Her Majesty's brig "*Grecian*," the first on the 29th May, the same day she sailed, near Ilha Raza, and the second, 30 miles S.W. of Cape Frio, in neither of which were found any Africans intended for the Slave Trade. Considering, furthermore, that by the Convention of 28th July, 1817, the stipulations of which, in all their parts, are found generally and distinctly comprehended in the posterior Convention between Brazil and Great Britain, of the 23rd November, 1826, it is expressed in the Fifth and Sixth Articles, that the detention of vessels suspected of *having carried on the illicit commerce in slaves, can take place only in the case of finding slaves on board*; the power conceded to cruisers being so restricted and limited, that notwithstanding they are permitted to board upon reasonable suspicion, they are not thereby authorized to detain any vessel *unless they are actually found to have slaves on board*; which is more imperatively laid down in the First Article of their instructions, establishing, in this manner the well understood distinction between the right to board and the right to detain.

Considering that the meaning of the stipulation of the Fifth and Sixth Articles referred to is so restricted and limited, that no vessels can be detained, except those in respect of which slaves for the traffic are found on board, that the Portuguese and English Governments afterwards thought it expedient to enter into new arrangements to covenant and declare, as in fact they did declare by the additional Article of 15th March, 1823, that the right to detain and subject to punishment should extend also to those vessels which might appear to have carried on the Traffic of Slaves, notwithstanding none may be found on board at the time they are visited; this stipulation, which, if on the one hand it amplifies the right to detain, rendering it extensive to past events, on the other hand, without doubt, tends to confirm the exception that it is illegal to detain for any future cases whatever, notwithstanding there may be the suspicion, or circumstantial proof, of a voyage projected or commenced.

Considering also that, not existing, as there does not, in the said Convention of 1817, any preventive stipulation against vessels that are detained for the illicit Traffic in Slaves, which may be fallen in with, without having committed the crime of having them on board; and the two Governments of Brazil and Great Britain having therefore agreed, on the 27th July, 1835, to amplify the Convention of

1826 with two additional Articles, permitting the detention of, and subjecting to legal condemnation, the vessel which it is proved was destined to carry on the Traffic in Slaves, which Article has not yet been approved of by the Legislative Assembly, and consequently is not yet ratified, it is clear that this new determination, confirming the true and genuine meaning of the former Convention, the former stipulations remain in full force until they are altered, and only by them can present cases be determined, which prevails and militates with so much more force and reason, because it is clear that in the adjudication of cases the Judge ought to confine himself exactly to the letter of the Treaties.

Considering, finally, on the one hand, that the Convention of 23rd November, 1826, is only applicable to Brazilian subjects who, after the expiration of three years, carry on the Traffic in Slaves, or who, within that time, do so in prohibited ports, the stipulations not comprehending the attempt at so doing, which is clearly set forth by the proposition laid down in the First Article; and it is agreeable to the principles of justice in the distinction between the attempt and the execution, because it would be highly unjust, that a simple intention should be equivalent to the completion of it in the consummation of the crime, to inflict in either case the same punishment: and, on the other hand, it would be absurd to suppose, that the stipulations of the Convention of 1817, which form a part of that of 1826, are only applicable to the time limited by the last mentioned for the continuation of the traffic, because, if that doctrine be admitted, this Mixed Commission could not have taken cognizance, as it hitherto has done, of the violation practised after the period for the cessation of the traffic, because in that case they would be wanting instructions by which they ought to govern themselves; neither would the cruizers have then to authorize them to board and detain.

In consequence of these considerations, the Brazilian Commissary Judge bearing in mind, first, the stipulation of the before-mentioned Fifth and Sixth Articles of the Convention of 1817, which form an integral part of that of 1826; and, second, what is prescribed in the First Article of the instructions of this Commission, which ordains that the *Judge's* sentence is to be according to the letter of the existing Treaties, and confining himself, as is his duty, to the meaning authentically expressed in the aforesaid Articles,—he is sorry he cannot agree with his illustrious colleague, and Noble British Commissary Judge; and adjudges illegal, and consequently unjust, the detention of the aforesaid barque "*Maria Carlota*" and of the schooner "*Recuperador*."

(Signed) JOAO CARNEIRO DE CAMPOS.

Rio de Janeiro, August 31, 1839.

Fifth Enclosure in No. 228.

Document No. 2.

Opinions of the British Judge and Arbitrator.

THE British Commissary Judge has but little to add to what he set forth in the Session of 5th July last; a slight view of the obligations contracted by the Courts of Portugal and Brazil with that of Great Britain will be the best illustration of his argument.

By the Treaty of 19th February, 1810, the Prince Regent of Portugal declared his royal resolution to adopt the most efficacious measures to promote the gradual abolition of the Slave Trade; and by the Fourth Article of the Treaty of the 22nd January, 1815, he declared that it should not be lawful for Portuguese subjects (during the time which intervenes until the general abolition is verified) to engage in this traffic for any other purpose than to supply the Trans-Atlantic possessions of Portugal. In the preamble to the Convention of 1817, Portugal being desirous to fulfil, to their full extent, the obligations of the Treaty of 22nd January, 1815, acknowledges the necessity of adopting proper measures to impede to her subjects all illicit commerce in slaves; and the First Article of the same Convention declares its end to be, on the part of both Governments, mutually to watch that their respective subjects do not carry on the illicit commerce in slaves.

The Alvara, of 26th January, 1818, intituled "A Law by which Punishments are established for those who carry on the prohibited Commerce in Slaves," and promul-

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gated, in compliance with the Third Article of the Convention of 1817, declares in the First Article, that all persons, of whatever quality or condition they may be, that fit out and prepare vessels for the Slave Trade, incur the punishment, &c.

From the total abolition, the word "illicit," used in the before-mentioned paragraphs, loses its distinctive character, that is to say, the obligations contracted have become absolute; and now there is none other than illicit commerce for Brazil; engaging in the traffic, under whatever pretext, or in any manner, is totally prohibited.

The Second Article of the law of 7th November, 1831, declares that the importers of slaves into Brazil incur the penalty of the Article 179 of the Criminal Code; and the Article declares who are importers.

"Whosoever knowingly paid or received freight, or under any other title, concerning a vessel destined for the Slave Trade,

"All persons interested in the transaction, and all those who knowingly supply funds, or in any other way aid or favour, assisting the landing, or permitting it in their territory."

And the Decree of 12th April, 1832, that orders the above-mentioned law to be put in force, ordains, in the First Article, that every vessel shall be visited at the time of her sailing.

Such are the obligations by which Brazil is bound to prohibit her subjects from engaging in the Slave Trade; but there yet exists another stipulation which ought to be taken into special consideration, and which the British Commissary Judge invokes; and being decisive in favour of his interpretation of the Convention of 1826, and of the meaning which should be given to "*mutatis mutandis*," therein stipulated.

It is the separate Article of the Convention of 1817, signed on the 11th September, the same year, in which the two high contracting parties agree to adapt to the new circumstances, which must ensue from the total abolition of the Slave Trade, the stipulations of the Conventions of July, 1817. Could the intention of the contracting parties be to restrict the action of the anticipated abolition? Would not a literal interpretation of the "*mutatis mutandis*" of the Third Article of the Convention of 1826 turn the total abolition stipulated in the First Article to a complete nullity? Would such an interpretation of this last Article be in conformity with the true intention, desire, and object, or with the spirit of the stipulation, which it is the bounden duty of this Commission to execute?

In a word, a tribunal specially appointed to carry into effect an explicit purpose, that is, the regulation, in the first place, and after the expiration of three years, the total abolition of the Slave Trade, may consider itself incompetent to take cognizance, after that period, both of the case of vessels notoriously destined and equipped for that traffic, and also in the case of their being sufficient proof to condemn them, only because one clause, applicable only to another, and past time (and, therefore, *de facto* annulled), that is the interval in which the traffic was still partially legal, prohibited the detention of vessels on board of which slaves were not found, or proof of their having had them on board in the voyage in which the detention took place.

The Brazilian Commissary Judge argues, that full powers having been given to the respective Ministers of Great Britain and of Brazil to sign a supplementary Article (at present submitted to the Legislative Assembly for ratification), in which is declared what ought to be considered as *primâ facie* proof of the actual employment of a vessel in the traffic (such ratification not having taken place), the right to capture vessels without slaves on board, or the proof of their having been there, does not exist. The British Commissary Judge has already answered this objection, showing that the presentation of this supplementary Article was with a view to render more clear the stipulations already existing, and to avoid the possibility of such doubts as those which now impede the prompt execution of those stipulations; but the previous existence of them is not thereby invalidated. Furthermore, this Article was combined with another, to the purport that condemned vessels should be broken up, which being in exact conformity with those already signed by other Powers, it would be more convenient to preserve uniformity, even should there be redundancy, and not to separate one from the other.

The recent case of the embargoes may serve as an illustration. The British Government having constantly asserted that such a recourse was contrary to the Treaties, that of Brazil for a long time contested this; let us suppose that in the interval the former had offered to put an end to the uncertainty by means of a

declaratory Act, would the exactness of the first interpretation asserted by Great Britain be lessened by such a proposition?

The Imperial Order, putting an end to the embargoes, without any additional Act being signed, is the answer to that question.

Upon these grounds the British Commissary Judge cannot but repeat his former conviction, that this Commission is fully competent to take cognizance of and condemn the prize in question, abounding with the most conclusive proofs of being employed in the Slave Trade in the most scandalous and ramified manner, never expecting a contrary decision on the part of his colleague, after the Imperial Order of 27th July last, which, if it is not to be understood as recognizing the principle advanced by the British Commissary Judge, would be worse than useless, from its tendency to lead into error those employed in this arduous service, prolonging their labours, and aggravating the consequences of detention both for the Captor and captured.

(Signed) GEO. JACKSON.

Rio de Janeiro, September 2, 1839.

Having duly considered the process and the allegations in the case of the barque "*Maria Carlota*," and also the votes of the British Commissary Judges, dated the 3rd and 5th June, 31st August, and 2nd of the present month, and likewise the Imperial Decree of 12th April, 1832, for the special purpose of regulating the execution of the law of 7th November, 1831, which Decree imperatively determines that every vessel shall be visited at the time of her sailing, which could not have taken place properly in the case of the barque in question; considering also that the Treaties and Conventions between the two Governments do not in any way militate against the detention for adjudication of a vessel on her voyage to Africa,—under such circumstances, on the contrary, they are strictly applicable to the barque "*Maria Carlota*," she being undeniably and evidently fitted out for the Slave Trade,—I conceive it to be my duty to coincide with the vote of the British Commissary Judge declared on the 2nd of this month.

(Signed) FREDERICK GRIGG.

Rio de Janeiro, September 9, 1839.

Sixth Enclosure in No. 228.

(Translation.)

Document No. 3.

Sentence upon the Case of the "Recuperador."

ON seeing and examining the present Acts, it is manifest, that the brig schooner "*Recuperador*," detained on the 28th day of May of the present year, by Her Britannic Majesty's brig-of-war "*Grecian*," Captain William Smyth, 20 miles more or less to the west of Cape Frio, two days after her departure from this port, suspected of being employed in the traffic in slaves, although none were found on board; she is the same vessel that was captured by Her Britannic Majesty's brig "*Wizard*," on the 27th day of December, 1838, and condemned by this Commission on the 30th January of the following year, in virtue of the instructions of 1835, for being found with a cargo of slaves on board, and that in consequence of the said sentence, was sold by public auction by the Municipal Judge. It is further known that the purchaser of this prize, José Francisco de Souza, a Portuguese subject, who first came to this country a twelvemonth ago, after having changed the name of "*Felix*" to that of "*Recuperador*," on the 18th May following chartered her to another Portuguese subject, named Antonio Augusto Oliveira Botelho, for a voyage to Angola, with the express prohibition on the part of the proprietor, and accepted by the said Botelho to carry any contraband goods. That under these circumstances the said vessel left this port on the 26th of May last, being provided with a certificate or passport signed Joao Baptiste Moreira, as Consul-General at this Court to Her Most Faithful Majesty, dated the previous day, with the object that the "*Recuperador*," whose owner and master were Portuguese subjects, might proceed on the voyage without any impediment to Angola, *via* Benguela, and there legalise all her papers, in conformity with the decree of the Portuguese Government, dated December 17, 1836; the said document being accompanied by a manifest of the cargo, and a list of the crew passed by the Portuguese Consulate, and all signed by the Chancellor. And it is also known that in this manifest no mention is made of 250 barrels of powder, nor of 17 cases of muskets, found by

the captor on board the said brig. It is evident that neither the irregularity of such documents, nor the last circumstance, whatever may be the suspicions which follow, can produce convincing proofs on which to base a sentence of condemnation by this Court; the only foundation to produce which, will be the suspicion that the said vessel was intended for the traffic in slaves, by the existence on board of certain utensils suitable for that traffic. But arising in the case the presumption that the Commission have not the power to order, that in the sale should be included, as were included, all the articles that existed in the said vessel at the time of her first capture, but have tacitly approved of the sale for the highest price for the benefit of both governments, in consequence of the existence of such articles realised in the sale of the said brig. It would be against all the principles of justice to take advantage of this circumstance to give it for certain that the finding of these articles on board the "*Recuperador*" indicated her destination to the illicit commerce of slaves; because, if on the one part, such destination is to be inferred, on the other, the allegation that the said articles did belong to the preceding voyage is not refuted, some of them having been applied for ballast of the said vessel, and the others intended for sale on the coast of Africa, in the hope of obtaining a good price, which under actual circumstances they would obtain. It would be, as already declared, unjust, even admitting the want of good faith on the part of the charterer, if peradventure he should wish to make a contrary use of the stipulations agreed upon with the owner of the vessel, to impose upon the said owner the penalty of confiscating his property, without proving against him, the owner, any connivance of want of good faith, respecting which connivance there does not exist in this process the least proof.

From what has been declared, the Commissary Judges, without occupying themselves in the investigation, whether the transaction referred to is really a Brazilian, or whether it ought to be taken as bearing that character, in conformity with the instructions of 1835, and notwithstanding they find themselves at issue regarding the principle of right of detention, under such circumstances as that of the present case, as already explained in previous decision, they are, nevertheless, from reasons stated, agreed that to the present case the question of principle is not applicable, and although there can be no place for indemnity in conformity with the 8th Article of the Convention of 1817, because the captor had, from appearances, justifiable motives to believe that this was a case of illicit traffic, they cannot judge good prize the "*Recuperador*," under the declared circumstances, and they order her to be at once released and restored to her owners, with what may be left of her cargo, in conformity to the 6th Article of the said regulation; at the same time making known to the said owner that he must not allow on board the articles which have led to the present detention, because, in case he does, they will not absolve him, as they now have done from the penalty they incur.

Rio de Janeiro, September 24, 1839.

