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Class B.

FURTHER SERIES.

CORRESPONDENCE

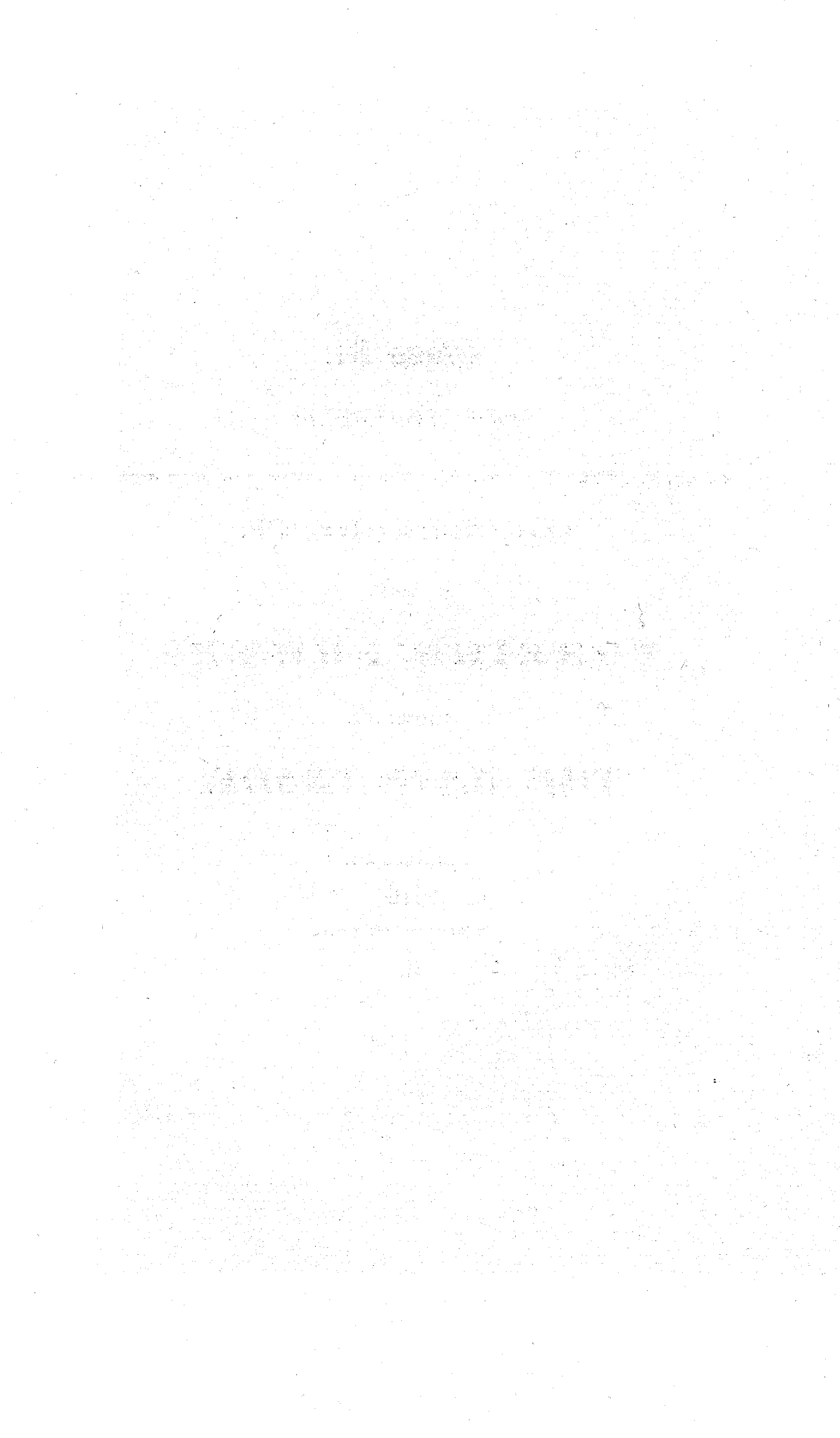
WITH

FOREIGN POWERS

RELATING TO

THE SLAVE TRADE.

1840.



Class B.

(FURTHER SERIES.)

CORRESPONDENCE

WITH

**SPAIN, PORTUGAL, BRAZIL, THE NETHERLANDS,
AND SWEDEN.**

RELATIVE TO

THE SLAVE TRADE.

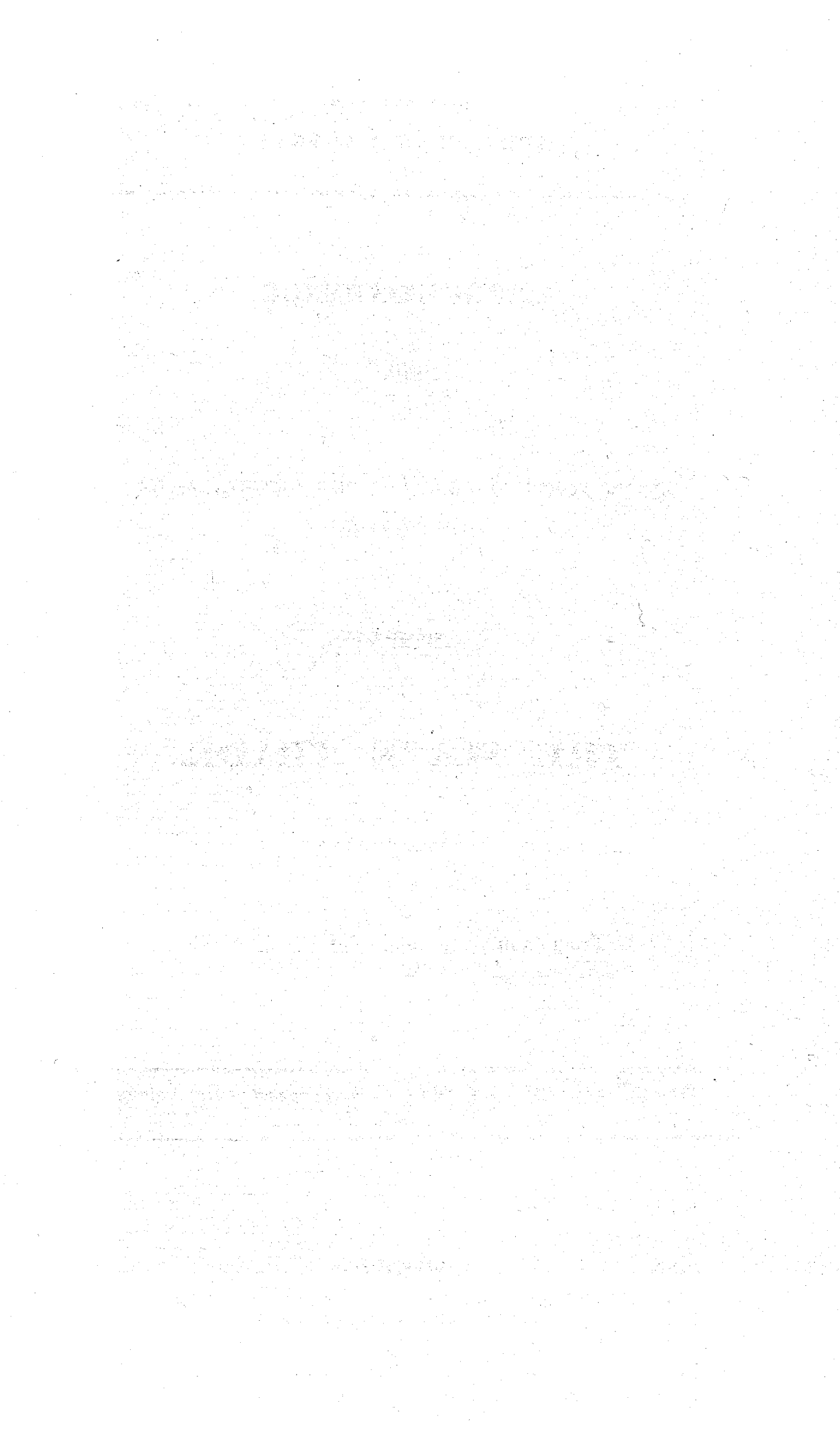
From January 1, 1840, to May 10th, 1840.

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

LONDON:

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

1840.



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(FURTHER SERIES.)

CORRESPONDENCE

WITH

FOREIGN POWERS.

SPAIN.

No. 1.

Mr. Jerningham to Viscount Palmerston.

Madrid, December 28, 1839.

MY LORD,

(Received January 6, 1840.)

I HAVE the honour to inclose a Copy of a note, which I have addressed to M. Perez de Castro, in execution of the instruction contained in your Lordship's Despatch of the 11th instant, (marked Slave Trade) respecting the impediments still presented by the authorities of Cuba, to the efforts of Her Majesty's Government for a due execution of the Treaty for suppressing Slave Trade, with regard to the Black Soldiers, doing duty on board the "Romney" hulk at the Havana.

For fear that your Lordship should suppose, I had omitted to insert in my note a portion of the statement of Her Majesty's Commissioners at the Havana, dated 20th September, 1839, I have the honour to observe, that a misconception seems to exist in one part of it, regarding the Captain General's release of the four black soldiers upon the representations of the Superintendent. Her Majesty's Commissioners consider that such could not have been the case, because the release took place before their answer to the Captain General could be returned. That reason, however, seems at variance both with the part of their statement which relates to the demand of release made by the Superintendent, and with the Captain General's report of his compliance with that demand.

I have, &c.

(Signed)

G. S. S. JERNINGHAM.

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

&c.

&c.

&c.

Enclosure in No. 1.

Mr. Jerningham to M. Perez de Castro.

SIR,

Madrid, December 23, 1839.

I REGRET extremely to have to bring before your Excellency an additional proof of the disposition felt by the authorities of Cuba, to oppose the efforts made by Her Majesty's Government, for a due execution of the Treaty between Great Britain and Spain, for suppressing the Slave Trade.

Your Excellency has long been in possession of the wishes of Her Majesty's Government respecting the negro soldiers, kept on board the "Romney" hulk at the Havana.