(Signed)

JOAO CARNEIRO CAMPOS,
GEORGE JACKSON,

Translation.

(Signed) WILLIAM SMYTH, *Commander of Her Majesty's Ship "Grecian."*

Seventh Enclosure in No. 228.

Document No. 4

Captor's Declaration.

I, William Smyth, Commander of Her Britannic Majesty's sloop "*Grecian*," hereby declare, that on this 28th day of May, 1839, being south-west of Cape Frio about 30 miles, I detained the schooner named the "*Recuperador*," sailing under Portuguese colours, armed with three guns, two short six-pounders, and one long nine-pounder, commanded by Sebastino da Fonseca, who declared her to be bound from Rio de Janeiro to Benguela and Angola, with a crew consisting of 17 men, no supercargo, and two passengers, whose names declared by them respectively are inserted in a list at the foot hereof; and having on board the following articles which render the vessel in every respect equipped for the traffic in slaves; viz.,

Boiler not in use by the crew of the vessel, and places fitted for the same, with ladles, &c. complete.

Irons for the security of the slaves.

Hatchways larger than a vessel of that size ought to have as a merchant vessel, and fitted for gratings with iron bars, such as are always in use on board slavers.

Leagures 17, and two hogshheads, containing very much more water than necessary for the crew and passengers for the voyage to Benguela.

Farinha and rice; a very much greater quantity on board than could be possibly used by the crew of the vessel, and which is not mentioned in the manifest as part of the cargo.

Gunpowder; 250 barrels, of which no mention is made in the manifest.

Cooper's tools in a much larger quantity than any vessel employed in commerce would require, besides staves and bullrushes for setting up water casks.

Medicine chest; one very large, and quite complete; and a second containing medicinal herbs, &c.

Sweeps and sweep-holes in the vessel's sides, not used in any vessel employed in commerce.

Spare topmasts and other spars.

Muskets; 17 cases, (which as they have not been opened I am unable to say how many each case contains,) no mention of these cases appear in the manifest.

Tubs; two large tubs, such as are used on board slave-vessels.

Hand pumps; several, and such as are used on board slave-vessels for pumping the water out of the leagures under the slave deck.

Wood; an immense quantity on board, and very much more than such a vessel employed in a regularly lawful trading voyage would require to have on board.

Shot; a large quantity of grape and cannister.

Passengers on board the "*Recuperador*:"

Luiz Manuel Gonçalves.

Antonio Augusto de Olivera Botelao.

Crew:

1. Master, Sebastino da Fonseca.
2. Pilot, Diogo Ayres d'Alvaunga.
3. Beatuswain, José Joaq. de Silva.
4. Praticante, M. Pinto de Silva.
5. Seamen, Pedro Victorino.
6. " José d'Olivera Feizo.
7. " Domingos José Barbosa.
8. " José Marion.
9. " Joaq. d'Anguin.
10. " Joao José Lopez.
11. " José I.eto da Costa.
12. " José Antonio de Veiga.
13. " Antonio J. de Olivera.
14. " Manuel das Peres.
15. " Joao Ferrara.
16. " Joao Muricio.
17. " Fernando.
18. " Joao.

I do further declare that the said vessel appeared to me expressly and most *effectively* and completely equipped for the illicit traffic in slaves, and I have no doubt but that when her hold is unstowed, the slave-deck, with all the other gear appertaining unto that traffic will be found.

(Signed)

WILLIAM SMYTH, *Commander*,
A. HESELTINE, *Senior Lieutenant*,
JOHN MUNRO, *Surgeon*.

I do further declare that I am duly authorised and empowered to detain vessels engaged in the Slave Trade, and that the papers mentioned in the Certificate which accompanies this declaration, are now brought and delivered up in the same

plight and condition as when received by me, without any fraud, addition, subduction, alteration, or embezzlement whatever, save the marking and numbering thereof.

(Signed) WILLIAM SMYTH, *Commander.*

Eighth Enclosure in No. 228.

Document No. 5.

Pursuant to an Order from J. B. Sullivan, Esq., C.B., Commodore of the Second Class, and Senior Officer, &c.

WE, the undersigned, James Brown, master, Roger L. Curtis, mate of Her Majesty's ship "Stag," and P. Hudson, midshipman of Her Majesty's brig "Grecian," have been on board the detained schooner "*Recuperador*," and there carefully examined the utensils found in the said schooner similar to those used in slave-vessels; we find the gun gear all new; the large ladles and strainers, water pumps, drinking pots, and mess tins are all new, and have never been used; the chains for securing slaves with the forelocks, and the greater part of the irons used to go round their necks, are all new, and certainly have not been used for that purpose since manufactured.

We also beg to draw your attention to the following facts; viz., that there are a sufficient number of bricks to build a fire-place, and that they never have been used. The boilers, also, were new copper, and all the dirt tubs, with a great number of the large casks have never been in use.

The proof of her being intended to receive slaves, and that these things were not bought in the vessel, or placed there without the master's or supercargo's knowledge, may be found by the said schooner having such a great number of water-casks, some set up, others shook to make room, the boilers being new and stowed on top of the cargo, the bricks, which are not customary to be found in merchant ships, nor in such quantity as to be on cargo, but about enough to build a fire place; the ladles, tubs, tin pots, &c., are also not such as used in the galley of small vessels, neither are they old, which could have been left when "*Feliz*" (the vessel's original name) was sold, for they are all new, fresh tinned, with handles nearly three feet long, used only by vessels carrying a great number of people.

The quantity of farinha is not probable to be intended as a marketable article for the coast of Africa, but as food for the negroes during the passage; there is also a tub of cooper's tools for setting up casks. And we further declare that we have made this examination with such care and attention, that we are willing, if required, to make oath to the impartiality of our proceedings.

Dated on board the "*Recuperador*," at Rio de Janeiro, the 26th September, 1839.

(Signed) J. BROWN, *Master of Her Majesty's Ship "Stag."*
 ROGER L. CURTIS, *Mate.*
 P. HUDSON, *Midshipman of Her Majesty's Brig "Grecian."*

Approved: J. B. SULLIVAN, *Commodore.*

No. 229.

Mr. Ouseley to Viscount Palmerston.

(Separate.)

Rio de Janeiro, October 20, 1839.

MY LORD,

(Received December 14.)

I HAVE this moment received from Her Majesty's Consul an official letter transmitting copy of one from Captain Smyth to the Admiralty, copies of which I have the honour to inclose.

Mr. Hesketh's object in addressing me on this occasion is to strengthen the claims of Captain Smyth to bounty on the "*Recuperador*," for the capture of that vessel, as also for indemnification for necessary expenses incurred in bringing that vessel for adjudication before the Mixed Court of Commission.

As I cannot but be of opinion, in common with, I believe, almost every impartial person here, that the sentence in the case of the "*Recuperador*" was quite unwar-

ranted, it may perhaps be my duty to recommend to your Lordship's favourable attention the application of Captain Smyth; more especially as, should vessels fully equipped for the Slave Trade, and for whose condemnation a precedent was established in the case of the "*Maria Carlota*," be allowed to escape with impunity, when brought into Court, it will greatly discourage Her Majesty's Naval Officers in the zealous discharge of their duties, by which Captain Smyth, and indeed the Officers generally on this station, have of late distinguished themselves; and such a mark of support and countenance from Her Majesty's Government would, I think, have a very beneficial effect, and counteract the bad consequences of the decision in question, even without reference to the expediency of compensating the captors for the great trouble and expense which they necessarily incur in bringing their slave-vessels before the Court.

I have, &c.

(Signed)

W. G. OUSELEY.

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

&c.

&c.

&c.

Enclosure in No. 229.

Mr. Hesketh to Mr. Ouseley.

SIR,

Consul's Office, Rio de Janeiro, October 17, 1839.

IN reference to the letter I had the honour to address to you, dated 11th instant, respecting the adjudication of the case of the "*Recuperador*," I have now to transmit for your information a copy of an application which Commander Smyth of Her Majesty's ship "*Grecian*," has made to the Lords Commissioners of the Admiralty for bounty on the "*Recuperador*," detained as an illicit slave trading vessel; and also for exoneration from the unavoidable expenses attending the case before the Mixed Commission Court, in the hope that, being aware of such an application, it may be in your power to strengthen the claims of Commander Smyth.

I have, &c.

(Signed)

ROBERT HESKETH,

Her Britannic Majesty's Consul.

W. G. Ouseley, Esq.

&c. &c. &c.

Sub-Enclosure in No. 229.

Commander Smyth to Mr. Wood.

SIR,

Her Majesty's Sloop "Grecian," October 10, 1839.

YOU will be made aware by the complaint I am making respecting the adjudication of the brig schooner "*Recuperador*," of the injustice with which I conceive I have been deprived of my regular claim of bounty.

Nevertheless I feel it my duty to apply to you to move my Lords Commissioners of the Admiralty to award me, my officers, and crew, the tonnage bounty, as I can clearly prove that vessel to have been as stated in my declaration, "*expressly* and most *effectively* and *completely* equipped for the illicit traffic it slaves;" at the same time I beg leave to state that the "*Recuperador*" was the first vessel that has been detained *outward bound* equipped for the traffic, and in consequence of her detention, a greater and more effective check has been placed on that traffic, and greater sensation excited among the slave dealers in Rio Janeiro than has ever been produced by the detention of any vessel with the slaves actually on board.

At the same time, should their Lordships consider favourably this request, I trust they will also exonerate me from the expenses which I have necessarily incurred in the adjudication of this vessel; seeing that I have had the approbation of all Her Majesty's authorities here in the course that I have pursued, and that another vessel, the "*Maria Carlota*," taken in exactly similar circumstances, has been condemned.

I have, &c.

(Signed)

WILLIAM SMYTH, *Commander.*

Charles Wood, Esq., M.P.

&c. &c. &c.

No. 230.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, December 16, 1839.

WITH reference to my Despatch to you, of the 19th November, 1839, respecting the "*Flor de Loanda*;" I have to transmit to you the accompanying copy of a letter received at this office from the Admiralty, requesting to be informed how the negroes captured on board that vessel, and landed at Rio de Janeiro, are now to be disposed of; and in consequence I have to desire that you will propose to the Government of Brazil, that the negroes in question be moved to a British Colony at the cost and charge of the British Government, as the best way of relieving the Brazilian Government from future cost and responsibility; and at the same time securing to the negroes permanent freedom.

If the Brazilian Government shall concur in the proposed measure, you will concert with the Commander of Her Majesty's naval forces at Rio, the most expedient mode of carrying the proposed arrangements into effect, and you will take measures accordingly, drawing upon the Lords of Her Majesty's Treasury for the expense incurred on account of this service.

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

I am, &c.

(Signed)

PALMERSTON.

Enclosure in No. 230.

Mr. Moore O'Ferrall to Mr. Backhouse.

SIR,

Admiralty, November 21, 1839.

HAVING laid before my Lords Commissioners of the Admiralty your letter of the 19th instant, transmitting the opinion of the law officers of the Crown on the case of the "*Flor de Loanda*," slave vessel, and conveying, in consequence of the opinion therein contained, that no further proceedings can be successfully prosecuted against the said vessel, the recommendation of Viscount Palmerston that instructions should be given to all parties concerned to abandon, on the part of this Government, all claim upon her; I am commanded to transmit herewith for his Lordship's information, an extract from a letter from Captain Herbert, of Her Majesty's ship "*Calliope*," in which it is stated that the negroes taken out of the "*Flor de Loanda*," had been apportioned out to different persons to await the decision on her case; and my Lords request that Viscount Palmerston will cause them to be informed how these slaves are now to be disposed of. I am to add that the "*Flor de Loanda*," is stated to be unseaworthy.

I have, &c.

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

(Signed)

B. MOORE O'FERRALL.

Sub-Enclosure in No. 230.

Extract from a Letter from Captain Herbert of Her Majesty's Ship "Calliope," acting as Senior Officer for the time being, at Rio de Janeiro, dated March 17, 1839.

I HAVE to state, for the information of the Lords Commissioners of the Admiralty, that the slavers "*Diligente*," and "*Felix*," have been delivered up to the proper authorities agreeably to the Treaties; that the negroes taken in the "*Flor de Loanda*," have been apportioned out to different persons, who are held responsible for their forthcoming on the decision of her case.

No. 231.

*Mr. Ouseley to Viscount Palmerston.**Rio de Janeiro, November 1, 1839.**(Received December 25.)*

MY LORD,

I TAKE the honour to inform your Lordship that no slave vessels entered this port during the months of August and September last, nor disembarked cargoes on the coast in the vicinity.

It is with feelings of much gratification that I make this communication to your Lordship, proving, as it does, that the efforts of Her Majesty's Officers and of this Legation, in pursuance of the instructions received from your Lordship to endeavour to put a final stop to the inhuman traffic in Africans, have not remained entirely without effect.

I have, &c.,

(Signed)

W. G. OUSELEY.

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

&c.

&c.

&c.

No. 232.

*Mr. Ouseley to Viscount Palmerston.**Rio de Janeiro, November 1, 1839.**(Received December 25.)*

MY LORD,

I HAVE the honour to enclose a copy and translation of a Declaration, lately published by the Portuguese Acting Consul General in this capital, giving notice of the enforcement of the decree of Her Most Faithful Majesty's Government of the 10th December, 1836, notifying that the search of all Portuguese vessels on their arrival, as well as on their departure from hence, is from the date of that declaration, (11th October,) to be re-established; and giving a list of the articles and equipment which will be considered, when found on Portuguese vessels, as rendering their voyage illegal.

It is but justice to M. Figanière, the Portuguese Minister, to state that he had caused this Decree of his Government to be revived in this country, in doing which, and by generally not countenancing the Slave Trade, he has met with much opposition, and incurred abusive attacks in the public journals, and private manifestations of vindictive persecution.

M. Figanière informed me some time ago, and his statement was afterwards confirmed by the Minister of Foreign Affairs, that not only would there be a "busca," or strict search of the Portuguese vessels by the authorities of Her Most Faithful Majesty, but also one directed by the Imperial Government, which would act as a check upon the probable infidelity or negligence of the persons employed to examine the vessels.

The Portuguese Minister further assures me, that his Government is quite sincere in its wishes and endeavours to put an end to the Slave Trade; and I have reason to believe that the instructions to its agents in this country are really intended to be, for the present, suppressive of that traffic by its subjects, as it is aware that the Imperial Government is now strongly disposed to fulfil its engagements on this head with that of Her Majesty, and to throw with some reason the odium and responsibility of incurring the full consequences of the late energetic measures of Her Majesty's Government, entirely on the Portuguese.

I have, &c.,

(Signed)

W. G. OUSELEY.

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

&c.

&c.

&c.

Enclosure in No. 232.

Consulate General of Portugal at Rio de Janeiro.

José Marcellino da Rocha Cabral, charged with the Consulate General of Portugal at Rio de Janeiro.

I HEREBY give notice, for the information of masters, consignees, proprietors, shippers, and all others interested in the vessels which navigate, or shall

CLASS B.

hereafter navigate, under the Portuguese flag, from this port to those of the Portuguese settlements in Africa, and from thence to this, that, in fulfilment of the decree of 10th December, 1836, which has in view the suppression of the traffic in slaves, as well as of orders given to this Consulate, that henceforward the practice of visiting all such vessels will be re-established, as well on their departure as on their arrival: and will be considered as comprehended in the violation of the said decree, and as having incurred the penalties awarded thereby, as well the masters, as the vessels on board of which are found any of the objects specified in the list annexed to the same decree; which I also publish, together with the present notice.

(Signed) JOSE MARCELLINO DA ROCHA CABRAL,
Vice Consul.

Consulate General of Portugal, Rio de Janeiro, October 11, 1839.

No. 233.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, December 28, 1839.

I HAVE received your Despatch "Slave Trade" of the 12th October, 1839, detailing the measures which you adopted for inducing the Brazilian Government to take the crews of condemned slave-vessels into the Imperial service; and I have the satisfaction to acquaint you, that Her Majesty's Government approves the conduct which you pursued on that occasion.

I am, &c.,

(Signed)

PALMERSTON.

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

No. 234.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, December 28, 1839.

I HAVE received your Despatch, Slave Trade, of the 28th September, 1839, with its Enclosures, containing a communication from Senhor Lopez Gama, the Brazilian Minister for Foreign Affairs, announcing that the Brazilian brig of war "Constança" had captured a Portuguese vessel trading illegally in slaves on the Coast of Brazil, and that orders would be despatched from the Marine Department of Brazil, to bring the case of that vessel before the Mixed British and Brazilian Court of Commission at Rio de Janeiro.

Her Majesty's Government have received with great satisfaction this communication from the Brazilian Minister, because it is calculated to encourage the hope, that the present Government of Brazil is sincerely determined to fulfil, with good faith and in earnest, the engagement of the Brazilian Crown for the suppression of Slave Trade.

I am, &c.,

(Signed)

PALMERSTON.

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

No. 235.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, December 31, 1839.

I HEREWITH transmit a copy of a Brief, which has been issued by his holiness the Pope, enjoining all Catholics to abstain from Slave Trade.

You will communicate this Paper to the Brazilian Government, and you will cause it to be inserted in the principal newspapers of Rio de Janeiro.

I am, &c.,

(Signed)

PALMERSTON.

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

Enclosure in No. 235.

Pope's Brief.

December 3, 1839.

(See Class C.)

No. 236.

*Viscount Palmerston to Mr. Ouseley.**Foreign Office, December 31, 1839.*

SIR,

I HEREWITH transmit to you for your information and guidance the copies of correspondence between this office and the Admiralty on the subject of the subsistence of liberated negroes, on board the ship now about to be stationed as a hulk at Rio de Janeiro.

I am, &c.

(Signed)

PALMERSTON.

W. G. Ouseley, Esq.

&c. &c. &c.

First Enclosure in No. 236.

*Sir John Barrow to Mr. Backhouse.**Admiralty, December 18, 1839.*

SIR,

I AM commanded by my Lords Commissioners of the Admiralty to request you will state to Viscount Palmerston, that the "Crescent," frigate fitted for the reception of liberated Africans, will be ready to sail in a few days for Rio de Janeiro, and I am to beg you will inform me how these Africans are to be subsisted, that instructions may be given accordingly.

I am, &c.

(Signed)

JOHN BARROW.

John Backhouse, Esq.

&c. &c. &c.

Second Enclosure in No. 236.

*Mr. Fox Strangways to the Secretary to the Admiralty.**Foreign Office, December 31, 1839.*

SIR,

I HAVE laid before Viscount Palmerston, your letter of the 18th instant, stating that the "Crescent" frigate, will shortly be ready to sail for Rio de Janeiro, fitted for the reception of liberated negroes, and requesting to know what instructions should be given by the Lords Commissioners of the Admiralty, in respect to subsistence for the said negroes. And I am directed by Viscount Palmerston to acquaint you, that Lord Palmerston suggests that the chief officer of the "Crescent" should be instructed to put himself in communication with Mr. Ouseley immediately on his arrival at Rio de Janeiro, and to conform to such directions as he may receive from Mr. Ouseley, in respect to the performance of the details of the particular service for which the "Crescent" is to be stationed at Rio.

I am, &c.

(Signed)

W. FOX STRANGWAYS.

To the Secretary of the Admiralty,

&c. &c. &c.

No. 237.

*Viscount Palmerston to Mr. Ouseley.**Foreign Office, December 31, 1839.*

SIR,

I HEREWITH transmit to you six copies of a pamphlet which has been recently printed at Lisbon, upon the subject of the Slave Trade, and I have to desire that you will cause this pamphlet to be reprinted and circulated in Brazil. You will transmit 50 copies of it to each of Her Majesty's Consuls and Vice-Consuls, resident in Brazil.

I am, &c.

(Signed)

PALMERSTON.

W. G. Ouseley, Esq.

&c. &c. &c.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, December 31, 1839.

I HAVE received your Despatch, "Slave Trade," of the 17th September, 1839, containing an official notification from M. d'Oliveira, that the memorandum which he placed in your hands on the 22d of June, 1839, is to be considered as containing a statement of those measures which, in the actual circumstances of Brazil, appear best adapted to put an end to the traffic in slaves; and that the Brazilian Government wait only for the answer of the British Government, to the proposal contained in that memorandum, in order to enter upon the negotiation of an agreement with Great Britain thereupon.

I have to desire that you will state to the Brazilian Minister, that Her Majesty's Government received this proposal with much satisfaction, and that you are instructed to enter upon a negotiation with a Minister appointed on the part of Brazil, to conclude a Convention between Great Britain and Brazil, on the basis laid down in the memorandum before-mentioned.

I send you a draft of a Convention on that basis; and I have to desire that you will take an early opportunity to enter into a negotiation upon it with the Brazilian Minister, and that you will use your best endeavours to bring that negotiation to a successful and early termination.

I am, &c.

(Signed)

PALMERSTON.

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

Enclosure in No. 238.

Draft of Convention between Great Britain and Brazil.

PREAMBLE.

His Imperial Majesty the Emperor of Brazil, having found that inconvenience has resulted to his dominions, from the existence of the Mixed Court of Commission, which has been established within his territories under the stipulations of the Convention of the 23d of November, 1826, because the sentences of that Court have had the effect of introducing into the Brazilian territories free negroes, emancipated by the Decrees of that Court; and His Imperial Majesty having concerted with Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, in order to devise some new arrangement, which may relieve Brazil from the inconvenience above-mentioned, without defeating the humane purposes, for the attainment of which the Convention of the 23d of November, 1826, was concluded, their Majesties have accordingly named as their Plenipotentiaries, &c.

Who having exchanged their full powers, found to be in good and due form, have agreed upon the following Articles:—

ARTICLE I.

The Mixed Commission Courts established under the stipulations of the Convention of the 23d of November, 1826, are hereby declared to be abolished; so that their functions shall cease at the end of 90 days, after the exchange of the ratifications of this Convention.

ARTICLE II.

All vessels sailing under the Brazilian flag, which, after the exchange of the ratifications of this Convention, may be visited by British cruisers, under the stipulations of the Convention of the 23d November, 1826, and which shall be detained on account of having slaves on board, or on account of being equipped for, or being engaged in the Slave Trade, shall be sent for adjudication before some British Court of Admiralty or Vice Admiralty; and such court shall condemn them, if they shall be proved to have slaves on board, or to be equipped for or engaged in the Slave Trade. And it is hereby further understood and agreed, that in the above stipulation are comprehended all vessels belonging to persons, whether natives or foreigners, resident in, and carrying on trade within the dominions of His Majesty the Emperor of Brazil, under whatsoever flag the same may be sailing, and also all

vessels belonging to Brazilian subjects, wheresoever resident, and under whatever flag the same may be sailing.

ARTICLE III.

The vessels so condemned, and their cargoes, shall be sold, and the produce of the sale thereof, shall be divided between the two Crowns, in equal portions ; but each vessel shall be broken up into parts, before it is sold, and the parts thereof shall be sold separately.

ARTICLE IV.

The slaves, if any, found on board such vessels, shall be taken care of by the British Government, and shall be sent to some British colony or settlement, where full and complete freedom shall be secured to them, in conformity with the British Law, which has abolished slavery in all the British colonies.

ARTICLE V.

The Emperor of Brazil engages to use all necessary vigilance and to employ all necessary means for bringing to justice all such of his subjects, and other persons resident within his dominions who may violate the laws of Brazil by engaging in the Slave Trade ; and if any slave traders, whether Brazilians or foreigners, shall succeed in eluding the watchfulness of the British cruisers employed for the suppression of the Slave Trade, and shall land any African slaves on any part of the territory of Brazil, the Emperor will do his utmost to bring such offenders to punishment, and will make all necessary arrangements for securing to the Africans, so landed, complete and permanent freedom.

ARTICLE VI.

The two parties engaged to communicate to each other the proceedings which may take place under this Treaty ; and accordingly, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, on the one hand, promises to make known to the Emperor of Brazil, the particulars of every vessel which may be detained and sent for trial under this Treaty, for being engaged in Slave Trade ; and to make known also the manner in which the negroes, if any, found on board such vessels, have been disposed of.

The Emperor of Brazil, on the other hand, promises to make known to the British Government, the particulars of each case in which any prosecution shall have been instituted in Brazil, in conformity with the stipulations of this Treaty, against any persons for the offence of slave trading, and to make known also the manner in which any negroes who may have been liberated under the provisions of this Treaty or of the treaty of 1826, shall have been disposed of ; and each party, moreover, engages to give, from time to time, to the other all such information on these matters, as it may be in their power to give, and which may appear calculated to assist the other party in the attainment of the humane objects for the accomplishment of which this Convention and the Convention of the 23d of November, 1826, have been concluded.

No. 239.

Viscount Palmerston to Mr. Ouseley.

(Extract.)

Foreign Office, December 31, 1839.

I HAVE received your Despatch, "Slave Trade," of the 15th October, 1839, stating that it is unlikely that the Legislature of Brazil will ratify the two Articles concluded between Great Britain and Brazil on the 27th July, 1835, for the better suppression of Slave Trade ; and suggesting that you should be instructed to propose to the Brazilian Government a modification of one of those Articles, which stipulates that all vessels condemned in the Mixed Commission Court on account of Slave Trade, shall be broken up before they are sold.

You will receive by this mail instructions from me to propose to the Brazilian Government a Convention upon Slave Trade, founded upon the principle stated in the Brazilian memorandum, enclosed in your Despatch, "Slave Trade," of the 17th of September, 1839 ; and if that Convention should be agreed to, there will be no need of a special stipulation on the subject of condemned slave vessels.

BRAZIL. (*Consular*)—*Rio de Janeiro.*

No. 240.

Mr. Hesketh to Viscount Palmerston.

Consul's Office, Rio de Janeiro, April 20, 1839.

(*Received June 26.*)

MY LORD,

I HAVE the honour to state to your Lordship that, in consequence of dangerous and repeated threats of assassination, Mr. Stevenson was forced to desist from affording to the captors of slave vessels the requisite and zealous assistance, hitherto rendered by his superintendence of their interests as Proctor before the Mixed Commission Court for the abolition of the Slave Trade in this place.

Under such circumstances, when the cases of the two slavers, "*Diligente*" and "*Feliz*," were brought before the Commission Court for adjudication, I assisted to the utmost of my ability, and with the sanction of Her Majesty's Chargé d'Affaires, the captors of these two vessels, by attending the examinations of witnesses and obtaining from the different Brazilian Authorities the documents requisite to establish sufficient evidence, by which a sentence of condemnation could be secured.

As this kind of assistance to the captors is indispensable in the present organization of the Mixed Commission Court in this place, and as no person offered who could be satisfactorily intrusted with such a service, and at the same time willing to undergo the consequent labour, independent of other discouraging considerations; and moreover as the necessity on the part of the captors was urgent, I acceded to the solicitations of the officers in charge not only of the "*Diligente*" and "*Feliz*," but also of the captors of the "*Especulador*," "*Carolina*," "*Ganges*," and "*Leal*."

My inducement to undertake such a duty was the conviction that by so doing I forward, to the utmost of my exertions, Her Majesty's service, by directing every means in my power towards the fulfilment of the wishes of Her Majesty's Government with regard to the abolition of Slave Trade.

I am, however, further led to explain to your Lordship, that in thus superintending the cases of captured slave vessels before the British and Brazilian Mixed Commission Court, considerable labour in attending the examinations of witnesses and in obtaining proofs of fraud from very unwilling sources, is unavoidable; in addition to which much expense is also unavoidable, not only in obtaining documents, but also legal advice.

I have, consequently, considered myself justifiable in not classing such labour and expense as a part of my official duty; and I have, therefore, accepted from the captors the allowance made under such circumstances to Mr. Stephenson, which is 80*l.* sterling for each vessel.

Should your Lordship upon this statement decide that I am to continue under the present system my assistance to the captors in the cases before the Mixed Commission Court for the abolition of Slave Trade, I have further to solicit your Lordship's instructions, whether the course now adopted of reimbursing me by the captor's bill on his agent is to be continued, or whether any other method of meeting that expense be more consonant with the wishes of Her Majesty's Government.

I have, &c.

(Signed)

ROBERT HESKETH,

Her Britannic Majesty's Consul.

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

&c.

&c.

&c.

No. 241.

Viscount Palmerston to Her Majesty's Consuls at Rio de Janeiro, Bahia, Pernambuco, Maranhã, and Pará.

Foreign Office, June 29, 1839.

Circular transmitting Papers presented to Parliament.

(See No. 1.)

No. 242.

Viscount Palmerston to Mr. Hesketh.

Foreign Office, July 2, 1839.

SIR,

I HAVE received your Despatch, "Slave Trade," of the 20th April, 1839, stating circumstances under which you had been induced to act as Proctor for the captors, in the Mixed British and Brazilian Court of Commission at Rio de Janeiro.

I have the satisfaction to acquaint you that I approve of your conduct on this occasion.

I have further to acquaint you that I do not see any reason why the method hitherto adopted for remunerating the Proctor should be departed from in your case.

I am, &c.

R. Hesketh, Esq.,
&c. &c. &c.

(Signed) PALMERSTON.

No. 243.

Mr. Hesketh to Viscount Palmerston.

Consul's Office, Rio de Janeiro, May 21, 1839.

MY LORD,

(Received July 22.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked Slave Trade, dated March 22d, 1839, directing that at the close of each quarter I am to transmit a list of all such vessels as, during that period, may have left or entered the ports of this Consulate, under circumstances inducing the belief that they have been engaged in, or are intended for, the traffic in slaves.

In transmitting the lists required, I shall also pay strict attention to your Lordship's instructions, regarding the particulars to be set forth in such lists, and the subject matter of the Despatches accompanying them.

I have, &c.

(Signed)

ROBERT HESKETH,

Her Britannic Majesty's Consul.

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

No. 244.

Mr. Hesketh to Viscount Palmerston.

Consul's Office, Rio de Janeiro, June 19, 1839.

MY LORD,

(Received August 17.)

I HAVE the honour to enclose, for your Lordship's information, a copy of the Despatch I thought it my duty to address, under date of May 31st, 1839, to Mr. Ouseley, Her Majesty's Chargé d'Affaires at this Court, respecting the defective organization of the Mixed British and Brazilian Commission Court in this place, for the adjudication of vessels, captured under the Treaties for the abolition of African Slave Trade.

In that Despatch I have also remarked upon the hardships inflicted on the Officers and men of Her Majesty's ships on this station, and alluded to the expense; all being occasioned by the system pursued at present.

My accidental employment as agent for the captors, has given me an opportunity of becoming acquainted with every particular in a case of a captured slave vessel brought into this harbour; and I am under the conviction that, in every stage of the

proceedings, from the arrival of such a vessel up to the period she is delivered to the Brazilian Authorities, the influence of the slave dealers is strong enough to impede the just co-operation of those Authorities, thereby vindictively inflicting on all who are intrusted with the orders of Her Majesty's Government every species of annoyance.

The details in the enclosed report to Mr. Ouseley have only reference to proceedings up to the delivery of the vessel, and of the adjudicated Africans; if beyond that point, namely, the treatment and welfare of the adjudicated negroes, a proper investigation were made, I have every reason to believe that a total disregard of the stipulations of the Treaties in that particular would be disclosed.

And if to the well-founded presumption that after adjudication the negroes are not, in fact, emancipated, be added the notorious fact of vessels constantly and openly fitting out in this harbour for the Slave Trade, it becomes difficult to discover in what particular the Government of Brazil can show its co-operation in the Treaties for the suppression of African Slave Trade.

I have, &c.

(Signed)

ROBERT HESKETH,

Her Britannic Majesty's Consul.

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

&c.

&c.

&c.

For Enclosures, see Mr. Ouseley's Despatch of June 22, 1839.

No. 245.

Viscount Palmerston to Her Majesty's Consuls at Rio de Janeiro, Bahia, Pernambuco, Maranham, and Pará.

Foreign Office, August 25, 1839.

Circular transmitting Address of the House of Peers.

(See No. 7.)

No. 246.

Viscount Palmerston to Her Majesty's Consuls at Rio de Janeiro, Bahia, Pernambuco, Maranham, and Pará.

Foreign Office, September 3, 1839.

Circular transmitting Act for the suppression of Slave Trade.

(See No. 11.)

No. 247.

Mr. Hesketh to Viscount Palmerston.

Consul's Office, Rio de Janeiro, July 2, 1839.

(Received September 23.)

MY LORD,

I HAVE the honour to transmit a return, No. 1, of the vessels which have arrived at this port from Africa during the quarter ending 30th June last. Of these vessels, 19 in number, 2 have been captured by the British cruizers on this station and condemned, both vessels having been brought into this harbour crowded with negroes. There is no doubt that the remaining 17 vessels have succeeded in landing similar cargoes, and estimating their cargoes at the low average of 280, the total of slaves landed or smuggled into this and the neighbouring provinces will, in this manner, appear to have been about 4,760 during last quarter; besides these many vessels, to avoid expenses in this port and the risk of landing in its immediate vicinity, are sent by the slave dealers into some of the more distant out-ports, and there fit out for a return voyage to Africa, without being reported in any custom-house; the subordinate Brazilian Authorities facilitating such evasions of the law, and readily aiding the slave dealers in their nefarious contrivances.

In fact, this protection to the slave dealers is so extensive, that its effects are sensibly felt in the custom-house of this port, where the real owners of vessels bound

to or from Africa cannot be accurately ascertained, and the persons who are reported as Owners are known to be merely nominally so, and the truth cannot in this particular be known without the inducements of handsome pay, tendered, at the same time, with much circumspection.

In compliance with your Lordship's instructions, I have also enclosed a return, No. 2, showing the departures from hence to Africa during the three months ending June 30th, 1839, being 18 vessels, all of which were, no doubt, sent for cargoes of slaves, two being detained by Her Majesty's ship "Grecian." One of these vessels, the "*Recuperador*," was formerly the "*Felis*," not long since condemned by the British and Brazilian Mixed Commission Courts on the Slave Abolition Treaties, and again fitted out for the Slave Trade, no doubt for account of her original Owners; the other, the "*Maria Carlota*," is, no doubt, illegally navigated under the Portuguese flag, and under a regular Charter-party to bring to Rio de Janeiro from the East Coast of Africa a full cargo of slaves.

Should the British and Brazilian Commissioners act in their recognized character and investigate these two cases, which, in accordance with the Treaty, have been submitted to them as the only competent tribunal, there is no doubt as to the result, from the strong proofs of the illicit nature of the outfit; and then the seizure of these two vessels on their voyage to Africa will prove a great check to the Slave Trade, unaccompanied by all the misery and expense that are occasioned by the seizure of a vessel with slaves.

I have not hitherto received any returns from Santos and Rio Grande.

I have, &c.

(Signed)

ROBERT HESKETH,

Her Britannic Majesty's Consul.

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

&c.

&c.

&c.

First Enclosure in No. 247.

ARRIVALS at Rio de Janeiro from the Coast of Africa during the Months of April, May, and June, 1839.

Date.	Description.	Name.	Master.	Nation.	Tonnage.	Number of Crew.	Where from.	Passage.	Reported nature of Cargo.	Remarks.
April 3	Brig	Jehova	José Maria Vianna	Portuguese	180	11	Angola	30	Ballast	Detained by police.
" 10	"	Ganges	José Ribero Costa	"	182	13	Quilimane	54	419 slaves	Taken by Her Majesty's ship Grecian.
" 12	Brigantine	Oito de Dezembro.	Antonio de Almeida Porto.	"	110	15	Angola	44	Wax and ivory	Detained by police.
" 13	Brig	Amizade Constante	José Maria Regis	"	200	13	Quilimane	70	Ballast	In quarantine.
" 13	"	Diligencia	Manoel Maria Merga	"	140	13	Angola	30	Ditto	Ditto.
" 19	"	Emelia	Francisco P. Nunes	"	395	23	Ditto	39	Ditto	Ditto.
" 19	"	Leal	Feliciano José Ribeiro.	"	"	"	Cabinda	37	364 slaves	Taken by Her Majesty's ship Grecian.
" 21	Brigantine	Congresso	Francisco Maria de Souza.	"	120	12	Benguela	42	Ballast	Detained by police.
" 27	Schooner	Josefina	J. F. Gonzecca	"	97	13	Ditto	47	Ditto	In quarantine.
May 5	Barque	Constancia	V. José Correa	"	280	18	Quilimane	75	Ditto	Ditto.
" 7	Schooner	Jupiter	F. dos S. A. Cabral	"	152	20	Cabinda	38	Ditto	Ditto.
" 13	Barque	Rosa	José da Cruz Lima	"	194	19	Mosambique	71	Ditto	Ditto.
" 17	Brigantine	Jupiter	V. J. de Souza	"	194	13	Angola	45	Ditto	Ditto.
" 19	Schooner	Bellona	F. J. de Souza	"	130	14	Zaire	34	Ditto	Ditto.
" 21	Brig	Adamaster	Antonio Vicenti Terra.	"	180	19	Quilimane	78	Ditto	Detained by police.
" 25	"	S. Domingos Eneas	Bernardo J. da Silva	"	200	8	Angola	54	Ditto	In quarantine.
June 3	Barque	Commodore	Antonio Baptista de Rocha.	"	221	27	Mosambique	67	Ditto	Ditto.
" 9	Brigantine	Pallas	F. A. da Silveira	"	150	8	Angola	40	Ditto	Detained by police.
" 21	"	Esperança	F. J. de Mendonça	"	215	33	Cabinda	36	Ditto	In quarantine.

(Signed)

ROBERT HESKETH, Her Britannic Majesty's Consul

Second Enclosure in No. 247.

DEPARTURES from Rio de Janeiro for the Coast of Africa during the Months of April, May, and June, 1839.

Date.	Description.	Name.	Master.	Nation.	Tonnage.	Number of Crew.	Where bound.	Reported nature of Cargo.	Remarks.
April 5	Brig	Sandade	S. J. de Mattos	Portuguese.	219	18	Goa and Africa	Brandy and goods.	
" 12	Barque.	4 de Março	G. J. de Motta	"	290	19	Ditto	General	
" 12	Brig	Maria Segunda	José M. da Silva.	"	161	30	Cape Verds and Africa	Ditto	
" 18	Brigantine.	Rosalina	M. J. F. Carneiro	"	132	16	Goa and Africa	Brandy and goods.	
May 8	Schooner	Doze de Outubro	Joao José da Cruz	"	138	14	Cape Verds and Benguela.	Ditto	
" 8	"	Angerona	E. José Alvez, jun.	Brazilian.	118	15	Ditto	Ditto	
" 9	Brig	Dous de Fevereiro	Antonio José Monteiro	Portuguese.	188	15	Ditto	Ditto	
" 11	"	Fortuna d'Africa	José C. de Miranda	"	188	23	Goa and Africa	Ditto	
" 12	"	Animo Grande	Francisco da Silveira	"	217	22	Ditto	Ditto	
" 12	Smack.	Tres de Junho	Francisco J. da Silva	"	108	19	Benguela	Merchandize	
" 19	Schooner	Nympho	Antonio J. L. da Cunha.	"	120	18	Cape Verds, Angola, and Benguela.	Ditto	
" 22	Barque.	Prazeres Alegria	Antonio J. Rego	"	500	26	Goa, Angola, and Benguela.	General	
" 24	Brig	Don Manoel de Portugal.	J. L. Botelho	"	213	17	Quilimane	Goods	
" 26	Schooner	Recuperador	Sebastiao de Fonseca	"	128	17	Angola and Benguela	Brandy and goods.	
" 29	Barque.	Maria Carlota	Antonio de Barros Valente.	"	276	24	Quilimane	Ditto	
June 5	Brig	Duque de Victoria	A. J. dos Santos	"	138	19	Angola	82 emigrants	
" 6	Barque.	Veloz	I. F. da Silveira	"	210	21	Mosambique	Brandy and goods.	
" 30	Brigantine.	Idalia	Francisco P. Nunes	"	70	15	Cape Verds and Angola.	General	

(Signed)

ROBERT HESKETH, Her Britannic Majesty's Consul.

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No. 248.

Viscount Palmerston to Her Majesty's Consuls at Rio de Janeiro, Bahia, Pernambuco, Maranhã, and Parã.

Foreign Office, October 12, 1839.

Circular sending Lord Howard's two Notes to be reprinted.

(See No. 61.)

No. 249.

Viscount Palmerston to Her Majesty's Consuls at Rio de Janeiro, Bahia, Pernambuco, Maranhã, and Parã.

Foreign Office, October 12, 1839.

Circular on Negotiations with Portugal.

(See No. 115.)

No. 250.

Viscount Palmerston to Her Majesty's Consuls at Rio de Janeiro, Bahia, Pernambuco, Maranhã, and Parã.

Foreign Office, November 2.

Circular notifying the Orders issued by Her Majesty's Government under the Act for the Suppression of the Slave Trade.

(See No. 18.)

No. 251.

Mr. Hesketh to Viscount Palmerston.

MY LORD,

Rio de Janeiro, September 17, 1839.

(Received November 14.)

I HAVE the honour to acknowledge the receipt of the two Despatches marked Slave Trade, the first dated June 29, 1839, accompanying a copy of two series of Papers relating to the Slave Trade, which were presented to the two Houses of Parliament during this year; and the second Despatch honouring me with your Lordship's approbation of my conduct in taking charge of the duties of Agent for the Captors of slave vessels sent into this port for adjudication by Her Majesty's cruisers.

I have, &c.

(Signed) ROBERT HESKETH.

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

&c.

&c.

&c.

No. 252.

Mr. Hesketh to Viscount Palmerston.

Consul's Office, Rio de Janeiro, October 17, 1839.

MY LORD,

(Received December 14.)

I HAVE the honour to enclose for your Lordship's information, copy of a letter which I have addressed to Mr. Ouseley, Her Majesty's Chargé d'Affaires, respecting the decision of the British and Brazilian Mixed Commission Court on the case of the "*Recuperador*," a vessel detained by one of Her Majesty's cruisers off this coast, and libelled in that Court as a vessel employed in African Slave Trade.

The Captor of the "*Recuperador*," Commander Smyth, of Her Majesty's sloop "*Grecian*," having furnished me, as his agent, with a copy of the complaint he is transmitting officially, respecting the conduct of the British and Brazilian Commissary Judges, in deciding differently on two identical cases of detention under the Slave Trade Treaties with Brazil; and this difference being, by the Commissioner's assertion, in a great measure derived from the want of sufficient

evidence, I have felt called upon as agent for the Captor to set in a clear light the manner in which the evidence was sought after and obtained; and it is with that object that I have now the honour to transmit to your Lordship a copy of the above-mentioned letter, and I regret that there is not time to have the Enclosure to which it refers copied for this mail, but which your Lordship will, in all probability, receive from Her Majesty's Chargé d'Affaires.

I have also the honour to enclose an Extract from the Report, dated May 31, 1839, a copy of which I transmitted in my Despatch, marked Slave Trade, dated June 19, 1839.

In that Report it is stated that the Commissary Judges impose on the parties to a case before the Court, the task of verifying any essential fact or allegation, which, owing to the influence of the slave dealers, is peculiarly difficult on the part of the agent for the Captor. But under the recent alteration of making the Mixed Commission a close Court, the difficulty of procuring the needful evidence becomes insurmountable, because, as evinced in the case of the "*Recuperador*," there is now no possibility of discovering what facts require verification, or what allegations are to be disproved.

I have, &c.

(Signed)

ROBERT HESKETH,
Her Britannic Majesty's Consul.

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

First Enclosure in No. 252.

Mr. Robert Hesketh to Mr. Ouseley.

Consul's Office, Rio de Janeiro, October 11, 1839.

(See First Enclosure in No. 228, p. 357.)

Second Enclosure in No. 252.

Extract from a Report dated Consul's Office, Rio de Janeiro, May 31, 1839.

BESIDES the want of requisite assistance, there appears also a great source of delay and trouble to the captors or their agents from the circumstance, that the Commissioners do not feel authorized to verify any circumstance or to elucidate any doubt respecting the vessel, her documents, or the persons concerned in her, which may arise from the evidence taken in Court; such verifications and elucidations being at present furnished by those who act either on behalf of the Captors or claimants, as the point may happen to favour one of the respective parties, and which the Commissioners who sentence the case have hitherto refused to search for, because declared to be contrary to their duties as judges. However, it appears to me that applications from the Commissioners to any department of the Brazilian Government for official and correct returns on any point within its cognizance, is not a proceeding at variance with the judicial character of the Commissary Judges, but, on the contrary, would prove a more efficient method of obtaining evidence, and of searching out the truth, from departments that are entirely under the influence of the slave dealers.

The system now followed is to leave to the exertions of the agents of the parties the obtaining from the Brazilian departments the requisite official evidence, and thus rendering the agent responsible for the production of most requisite proofs to establish the truth of the case.

Of the difficulty I have, in acting as the agent of the Captors, experienced in obtaining from the Brazilian officers any information tending to criminate slave dealers, I could give many proofs.

No. 253.

*Mr. Hesketh to Viscount Palmerston.**Consul's Office, Rio de Janeiro, October 19, 1839.*

MY LORD,

(Received December 14.)

I HAVE the honour to enclose a return of the vessels which have arrived at this port from Africa during the quarter ending 30th September last, and also a return of the departures from hence to Africa during the same period.

At this time of the year it is presumed that the Slave Trade on the African Coast is impeded by the sickly season, so that of the five arrivals, only three have landed slaves in Brazil; of the remainder, one, the brig "*Sandade*," is reported to have failed in the illicit object of her voyage, and returned with the same cargo; and the other, an American brig, the "*Edwin*," appears to have been engaged in lawful trade. However, it is probable that the increased activity of Her Majesty's cruizers on this coast has forced the slave-dealers to become more cautious, and avoid as much as possible this port, and induced them to fit out their vessels on a return voyage to Africa from the places where the slaves were landed.

Of the departures, 15 in number, there is little doubt that all have departed as fully equipped for the Slave Trade as the "*Pompeo*" was found to be.

I have, &c.

(Signed)

ROBERT HESKETH,

*Her Britannic Majesty's Consul.**The Right Hon. Viscount Palmerston, G.C.B.,*

&c.

&c.

&c.

First Enclosure in No. 253.

ARRIVALS at Rio de Janeiro, from the Coast of Africa, during the Quarter ending September 30th, 1839.

Date.	Description.	Name.	Master.	Nation.	Tonnage.	Number of Crew.	Where from.	Passage.	Reported nature of Cargo.	Remarks.
July 8	Brig.	Sandade	Fco. Jose Ribeiro.	Portuguese	230	27	Goa and Angola	Days. 104	Goods	Reported to have sailed from Rio, with an equipment for the Slave Trade, and to have returned with the same.
" 20	Brigantine	Dous de Abril	J. J. de Assumpcao	"	156	7	Zaire	48	Ballast	In quarantine.
" 24	Brig.	Valeroso	J. J. de Oliveira	"	205	11	Angola	40	"	Detained by Police.
" 28	Brigantine	Florinda d'Africa	Luiz dos Reis Castro	"	80	13	Benguela	47	"	In quarantine.
Sept. 24	Brig.	Edwin	James Dayley	American	197	8	Angola	25	Wax and Ballast	Supposed to be engaged in lawful trade.

ROBERT HESKETH.

(Signed)

Second Enclosure in No. 253.

DEPARTURES from Rio de Janeiro for the Coast of Africa, during the Quarter ending September 30th, 1839.

Date.	Description.	Name.	Master.	Nation.	Tonnage.	Number of Crew.	Where bound.	Reported nature of Cargo.	Remarks.
July 13	Brig.	Dous Irmaos.	F. da S. Carvao	Portuguese	216	17	Angola	Brandy and Goods	Put back and sailed again on the 5th Sept.
" 14	"	General Cabrera	J. P. de A. Vianna	"	163	16	"	General	"
" 21	"	Dous Irmaos.	J. B. Ferreira	"	208	24	Mosambique	Brandy and Goods	"
" 27	Brigantine	Nereida	Luis Jose Coelho	"	170	16	"	"	"
" 31	Brig.	Paquete de Loanda	B. F. Salgueira	"	226	22	Cape Verds via Angola.	General	"
Aug. 1	Brigantine	Oito de Dezembro	Jose Coelho	"	106	19	Benguela	Brandy and Goods	"
" 8	"	Ramundo I.	Roberto M. Gomes	"	157	12	Mosambique and Angola	"	"
" 11	Brig.	Diligencia	Jose Lopes da Silva	"	149	18	Cape Verds and Africa.	"	"
" 11	Barque	Resolucao	A. J. d'Aranjo	"	351	20	Goa and African Ports.	General	"
" 18	Brigantine	Esperanca	F. J. de Mendonça	"	184	20	"	Brandy and Goods	"
" 23	Brig.	Amizade Constante	Jose Maria Regis	"	230	20	Goa and Quilimane.	General	"
" 28	"	Triumpho da Inveja	Manuel Jose Dias	"	164	19	Goa and Africa	"	Brought back by the "Fawn" tender, on the 30th, and now under adjudication by the Mixed Commission Court.
" 28	"	Pompeo	Antonio Ferreira	"	144	16	Mosambique	"	"
" 29	Barque	Constante	Jose Dias Ribeiro	"	237	19	Goa and Africa	"	"
Sep. 20	Brig.	Joven Mathilde	J. de B. e Silva	"	217	17	"	Goods	"

ROBERT HESKETH.

(Signed)

No. 254.

*Mr. Hesketh to Viscount Palmerston.**Rio de Janeiro, November 14, 1839.*

MY LORD,

(Received December 26.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the Slave Trade Series, dated August 24th, 1839, transmitting two copies of an address upon Slave Trade from the House of Peers to Her Majesty, and of Her Majesty's most gracious answer thereto.

I have, &c.

(Signed)

ROBERT HESKETH.

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

No. 255.

*Mr. Hesketh to Viscount Palmerston.**Rio de Janeiro, November 14, 1839.*

MY LORD,

(Received December 26.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked "Slave Trade," dated September 3, 1839, transmitting a copy of an Act of Parliament, dated August 24th, 1839, for the suppression of Slave Trade.

I have, &c.

(Signed)

ROBERT HESKETH.

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

BRAZIL. (Consular)—Bahia.

No. 256.

Mr. Whately to Viscount Palmerston.

British Consulate, Bahia, June 20, 1839.

(Received August 17.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked "Slave Trade," dated the 22d March last, requesting me to transmit at the close of each quarter a list of all the vessels which have entered or left the ports within this Consulate, and which I have reason to believe have been engaged in or intended for the traffic in slaves, in obedience to which I shall have the honour of forwarding to your Lordship such return at the close of the present month.

I have, &c.

(Signed)

JOHN WHATELY,
Vice-Consul.

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

BRAZIL. (*Consular*)—*Pernambuco.*

No. 257.

Mr. Watts to Viscount Palmerston.

British Consulate, Pernambuco, July 27, 1839.

(*Received September 21.*)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 22d of last March, marked "Slave Trade," requesting me to transmit to the Foreign Department, at the end of each quarter, a list of all vessels which have entered or left the ports in this Consulate within that quarter, which I have reason to believe have been engaged in, or are intended for, the traffic in slaves, specifying the name of the vessel, date of departure or arrival, her tonnage, names of Master and Owner, with every further particular having any relation to the African Slave Trade, which it may be in my power to glean.

Immediately on the receipt of that communication, I lost no time in making the most active and searching inquiry, to enable me to supply the most ample information on that important subject, in execution of your Lordship's commands.

But the difficulties and obstacles which obstruct similar inquiries have much retarded the present communication, which embraces the first six months of the current year, which I have now the honour to lay before your Lordship in the three following lists formed on the best sources of intelligence.

No. 1.—List of all vessels under the Portuguese flag employed in the Slave Trade which have sailed from the port of Pernambuco, with destination for the Coast of Africa, during the half-year, commencing from the first of January and ending on the 30th of June, 1839, with description of their cargoes, &c.

No. 2.—List of vessels under the Portuguese flag employed in the conveyance of slaves between the Coast of Africa and the province of Pernambuco, all of which have arrived with and safely landed their cargoes of slaves in the small ports and creeks, either to the northward or southward of this harbour, during the same period.

No. 3.—List of such vessels under the Portuguese flag which are loading for the Coast of Africa in the port of Pernambuco on the 18th of July, 1839, all which are slave-vessels.

The list No. 2 does not exhibit either the number of slaves landed, or the names of the creeks and inlets in which they have been disembarked, for the utmost diligence of inquiry or vigilance of research cannot arrive at a correct knowledge of these facts, which are impenetrably veiled and disguised by the artful combinations of all those who are either directly or indirectly interested in the traffic of African slaves, who spread abroad false reports in order to mislead the local authorities and deceive the public; yet it is most unquestionably true, that all the vessels enumerated in that list have safely landed their full cargoes of slaves, the number of which can only be surmised from the capacities of these vessels to shelter them, in a crowded and merciless stowage.

On the 20th of this month the Prefect of this district, having received a formal and minute information, that in the neighbourhood of this city, at an estate called St. João, on the beach of Pao Amarello, there were exposed to public sale 135 African slaves, he proceeded in that direction, but in his report to the President on the occasion, he informed him that two days before his

arrival there, these slaves had been sent into the interior. It remains uncertain whether the intimation given to the Prefect was designed to divert his vigilance into a false direction, or whether the party had sufficient notice of the Prefect's purpose to withdraw the slaves from the place indicated.

A rumour having prevailed some days since that a Spanish vessel had landed a cargo of slaves in the vicinity of this port, the President ordered the brig of war "*Constança*" to proceed forthwith to sea in search of that vessel, and she returned to this port on the 21st instant, after a short absence of two days, with her prize, the Portuguese schooner "*Providencia*," her master, whose name has not yet been ascertained, a Spanish piolo and 18 men of her crew on board, her cargo of slaves having been previously landed and sent into the interior.

The passage between this port and the Portuguese settlements on the African coast may be performed in 15 days, and the construction of the brigs and schooners employed in this traffic of slaves is calculated to ensure celerity of movement, so that their burden is nearer in proportion to the tonnage than to the capacity of hold, and may generally be computed in the ratio of five human beings to every two tons. According to this approximating estimate, the total tonnage of the vessels comprised in list No. 2 being 1,387 tons, the number of slaves conveyed by them may be reckoned at 3,467 human beings, within the period of the first six months of this year; although the cupidity of gain may often crowd denser numbers within the same space.

The cargoes specified in List No. 1 are quite inadequate for the supply of funds requisite for the purchase of slaves exported on the vessels enumerated, the deficiency is furnished by gold coin, which generally rises in value here towards the despatch of a slave vessel for the African Coast. Some cargoes of African slaves have been contracted for, to be delivered at a given rate (say 100 milreis a head), for every slave delivered, or landed uninjured, free of all other charge.

I have, &c.

(Signed)

EDWARD WATTS.

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

&c.

&c.

&c.

First Enclosure in No. 257.

List of all Vessels under the Portuguese Flag employed in the Traffic of Slaves, which have sailed from the Port of Pernambuco, with destination for the Coast of Africa, during the Year, commencing the 1st January, and terminating the 29th day of June, 1839, with descriptions of their cargoes, &c.

Date of Clearance.	Description of Vessel.	Name of Vessel.	Tonnage.	No. of Crew.	Captain's Name.	Owner's Name.	To what part of the Coast cleared for.	Cargoes.					Remarks.	
								Sugar.		Rum.	Molasses.	Rice.		
								Arrobas.	lbs.	Canadas.	Canadas.	Alquieres.		
January 31.	Schooner . . .	12th January . . .	156½	14	Joze Ferreira Dios . . .	Joao Va . . .	Loanda . . .	75	..	..	..	..	..	..
February 24.	Brig . . .	Govr. Vidal . . .	200½	20	Nicoláo Maria . . .	. . .	Mozambique . . .	98	24	..	..	..	..	..
" 26	Schooner . . .	Esperança . . .	272	23	Francisco Joze da Costa . . .	. . .	Loanda . . .	307	3	..	..	..	..	..
March 16 . .	Brig Schooner . . .	Eugenia . . .	162½	21	Jozé da Silva Ramos . . .	. . .	" . . .	..	..	1,260	..	..	..	..
" 27 . . .	Brig . . .	Jozefa . . .	192	18	Mariano Joaquim Ramos . . .	. . .	" . . .	578	15	1,527	..	..	..	..
May 10 . . .	Brig Schooner . . .	Maria Rita . . .	100½	18	Joaquim Pereira Silva . . .	(To master) . . .	Mozambique . . .	..	..	306	..	..	..	..
June 6 . . .	Escuna . . .	Quindal . . .	79½	19	Joao Joze Vasconcellos . . .	{ Joaquim Silva Re- gadas . . . } . . .	Loanda . . .	116	8	..	..	47½	..	..
" 19 . . .	Brig Schooner . . .	Curinga . . .	124	13	Jose Antonio Pereira . . .	{ Joao Ferreira dos Santos . . . } . . .	" . . .	121	24	15,327	797	29½	..	..
March 13 . .	Schooner . . .	Livramonte . . .	172½	15	Joaquim Antonio Branco . . .	Gabriel Antonio . . .	Monte Video . . .	114	19	10,750	1,284	..	..	N.B.—Although this schooner clears out for Monte Video, her real destination is the Coast of Africa.
February 13	Escuna . . .	Columbia . . .	188	19	. . . . .	. . . . .	Lisbon . . .	..	..	..	..	..	..	This vessel, originally an American, purchased in this port, sailed to Lisbon under the Brazilian Flag, and on arrival at Lisbon will be nationalized.
" 21 . . .	" . . .	San Jozé . . .	168	11	. . . . .	. . . . .	" . . .	..	..	..	..	..	..
May 18 . . .	" . . .	Roza . . .	195½	16	. . . . .	. . . . .	Do. and Fayal . . .	..	..	..	..	..	..

The three following Vessels, it is rumoured, although cleared out for Portugal, are intended ultimately to be employed as Slaving Vessels.

Second Enclosure in No. 257.

List of Vessels under the Portuguese Flag, employed in the conveyance of Slaves between the Coast of Africa and the Province of Pernambuco, all of which Vessels have arrived with, and safely landed their Cargoes of Slaves, in the various small Ports and Creeks, either to the northward, or southward of this City, during the half Year, commencing the 1st of January, and ending the 29th of June 1839.

Month of Arrival.	Description of Vessel.	Name of Vessel.	No. of Tons.	List of Crew.	Captain's Name.	Owner.	From whence.	Remarks.
January 16.	Brig Schooner . . .	Curinga	130	14	Jose Antonio Pereira	Joaq Ferreira dos Santos	Angola . . . . .	. . . . .
" 19	Schooner	Livramonte	164	14	Joaquim Antonio Branco	Gabriel Antonio . . . . .	" . . . . .	. . . . .
February	Brig Schooner	Maria Rita	95	20	Joaquim Pereira Silva	to master	Ambriz . . . . .	. . . . .
March 5	Schooner	San José	110	11	Jozé de Oliveira	reports to master	Angola . . . . .	. . . . .
" 20	Escuna	Tindal, or Quindal	111	13	Joaq Jozé Vasconcellos	Joaquim Silva Regadas . . . . .	" . . . . .	. . . . .
April 29	Brig	24th of July	178	19	Antonio Joaquim Rodrigues	José Ramos d'Oliveira	Mozambique . . . . .	. . . . .
May 12	Schooner	Bom Successo	133	15	Custodio Jozé de Oliveira	Gabriel Antonio	Angola . . . . .	. . . . .
" 18	"	12th of January	156	16	Jozé Ferreira Dias	Joaq Vaz . . . . .	" . . . . .	. . . . .
" 28	"	Cospe Fogo	60	5	Antonio Soares d'Almeida	reports to master . . . . .	" . . . . .	. . . . .
June	Brig	Novo Abismo	250	14	Francisco Ignacio Jordao . . . . .	" . . . . .	" . . . . .	. . . . .
		Tous	1,387					

British Consulate, Pernambuco, June 30, 1839 (Signed) EDWARD WATTS, Her Britannic Majesty's Consul.

Third Enclosure in No. 257.

List of such Vessels, under the Portuguese Flag, as are Loading for the Coast of Africa, in the Harbour of Pernambuco, on 18th July, 1839, and all of which are Slave Vessels.

Date of Arrival.	Description of Vessel.	Name of Vessel.	Tonnage.	Name of Master.	Name of Consignee or Owner.	From what part of the Coast such Vessel arrived.	For what part now Loading.	Remarks.
1839.								
Dec. 16	Schooner	Andorinha	90	Henrique de Arr. Jordao	Jozé Francisco d'Azco. Lisboa.	Cabinda	Angola	To sail on 23rd instant.
March 4	"	San Jozé	110	José de Oliveira	Master	Angola	"	To sail the end of July.
April 29	Brig	24th of July	178	Antonio Joaquim Rodrigues	Jozé Ramos d'Oliveira	Mozambique	"	Sailed yesterday the 17th.
May 12	Schooner	Bom Successo	133	Custodio Jozé de Oliveira	Gabriel Antonio	Angola	Angola	
" 18	"	12th of January	156	Antonio Francisco Ribeira	Joaq Vaz	"	"	
" 28	"	Cospe Fogo	60	Antonio Soares d'Almeida	Master	"	"	
June 8	Brig	Novo Abismo	250	Francisco Ignacio Jordao	Master	"	"	

British Consulate, Pernambuco, July 18, 1839, (Signed) EDWARD WATTS, Her Britannic Majesty's Consul.

No. 258.

*Mr. Watts to Viscount Palmerston.**British Consulate, Pernambuco, August 13, 1839.*

(Extract.)

(Received September 21.)

I HAVE the honour to transmit to your Lordship copy and translation of a memorial, addressed to the National Legislature by the Provincial Assembly of Bahia, published on the 2d of this month, the prayer of which is the abrogation of the law of the Regency of Brazil, of the 7th of November, 1831, for the entire suppression of the African Slave Trade throughout this empire, in conformity with a project formed on that subject, which had been presented to the Senate by the Marquis Barbacena, and approved by it. Although the traffic in African slaves has not the advocacy of the mass of the nation, yet the reprobation of those who consider that traffic pregnant with destructive evils to its ultimate welfare, is viewed with jealousy so acrimonious, as to deter any attempt to expose to view the nefarious practices of its persevering abettors, unless the venality and cupidity of some among their opposers may be tempted, by pecuniary rewards, on authentic information being given, leading to detect the hidden practices of the slave-dealers.

(Translation.)

Enclosure in No. 258.

Memorial.

BRAZIL, accustomed for nearly three centuries to employ slaves, and to be supplied with them, as an annual provision, from Africa, paid little attention to the encouragement of their progressive increase by reproduction; in the view that from this increase such annual supply might be dispensed with, and by such means, whilst the free trade in slaves continued, the country should never want hands to keep up and feed the husbandry of the soil: when, behold, almost unexpectedly, Brazil became deprived of the only resource for the provision of hands for its general tillage, for the Government, little provident, made a Convention with England, which, at the least, was not framed with a clause of a longer period being put to the termination of African slavery, in order that, in the mean while, the necessary steps might have been taken that the owners of sugar works and estates might have provided themselves with the hands which they want, as well of one sex as the other, in the view to promote the rearing of their children, and thus to dispense with the importation of Africans: but these views not having been realized, and the cultivation of the land being thus deprived of hands to keep it in activity, it is natural enough, as an indispensable consequence, that the greatest stimulus should be excited to such a degree as even to encourage the continued prosecution of the contraband trade; since it cannot but be observed that, in defiance of the law of the 7th of November, 1831, by which African slaves are considered to be free men when put on shore, many cultivators of the soil, and proprietors, exerted themselves even to purchase slaves, apprehensive that their farms would visibly decline and fall to ruin, unless they did not scruple to infringe that law. The Provincial Assembly of Bahia, therefore, have recourse to this august Assembly, through the medium of the Undersigned, for the purpose that, in conformity with the project presented by the Marquis Barbacena in the senate, and there approved, the Legislature do abrogate the aforesaid law, in that part of it which considers the Africans imported free as soon as they are put on shore. This measure your Memorialists consider to be of the greatest urgency, under present circumstances, since it tends to nothing less than to keep off the danger to which a large part of your Memorialists become exposed, by reason that, having introduced clandestinely so few slaves, the day cannot fail to arrive that will remind them of those rights which the said law confers on them,—a contingency which must inflict great injury, not only on those, but on the husbandry even, universally in this province,—which depends on the culture of the sugar-cane, which mainly constitutes its riches and opulence, and from which the State draws great revenues.

These truisms are of such a character that it would seem that almost everything co-operated to conspire to violate the said law, which should attract the attentions of the national Legislature, in order that, in some way or other, a transgression so immoral and deceitful may be obviated, an evil which Providence alone, whom we supplicate, can in some measure lessen. Your Memorialists would earnestly wish that some well-concerted measure and executable law might be taken and passed,

to provide for the want of hands for agricultural purposes; but seeing that colonization, hitherto attempted here, does not advance, even should it succeed in the course of time, and through assiduous efforts, such colonists would not be fit for the rearing of the sugar-cane, as experience has shown by the first trials which some proprietors have made:—the annihilation of husbandry being consequently inevitable.

To this serious loss of the want of hands, to which it lies exposed, and to the risk of losing those slaves which they possess, and have acquired by the operation of the said law, must be moreover superadded the grievance of an increase of taxation, which formerly could not have been so burthensome, because the tillage of the land was less expensive, being performed by free bought slaves at a less price. All these circumstances should deserve your most serious attention.

(A true Translation.)

(Signed)

EDWARD WATTS,
Her Britannic Majesty's Consul.

No. 259.

Mr. Watts to Viscount Palmerston.

British Consulate, Pernambuco, September 3, 1839.

MY LORD,

(Received October 14.)

THE province of Minas Geraes, in a Memorial from their Assembly of Deputies, addressed to the National Legislature, dated the 11th of March last, has prayed for the annulment of the law passed by the Regency of Brazil on the 7th of November, 1831, alleging the absolute want of hands for the extensive and productive mining and agricultural operations of that province, which, it is maintained, can alone be supplied by the robust labour of the natives of Africa, the general and urgent demand for which throughout the empire, affords too powerful an incentive to the cupidity of gain, stimulated by the obvious necessity of the case, to infringe, at every risk, the enactments of that law, to the lamentable vitiation of every moral sense, and leading to the destructive demoralization of the country.

In a Despatch, dated the 15th of February, 1838, marked "Slave Trade," I had the honour to transmit to your Lordship, a copy and translation of a Memorial addressed to the National Legislature, dated the 17th of November, 1837, by the Provincial Assembly of Rio de Janeiro, bringing forward highly specious arguments for the abrogation of the aforesaid law of the Regency.

In a following Despatch of the 29th of March, 1838, marked "Slave Trade," I attempted to bring to your Lordship's knowledge the opposing sentiments which divide the public opinion in Brazil on the subject of the African Slave Trade.

In the correspondence which I had the honour to direct to the British Minister at the Court of Rio de Janeiro, Mr. H. Hamilton, on the subject of the Slave Trade notoriously carried on within this province, I distinctly represented the difficulties which attended every endeavour exerted to obtain correct information on that subject, through the means of voluntary or confidential communication.

I have, &c.

(Signed)

EDWARD WATTS,
Her Britannic Majesty's Consul.

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

&c.

&c.

&c.

No. 260.

Mr. Watts to Viscount Palmerston.

British Consulate, Pernambuco, September 11, 1839.

MY LORD,

(Received November 9.)

I HAVE the honour to acknowledge the receipt, on the 9th instant, by the English merchant vessel "Emily," of your Lordship's Despatch, dated the 29th of June last, marked "Slave Trade," accompanying a copy of two series of papers relating to the Slave Trade, presented, by Her Majesty's command, to the two Houses of Parliament during the passing sessions, as hereunder specified:—

Class A.—Correspondence with British Commissioners.

Class B.—Correspondence with Foreign Powers, 1838, 1839.

Class C.—The same, 1838, 1839.

Class D.—The same, 1838, 1839.

Class A., Further Series.—Correspondence with British Commissioners, 1838, 1839.

Class B., Further Series.—Correspondence with Foreign Powers, 1839.

Class C.—The same, 1839.

Class D.—The same, 1839.

These papers are duly deposited in the Archives of Her Majesty's Consulate at this port.

I have, &c.

(Signed) EDWARD WATTS,
Her Britannic Majesty's Consul.

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

&c.

&c.

&c.

No. 261.

Mr. Watts to Viscount Palmerston.

British Consulate, Pernambuco, October 9, 1839.

MY LORD,

(*Received November 14.*)

I HAVE the honour to transmit to your Lordship the quarterly return of the arrivals at, and departures from, this port during the last three months, to the end of September from the beginning of July last, of vessels, under the Portuguese flag, engaged in the Traffic of African Slaves.

No. 1.—List of vessels employed in the Trade of Slaves, sailed from this port, bound to the Coast of Africa, during the quarter from July to September, both inclusive.

No. 2.—List of vessels arrived at this port, under the Portuguese flag, laden with slaves from the Coast of Africa, during the same period.

No. 3.—List of vessels, under the Portuguese flag, now in the harbour of Pernambuco, loading for the Coast of Africa, engaged in the Traffic of Slaves.

I have, &c.

(Signed) EDWARD WATTS,
Her Britannic Majesty's Consul.

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

&c.

&c.

&c.

First Enclosure in No. 261.

No. 1.—LIST of all VESSELS under the Portuguese Flag, employed in the Traffic of Slaves, which have sailed from the Port of Pernambuco, with destination for the Coast of Africa, during the Quarter between 1st July and the 1st October, 1839, with descriptions of their Cargoes.

Date of Clearance.	Class of Vessel.	Name of Vessel.	Tonnage.	No. of Crew.	Captain's Name.	Owner's Name.	To what part of the Coast Cleared.	Cargo.						Rice.	Specie.
								Sugar.	Pipes.	Half Pipes.	Barrels.	Demijohn.	Canadas.			Treacle.
July 3 . . .	Brig . . .	Pernambucono . . .	189	14	. . .	. . .	Loanda . . .	Arrobas. 4	Pipes. 159	Half Pipes. 4	Barrels. 21	Demijohn. 76	Canadas. 27,818	Algueives. . .	Dollars. . .
" 16 . . .	Schooner . . .	12th of January . . .	114½	17	Antonio Francisco Ribeiro . . .	José Vaz . . .	" . . .	336 6	30	10	10	100	6,304	. . .	. . .
" 23 . . .	" . . .	Formiga . . .	83½	13	Antonio Joaquim Rodrigues . . .	Jos. Ramos d'Oliveira . . .	" . . .	77 22	49	3	33	140	9,318	. . .	. . .
" 24 . . .	Brig . . .	24th of July . . .	162½	20	Antonio Joaquim Rodrigues . . .	Jos. Ramos d'Oliveira . . .	Goa . . .	322 20	6	. . .	178	10	7,449	287	8,328
Aug. 2 . . .	Pataxo . . .	Bom Successo . . .	116½	16	Custodia J. d'Oliveira . . .	Gabriel Antonio . . .	Loanda . . .	403 4	110	. . .	18	20	20,344	. . .	. . .
" 8 . . .	Barque . . .	Veniato . . .	205	22	. . .	. . .	Mozambique . . .	601 4	50	. . .	. . .	. . .	8,060	. . .	3,804

British Consulate, Pernambuco, October 9, 1839. (Signed) EDWARD WATTS, Her Britannic Majesty's Consul.

Second Enclosure in No. 261.

No. 2.—LIST of VESSELS under the Portuguese Flag, employed in the conveyance of Slaves between the Coasts of Africa and the Province of Pernambuco, all which Vessels have arrived and safely landed their Cargoes of Slaves in the various small Creeks and Ports, either to the northward or southward of this City, during the Quarter commencing the 1st of July, and ending the 1st of October, 1839.

Date of Arrival.	Description of Vessel.	Name of Vessel.	Tonnage.	Crew.	Remarks.
July 26 . . .	Schooner . . .	Providence . . .	90	14	See Statement No. 3, for particulars of this vessel, as likewise for the "Quendal," Portuguese Schooner.

British Consulate, Pernambuco, October 9, 1839. (Signed) EDWARD WATTS, Her Britannic Majesty's Consul.

Third Enclosure in No. 261.

No. 3.—LIST of such VESSELS under the Portuguese Flag now in the Harbour of Pernambuco, taking on board Cargo for the Coast of Africa, all of which are employed in the Slave Trade, 8th October, 1839.

Date of Arrival.	Class of Vessel.	Name of Vessel.	Tonnage.	Name of Master.	Name of the Owner or Consignee.	From what Part of the Coast such Vessel Arrived.	For what Part now Lading.	Remarks.
March 4 . . .	Schooner . . .	San José . . .	110	José de Oliveira . . .	. . .	Angola . . .	Angola . . .	. . .
May 26 . . .	" . . .	Cospe Fogo . . .	60	A. Soares de Almeida . . .	Master . . .	" . . .	" . . .	. . .
June 3 . . .	Brig . . .	Novo Abismo . . .	250	F. Ignacio Jordao . . .	" . . .	" . . .	" . . .	This vessel was captured by the Brazilian brig of war "Constançia," after having landed 135 slaves at Jáo d'Amarillo, a small port in this Province, a few leagues to the northward of this Port, was brought here as a prize, but ultimately given up to the agents for the owners of the vessel.
July 21 . . .	Schooner . . .	Providencia . . .	90	. . .	. . .	. . .	. . .	This vessel has just landed 260 slaves at the above named place, Jáo d'Amarillo, without any hindrance, and now reports from Africa with Bees Wax and Oil.
Oct. 5 . . .	" . . .	Quendal . . .	80	J. J. de Vasconcellos . . .	J. de S. Pugadas . . .	Angola . . .	Angola . . .	This vessel was captured by the "General Cabreira," from Angola.

N.B.—A Portuguese brig is mentioned as at this present time, landing a cargo of 360 slaves at Cutuama, a small port, likewise to the northward of this city, reported to be the "General Cabreira," from Angola.

Pernambuco, October 8, 1839. (Signed) EDWARD WATTS, Her Britannic Majesty's Consul.

No. 262.

Mr. Watts to Viscount Palmerston.

(Extract.)

*British Consulate, Pernambuco, October 9, 1839.**(Received November 14.)*

HER Majesty's ship "Cameleon," Lieutenant Hunter, Commander, arrived at this port from Rio de Janeiro and Bahia a few days since. Information was given to him that some slave-vessels were expected shortly to appear in this offing from the coast of Africa; Lieutenant Hunter, who had entered this harbour with permission to retain his gunpowder on board, granted by a Brazilian Naval Officer at Bahia, contrary to the regulations of the local authorities, sailed soon afterwards on a cruize to the northward. This vessel reappeared off the port yesterday, making signals to the English packet "Sheldrake." The British flag was hoisted at the Consulate as the concerted signal to communicate with the "Cameleon," but it was not attended to. Its object was to acquaint her Commander that a Portuguese vessel was then lying in the inlet of Cutuama, in this vicinity, landing slaves. A Portuguese schooner, also presumed to be a slaver, is at anchor outside, near to the English packet.

I have, &c.

(Signed) EDWARD WATTS.

*Her Britannic Majesty's Consul.**The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

No. 263.

Mr. Watts to Viscount Palmerston.

(Extract.)

*British Consulate, Pernambuco, October 31, 1839.**(Received December 13.)*

I HAVE the honour to acknowledge the receipt, on the 14th instant, by the "Seagull" British packet, of your Lordship's Despatch of the 25th of last August, marked "Slave Trade," conveying to me two copies of an Address presented by the House of Peers on the 2d of that month to Her Majesty, praying Her, by all means in Her Majesty's power, to negotiate with the Governments of all Foreign Nations in Europe and in America, for their concurrence in effectually putting down the traffic in slaves; and to give orders to Her cruizers to accomplish that purpose; with Her Majesty's most gracious answer, that this address has been received with great satisfaction, and that Her orders will be given in accordance with its prayer, upon the reliance on the concurrence of the peers of the realm in the measures which may thus be rendered necessary.

No. 264.

*Mr. Watts to Viscount Palmerston.**British Consulate, Pernambuco, October 31, 1839.*

MY LORD,

(Received December 13.)

I HAVE the honour to acknowledge the receipt, on the 14th of this month, by the "Seagull" British packet, of your Lordship's Despatch of the 3d of September last, marked "Slave Trade," transmitting to me a copy of the Act of Parliament of the 24th of August last, passed for the suppression of the Slave Trade, of which the principal enactments are the authorizing of the seizure of vessels engaged in the Slave Trade, particularly those under the flags of Portugal and Brazil, indemnifying persons acting under orders given for that purpose the bringing of actions against persons thus acting not maintainable, and for bringing of trials of the vessels so seized under competent orders into the High Court of Admiralty of England, or before the Courts of Vice-Admiralty in the British Colonies or Dominions, the

circumstances subjecting vessels to such seizure remaining the same as before said. This Act obnoxious to amendment or report during the actual session of Parliament.

It has been carefully deposited, with the address preceding it, among the Archives of Her Majesty's Consulate at this port.

I have, &c.

(Signed)

EDWARD WATTS,

Her Britannic Majesty's Consul.

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

&c.

&c.

&c.

BRAZIL. (Consular)—Maranham.

No. 265.

Mr. Wilson to Viscount Palmerston.

Consul's Office, Maranham, June 20, 1839.

MY LORD,

(Received August 14.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch marked "Slave Trade," dated 22d March last, which reached me this day by way of Pernambuco, requesting me to transmit to the Foreign Department at the close of each quarter a circumstantial list of all vessels which during that quarter may have arrived at, or departed from, the ports within this Consulate, suspected of being engaged in, or intended for, the traffic in slaves; and further to state any facts which may come to my knowledge relative to the importation of slaves within this district.

In obedience to your Lordship's request, I have now the honour to inclose a list, with particulars of the only vessel which left this port for the coast of Africa during the quarter ending 31st March, 1839, there not having been any arrivals from thence during said period.

I have also the honour to inclose, for the information of Her Majesty's Government, copy of a Despatch which I addressed to Her Majesty's Chargé d'Affaires at Rio de Janeiro respecting the departure of the "*Aguia*," with information likewise regarding the schooner "*Amalia*" and brig "*Neptuno*."

The "*Amalia*" therein referred to sailed from hence on the 28th ultimo with 82 emigrants on board, for Angola, but she was under an engagement to call at Pará to receive there an additional number of the same description of passengers, and I learn, that in consequence of the Portuguese Consul at that port not considering the vessel competent to take so many persons as had been contracted for, she is to return again to this port, and that the voyage will be abandoned.

I have, &c.

(Signed)

WILLIAM WILSON, *Vice-Consul.*

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

&c.

&c.

&c.

First Enclosure in No. 265.

LIST of VESSELS departed from the Port of Maranham to the Coast of Africa, during the Quarter ending March 31, 1839.

Date of Departure.	Description of Vessel.	Name of Vessel.	Name of Master.	Tonnage.	No. of Crew.	Where bound.	Nature of Cargo.	Owner's Name.
1839 March 31	Portuguese Schooner	Aguia	Manoel de Souza Ayellore.	60	16	Angola	Bale Goods and Rum.	Antonio Gonçalves Machado.

*Consul's Office,
Maranham, June 20, 1839.*

(Signed)

WILLIAM WILSON,
Vice-Consul.

Second Enclosure in No. 265.

Mr. Wilson to Mr. Ouseley.

SIR,

Consul's Office, Maranhã, April 15, 1839.

SINCE Mr. Consul Moon's Despatch of this series, addressed to Mr. Gordon, May 26, 1838, nothing of moment has occurred here to make it requisite to address you under this head, except that the Brazilian schooner "*Amalia*," therein referred to, arrived here 15th November last in company with the schooner "*Roberta*," under Portuguese colours, and owned by same parties as the "*Amalia*," both vessels bringing clearances from the Cape Verd Islands, and reporting salt from thence.

I have now to inform you, that the "*Roberta*," after being thoroughly repaired here, and changing her name to "*Agua*," sailed for Angola on the 31st March last, with a cargo of bale goods and cachassa. Although I made an application at the custom-house for copy of her outward manifest, I have not been able to obtain one, and owing to the circumstance of this vessel being detained by the custom-house officers when ready for sea, and some of her cargo, consisting of rice, farinha, and other articles of provisions being seized for having been shipped without paying the export duty, I suspect that she has taken a great deal more cargo than what was actually cleared through the custom-house, and there can be very little doubt but that she is going on a slaving voyage.

The "*Agua*" is a small, sharp American built schooner, of about 60 tons burthen; carries a fore top-sail and top-gallant-sail, flush-deck, plain stern, no head, and painted with a narrow white streak, manned with 16 hands, and is commanded by a Portuguese of the name of Manoel de Souza Avellar, having besides on board a Portuguese supercargo named Bento Gonçalves Machado, who appears in the ship's papers as the owner, this person being nephew to her real owner, Antonio Gonçalves Machado, of this place.

The "*Amalia*," since her arrival from the Cape Verdes, has made a voyage to Pará and back, and is now repairing, and has already been advertised to take cargo and passengers for Angola.

The "*Tres Amigos*," referred to in Mr. Consul Moon's aforesaid Despatch, has been named the "*Neptuno*," since she was rigged into a brig, and she sailed from hence for Lisbon 3d November last, but I learn that she left that port for the coast of Africa at an early period of the present year.

I have, &c.

(Signed) WILLIAM WILSON, *Vice-Consul.**W. G. Ouseley, Esq.*

&c. &c. &c.

No. 266.

*Mr. Wilson to Viscount Palmerston.**Consul's Office, Maranhã, October 15, 1839.**(Received November 13.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch dated 29th June, 1839, transmitting for my information a copy of two series of papers relating to the Slave Trade, which had been by Her Majesty's commands presented to the two Houses of Parliament during the present session.

I have also the honour to transmit a list containing the only vessel which during the quarter ending 30th ultimo arrived at this port from the coast of Africa.

This vessel, on her arrival here, reported as having sailed from Cabinda, bound to the Cape Verde Islands in ballast, showing papers from Cabinda to that effect; but the Master stated, that in consequence of stormy weather and adverse winds, having got to the westward of the port of her destination, and that having sustained some damage in her rigging and sails, also being short of water, she was obliged to bear away for this port, where she arrived on the 24th of July last.

Since her arrival here, I have not been able to discover whether she has landed any slaves on the coast, nor have there been any reports in circulation that might increase the suspicion, which naturally arises from the circumstance of such a vessel arriving here from the coast of Africa in ballast.

The Brazilian schooner "*Amalia*," referred to in my Despatch of this series, dated 20th June last, arrived here from Pará on the 18th of July, having left at that place all her passengers, emigrants, for Angola, and the intended voyage was abandoned. She has since sailed again on a coasting voyage to Pará under the command of a new Master, and it affords me great pleasure to add, that I have every reason to believe that the inhuman traffic in slaves to this part of the coast of Brazil is for a long time to come nearly put an end to, both from the difficulties opposed to it by the activity of Her Majesty's cruisers, and the present reduced circumstances of the planters throughout a great part of the province, arising from the existing political disturbances.

I have, &c.

(Signed)

WILLIAM WILSON, *Vice-Consul*.

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

&c.

&c.

&c.

Enclosure in No. 266.

LIST of VESSELS arrived at the Port of Maranhã from the Coast of Africa, during the Quarter ending September 30, 1839.

Date of Arrival.	Description of Vessel.	Name of Vessel.	Name of Master.	Tonnage.	No. of Crew.	Whence.	Day's Passage.	Reported Nature of Cargo.	Name of Owner.
1839. July 24.	Portuguese Schooner	Lealdade.	João Maximiano Pita	109	13	Cabinda.	45	Ballast.	Luiz Antonio da Silva Guimaraes, of Lisbon.

Consul's Office,
Maranhã, September 30, 1839.

(Signed)

WILLIAM WILSON,
Vice-Consul.

BRAZIL. (*Consular*)—*Para.*

No. 267.

Mr. Cowper to Viscount Palmerston.

British Consulate, Parà, August 26, 1839.

(Received October 16.)

MY LORD,

I HAVE the honour to inform you that two vessels, of which I send a description, are now loading at this port, for the purpose of proceeding to Africa to purchase slaves.

The first arrived from Rio de Janeiro on the 12th instant; she is a beautifully modelled brig of 280 tons, called the "*General Nepomeçeno*;" she sails from Oporto, and has been chartered by the Brazilian Government to carry some official persons from Rio to Parà, and the intermediate ports; her charter expiring here, she is ostensibly loading for Portugal, but it is well known that she proceeds to Africa; she is a new vessel, and has made two successful voyages from the coast of Africa, and landed the slaves between Maranhã and this port. An officer was sent on board from Her Majesty's ship "*Racer*," to procure intelligence upon her first arrival, but he was not allowed to go on board of her; he reported that she had eight guns, and 60 or 70 men, but I understand that she now appears to be unarmed, having no doubt stowed her guns away in her hold.

The other vessel is a very beautiful brigantine, of about 180 or 200 tons, under Brazilian colours, and called the "*Amalia*;" she is said to have Portuguese as well as Brazilian papers, to be regularly fitted as a slaver, and to mount four guns; she is notorious for the traffic in which she is engaged, having successfully continued her career for two years.

I shall make the Captain of the "*Racer*" acquainted with these facts, and shall use my most strenuous exertion to gain every information connected with this disgraceful trade, but it is right that I should acquaint your Lordship, that it is nearly impossible to obtain any information that can be relied upon; for all being more or less interested in the success of these expeditions, they naturally do all they can to deceive.

I have, &c.

(Signed)

H. A. COWPER, *Consul.*

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

&c.

&c.

&c.

No. 268.

Mr. Cowper to Viscount Palmerston.

British Consulate, Parà, November 19, 1839.

(Received December 31.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches, dated the 29th June, the 25th August, and the 3d September respectively, together with their several enclosures of Parliamentary Papers relating to the Slave Trade. Considerable excitement has been caused here amongst the Portuguese and Brazilians interested in the above infamous traffic (and almost the whole population is indirectly so) by the decision of Her Majesty's Government; and threats of assassination in case any of the Officers of Her Majesty's cruisers should be found on shore are publicly spoken of; but as I shall, of course,

pay no attention to these threats in carrying out your Lordship's wishes in this respect, I take the liberty of requesting to be instructed in what way I am to act when the "*Amalia*" returns. She is one of the vessels about which I had the honour to address your Lordship in my Despatch dated 26th August, 1839; she is notoriously fitted as a slaver in every respect, and I wish for instruction from your Lordship as to whether some official remonstrance could not be made from me to the Provincial Government, for the absolute impunity with which she is allowed to carry on her nefarious traffic.

If the determination of the British Legislature had been known when Her Majesty's brig "*Racer*" was here, the "*Amalia*" must inevitably have become her prize; but as it was known, that although under the Brazilian flag, she had Portuguese papers and colours, Captain Byng knew how useless it would have been for him, within a few miles of the equator, to follow her to sea.

I have, &c.

(Signed)

H. A. COWPER.

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

&c.

&c.

&c.

NETHERLANDS.

No. 269.

Viscount Palmerston to Sir A. Malet.

SIR,

Foreign Office, June 11, 1839.

I HEREWITH transmit to you copies of Despatches which I have received from Sir Thomas Read, Her Majesty's Consul-General at Tunis, showing that the Dutch Consul at that place, who acts likewise as Consul for Russia and for Tuscany, enables vessels to sail under the flags of those two powers laden with slaves for the public market at Constantinople.

I transmit to you likewise copies of representations, which I have thought it right to address upon this subject to the Russian and Tuscan Governments. I have to desire that you will communicate these papers to the Government of the King of the Netherlands, and that you will present at the same time an official note, in which you will express the entire confidence of Her Majesty's Government, that the Netherlands Government will give instructions to the Consul of the King of the Netherlands at Tunis, to refrain from affording in any way facilities or protection to Slave Trade.

Sir A. Malet, Bart.
&c. &c. &c.

I am, &c.
(Signed) PALMERSTON.

Enclosures in No. 269.

1. *Sir Thomas Reade to Viscount Palmerston. Tunis, March 30, 1839.*
2. *Sir Thomas Reade to Viscount Palmerston. Tunis, April 28, 1839.*
3. *Viscount Pamerston to Lord Clanricarde. Foreign Office, June 11, 1839.*
(See Class D.)
4. *Viscount Palmerston to Mr. Fox. Foreign Office, June 11, 1839.*
(See Class C.)

No. 270.

Viscount Palmerston to Sir A. Malet.

SIR,

Foreign Office, June 29, 1839.

Circular transmitting Papers presented to Parliament.
(See No. 1.)

No. 271.

Viscount Palmerston to Sir A. Malet.

Foreign Office, August 25, 1839.

Circular sending Address of the House of Peers.
(See No. 7.)

No. 272.

Viscount Palmerston to Sir E. Disbrowe.

Foreign Office, September 3, 1839.

Circular transmitting Act for the Suppression of Slave Trade.
(See No. 11.)

CLASS B.

No. 273.

*Viscount Palmerston to M. Dedel.**Foreign Office, September 30, 1839.**Circular on Negotiations with Portugal.*

(See No. 13.)

No. 274.

*Viscount Palmerston to Sir E. Disbrowe.**Foreign Office, October 12, 1839.**Circular on Negotiations with Portugal.*

(See No. 15.)

No. 275.

*Sir E. C. Disbrowe to Viscount Palmerston.**The Hague, October 8, 1839.**(Received October 12.)*

MY LORD,

WITH reference to your Lordship's Despatch to Sir Alexander Malet, of the 11th of June, marked "Slave Trade," I have the honour to transmit copies of the note addressed by Sir Alexander Malet to the Netherland Minister for Foreign Affairs, and of the reply which I have received from this Government, denying that His Netherland Majesty's Consul at Tunis has in any way afforded facilities or protection to Slave Trade.

I have, &c.

(Signed)

E. C. DISBROWE

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

First Enclosure in No. 275.

*Sir A. Malet to Baron Verstolk.**The Hague, June 14, 1839.*

THE Undersigned, Her Britannic Majesty's Chargé d'Affaires, has received the instructions of his Government to submit the enclosed papers to the Government of His Netherland Majesty, showing that the Netherland Consul at Tunis enables vessels to sail under the flags of Russia and Tuscany, laden with slaves for the market of Constantinople.

Her Britannic Majesty's Government feel assured that it is only necessary that this fact should be made known to the Government of His Netherland Majesty, to meet with its correction; and that instructions will be immediately given to His Majesty's Consul at Tunis to refrain from affording, in any way, facilities or protection to Slave Trade.

(Signed)

A. MALET.

His Excellency the Baron Verstolk de Soelen,
 &c. &c. &c.

Second Enclosure in No. 275.

Baron de Zuylen de Nyevelt to Sir E. Disbrowe.

MONSIEUR LE CHEVALIER,

La Haye, le 4 Octobre, 1839.

PAR lettre du 14 Juin dernier, la Légation Britannique a adressé au Département des Affaires Etrangères les copies de diverses pièces, tendant à prouver que le Consulat des Pays Bas se serait prêté à différentes fois à des pratiques coupables, relativement au commerce d'esclaves, destinés pour le marché de Constantinople.

Je ne crois pas pouvoir mieux répondre à la démarche que la Légation Britannique a été chargée de faire à cet égard, qu'en vous adressant, Monsieur le Chevalier, un extrait du rapport que je viens de recevoir du Consul des Pays Bas à Tunis.

Je me flatte que les renseignemens qu'il contient seront trouvés satisfaisans pour son entière disculpation. Du reste on a eu soin de lui faire observer à cette occasion, que vu la conformité de sentiment et d'action existant entre les deux Royaumes, par rapport à l'abolition de la Traite, ainsi que l'aversion qui entretiennent leurs Gouvernemens contre la moindre infraction aux Traités sur cette matière, il devra agir toujours dans cet esprit, en évitant tout ce qui, même indirectement, pourrait laisser soupçonner une conduite, qui ne serait point en harmonie avec les intentions prononcées du Gouvernement des Pays Bas à ce sujet.

Agréez, Monsieur, &c.

(Signé) N. DE ZUYLEN DE NYEVELT.

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

(Translation.)

M. LE CHEVALIER,

The Hague, October 4, 1839.

By a letter of the 14th June last, the British Legation addressed to the Department of Foreign Affairs, copies of divers papers, tending to prove that the Consulate of the Netherlands had lent itself at different times to culpable practices relative to the Trade in Slaves destined for the market of Constantinople.

I do not believe that I can better reply to the proceeding which the British Legation has been charged to take in this matter than by sending to you, M. le Chevalier, an extract from the report, which I have just received from the Netherlands Consul at Tunis.

I flatter myself that the information which it contains will be found satisfactory for his entire exculpation. For the rest, care has been taken to observe to him, that seeing that the two nations think and act alike with regard to the abolition of the trade, and that their Governments entertain an aversion to the least infraction of the Treaties on this matter, he ought always to act in this spirit, by avoiding all that might even indirectly cause suspicion of conduct, which would not be at all in harmony with the avowed intentions of the Government of the Netherlands in this respect.

Accept, &c.

(Signed) H. DE ZUYLEN DE NYEVELT.

Sub-Enclosure in No. 275.

Extract of a Letter from M. H. Nyssen to Baron Verstolk.

Tunis, le 23 Août, 1839.

J'AI l'honneur d'accuser réception de l'office que votre Excellence a bien voulu m'adresser le 24 Juin dernier, en original et duplicate, par laquelle elle m'a donné communication, qu'on a été informé que de temps en temps on embarque à Tunis, sous différens pavillons, des esclaves pour le marché de Constantinople; que l'on prétend que des expéditions de ce genre se font par mon Consulat, qui comprendrait les Consulats de Toscane, de Turquie, et de Russie; et que ce service serait payé une piastre de Tunis pour chaque esclave.

Je m'empresse de faire connaître à votre Excellence que l'information précitée n'est pas exacte, car les Consulats des Pays Bas et de Toscane ne font pas des expéditions de ce genre; et non plus j'ai jamais autorisé un service semblable aux bâtimens sous pavillon Russe.

Sur des navires de ces deux dernières nations s'embarquent, de temps en temps, des individus Chrétiens, des Turcs et des nègres, également Musulmans, soit pour Alger, Bône, Constantinople, et d'autres ports, mais les passagers Chrétiens sont munis des Passeports de leurs Consulats, et les Musulmans, blancs ou noirs, sont munis aussi du *Fishéré* (permis d'embarquement de S. A. le Bey de Tunis), et ce n'est qu'à l'exhibition des ces documens, soit au Consulat de Tunis, soit à l'agence Consulaire, au port de la Goulette, que de tels individus peuvent s'embarquer, et après que leur nom ou le nombre total est porté sur la Patente de Santé.

Quant à la piastre de Tunis, qui serait payée pour chaque esclave, cela ne pourrait pas subsister non plus, puisque de telles expéditions ne se font pas par les Con-

sulats que j'ai l'honneur de gérer. Ces mêmes Consuls perçoivent bien une piastre pour chaque individu qui s'embarque sous les dits pavillons; mais c'est le droit du Billet de Santé délivré par le Consulat aux passagers, et non une rétribution sur les esclaves.

Pour ce qui regarde les pavillons qui s'occuperaient du Trafic des Esclaves, j'ai l'honneur de l'informer, que ce commerce ne pourrait se faire que par des navires Turcs; car aucun Consul à Tunis ne permettrait pas, étant à sa connaissance, que de telles expéditions se fissent sous le pavillon de sa nation.

Votre Excellence me demandant ensuite, par sa susdite dépêche, des éclaircissemens sur le Consulat de Turquie, dont on a voulu faire croire que j'étais chargé de la gestion; je m'empresse de l'informer, que cette Puissance n'a en ce pays ni Consulat ni Représentant; et que les Turcs sont protégés et assistés par S. A. le Bey, qui ne délivrant pas de Patentes de Santé, permet aux navires Turcs de s'adresser aux Consuls Européens, pour se munir d'un tel document sanitaire, qui est le plus souvent délivré par le Consulat du port où le navire se dirige.

Quant au Consulat de Russie, cette Puissance n'ayant aucun Traité direct avec cette Régence, elle n'a pas de Consul à Tunis; mais de tous les temps les Capitaines et Marchands Russes se sont adressés au Consulat des Pays Bas.

Mon défunt oncle, Antoine Nyssen, les a toujours assistés et protégés, et a rendu des services signales au commerce Russe, &c.

(Signé) H. NYSSSEN.

Son Excellence le Baron Verstolk de Soelen,
 &c. &c. &c.

(Translation.)

(Extract.)

Tunis, August 23, 1839.

I HAVE the honour to acknowledge the receipt of the Despatch, which your Excellency had the goodness to address to me on the 24th of June last, in original and duplicate, by which you communicate to me, that information has been received, that from time to time slaves are embarked at Tunis, under different flags, for the market at Constantinople; that it is pretended that clearances of this nature are granted by my Consulate, which is supposed to comprehend the Consulates of Tuscany, Turkey, and Russia; and that this service is paid at the rate of one Tunisian piastre for each slave.

I hasten to let your Excellency know, that the information above quoted is not exact, for the Consulates of the Netherlands and of Tuscany do not grant clearances of this sort, neither have I ever authorized vessels under the Russian flag to go on such a service.

Christians, Turks and negroes equally Musselmen, embark from time to time on board vessels of these two last-named nations for Algiers, Bona, Constantinople, and other ports; but the Christian passengers are furnished with passports from their Consulates, and Musselmen, white and black, are also furnished with the *Fishère* (his Highness the Bey of Tunis's permission to embark), and it is only on the exhibition of these documents, either at the Consulate of Tunis, or to the Consular Agent at the Port of la Goulette that the individuals can embark, and after that their name or total number is borne on the bill of health.

As to the Tunisian piastre said to be paid for each slave, that cannot be, since clearances of this sort are not granted by the Consulates which I have the honour to manage. These Consulates receive, it is true, a piastre for each individual who embarks under the said flags; but it is the "fee" on the bill of health, delivered by the Consulate to the passengers, and not a fee on the slaves.

As regards the flags which are said to be occupied in the Slave Trade, I have the honour to inform you, that this commerce can only be carried on by Turkish ships, for no Consul at Tunis would knowingly permit that such clearances should be granted under the flag of his nation.

As your Excellency afterwards requires of me, by your said Despatch, some explanation as to the Turkish Consulate, which it has been endeavoured to make you believe that I was charged with the management of, I hasten to inform you, that this power has neither Consulate nor representative in this country, and that the Turks are protected and assisted by his Highness the Bey, who, as he does not issue bills of health, allows the Turkish vessels to apply to the European Consulates, in order to furnish themselves with this sanitary document, which is most frequently issued by the Consulate of the country, to a port of which the vessel is bound.

As to the Russian Consulate, this Power having no direct Treaty with this Regency, has no Consul at Tunis; but at all times the Russian Captains and merchants have addressed themselves to the Consulate of the Netherlands.

My late uncle, Antoine Nyssen, always assisted and protected them, and has rendered signal services to Russian commerce, &c.

(Signed) H. NYSSSEN.

No. 276.

M. Dedel to Viscount Palmerston.

Wilton Crescent, October 10, 1839.

(Received October 13.)

LE Soussigné, &c., a reçu, avec les documents relatifs aux négociations qui ont eu lieu entre la Grande Bretagne et le Portugal, au sujet de la Traite des Noirs, la note que son Excellence le Vicomte Palmerston, &c., lui a fait l'honneur de lui adresser sur cet objet, le 30 Septembre dernier.

Le Soussigné, en remerciant le Vicomte Palmerston de cette communication, qu'il s'empresse de transmettre avec ses annexes à sa Cour, saisit cette occasion, &c.

(Signé) DEDEL.

A son Excellence le Vicomte Palmerston,
 &c. &c. &c.

(Translation.)

25, Wilton Crescent, October 10, 1839.

THE Undersigned, &c., has received, together with the documents relative to the negotiations, which have taken place between Great Britain and Portugal on the subject of the Slave Trade, the note which his Excellency Viscount Palmerston, &c., did him the honour to address to him upon this subject on the 30th September last.

The Undersigned, thanking Viscount Palmerston for this communication which he will hasten to transmit, together with its Annexes, to his Court, seizes this occasion, &c.

(Signed) DEDEL.

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

No. 277.

Viscount Palmerston to Sir E. C. Disbrowe.

Foreign Office, November 2, 1839.

Circular communicating Orders issued under the Act for the Suppression of the Slave Trade.

(See No. 18.)

No. 278.

Viscount Palmerston to Sir Edward Disbrowe.

SIR,

Foreign Office, December 16, 1839.

I HEREWITH transmit to you, for communication to the Dutch Government, the copy of a Despatch from Her Majesty's Commissary Judge at Surinam, reporting that a vessel, furnished with Dutch papers, has been purchased by a Spaniard at Porto Rico, for the purpose of being employed in the Slave Trade.

I am, &c.

Sir Edward Disbrowe,
 &c. &c. &c.

(Signed) PALMERSTON.

Enclosure in No. 278.

Mr. Samo to Viscount Palmerston.

Surinam, October 14, 1830.

(See Class A., No. 196, page 297.)

SWEDEN.

No. 279.

Viscount Palmerston to Sir T. Cartwright.

Foreign Office, June 29, 1839.

Circular sending printed Papers presented to Parliament.

(See No. 1.)

No. 280.

Viscount Palmerston to Sir T. Cartwright.

Foreign Office, August 25, 1839.

Circular sending Address of the House of Lords.

(See No. 7.)

No. 281.

Viscount Palmerston to Sir T. Cartwright.

Foreign Office, September 3, 1839.

Circular sending Act for the Suppression of the Slave Trade.

(See No. 11.)

No. 282.

Viscount Palmerston to Baron Rehausen.

Foreign Office, September 30, 1839.

Circular on the Negotiations with Portugal,

(See No. 13.)

No. 283.

Viscount Palmerston to Sir T. Cartwright.

Foreign Office, October 12, 1839.

Circular on the Negotiations with Portugal.

(See No. 15.)

No. 284.

Viscount Palmerston to Sir T. Cartwright.

Foreign Office, November 2, 1839,

*Circular communicating the Orders issued under the Act for the Suppression
of the Slave Trade.*

(See No. 18)