In a Dispatch received by Viscount Palmerston, from Her Majesty's Commissioners in that city, it is stated that four of those soldiers, who had been sent to

CLASS B.—FURTHER SERIES.

Grenada in charge of emancipated negroes, were detained by Spanish authority on their return to the Havana. They were sent in the Bremen brig "Louise Fredericke" with the negroes taken on board the Spanish Slave Schooner "*Sierra del Pilar*," for the purpose of preserving order. With this fact the authorities of the Havana were acquainted, an officer from the Captain of the Port's office having visited them in a boat, and seen them on board the brig "Louise Fredericke" when about leaving the harbour.

On the 12th of August last, the "Louise Fredericke" returned, having taken the negroes to Grenada, and with her, as a matter of course, returned the four black soldiers; but, upon proceeding to their quarters on board the "Romney," they were stopped by the Captain of the Port, and placed in charge of a Spanish soldier, whilst the circumstance was reported to the Captain General.

On the following day, Her Majesty's Commissioners received a communication from His Excellency, in which it was assumed, in the first place, that these four black soldiers were an addition to the force, in the "Romney;" secondly, that the original number of fifteen was not to have been increased; and thirdly, that white soldiers were to have been substituted for black.

These three assumptions were incorrect; the first for a reason which is obvious, the second and third because Her Majesty's Government had never consented to either the limitation or the change.

The assumption respecting the limitation appears also rather unaccountable, because the Captain General more than a year previously, *viz.*, the 1st of May, 1838, had been informed that the number of black soldiers on board the "Romney" was thirty-six.

On the 20th of September of the present year, their number was reduced to twenty-nine, sergeants included, and there can naturally be no wish to increase it beyond what is absolutely required, but such number must, as naturally, vary with circumstances. It seems, indeed, to have been out of the question that the original number of fifteen could suffice for the duty required, for it was considerably increased immediately after the arrival of the "Romney."

A second letter from the Captain General, informed Her Majesty's Commissioners, that the four black soldiers had been detained on board the "Louise Fredericke" by his orders, but were dismissed upon Her Majesty's Superintendent's explaining to him, that they were the same men who had been sent in charge of the liberated negroes. The former of these assertions, however, seemed at variance with the possibility of there having been time for His Excellency to hear anything upon the subject, between the return and the detention of the four soldiers.

It appeared incredible to Her Majesty's Commissioners that the Captain of the port, or whoever primarily detained the four soldiers, could have been ignorant that they had been sent with the liberated negroes to Grenada.

They were consequently induced to regard their detention in the light of a pretext for making a complaint; and it is with much regret that I find myself called upon to observe to Your Excellency, that the authorities of Cuba appear invariably fond of making such complaints. In proof of such unfriendly tendency, I may mention the following fact. The Captain of the Partido complained that the soldiers of the "Romney," on one of the days allowed them for going on shore, had exceeded their bounds, and conducted themselves with "arrogance." Her Majesty's Judges, in consequence, went to examine the locality, when they discovered that there was not even a frivolous ground of charge against the black soldiers, but, on the contrary, that it was the inhabitants who were to blame, since it appeared that some of the latter had endeavoured to entice the soldiers from the fields, to which they were limited, into their houses, by offering them to drink. The soldiers, however, were too prudent and well conducted to fall into the trap.

Another vexatious fact, which I am instructed to bring under the notice of the Spanish Government, which has only recently come to the knowledge of that of Her Majesty, and which is considered to speak volumes upon the point in question, is the following; That, whilst the authorities of Cuba have been pretending to feel the greatest alarm as to the possible bad effect on the subordination of the slaves in Cuba, and upon the general tranquillity of the island, from the presence of a detachment of one of Her Majesty's black Regiments on board the "Romney;" and whilst those authorities have, in alleging such reasons, refused permission to these black soldiers to land, except under severe restrictions, and upon condition of their holding no intercourse with any of the inhabitants of Cuba, it appears that all the time there have actually been 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 the streets.

It is further to be remarked, that the men of these two black regiments speak the same language as the slaves of Cuba, whereas the men of the British detachment, having been brought up in a British colony, must frequently find it difficult to make themselves understood by either the slaves or the free people of Cuba.

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

I have, &c.

(Signed)

G. S. S. JERNINGHAM.

His Excellency

Don Evaristo Perez de Castro.,

&c. &c. &c.

No. 2.

Mr. Jerningham to Viscount Palmerston.

Madrid, December 28, 1839.

MY LORD,

(Received January 6, 1840.)

REFERRING to my Despatch, marked Slave Trade, of the 14th instant, I have the honor to enclose a copy and translation of a note, which I have received from M. Perez de Castro, in answer to my representation respecting the continued detention of the negro boy "Wellington," at St. Jago de Cuba.

I have, &c.

(Signed)

G. S. S. JERNINGHAM.

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

&c. &c. &c.

Enclosure in No. 2.

(Translation.)

M. de Castro to Mr. Jerningham.

SIR,

Madrid, December 26, 1839.

I HAVE the honour to inform you, that having taken into consideration the contents of the note, which you were pleased to address to me on the 8th instant, respecting the negro boy "Wellington," who was kidnapped in Montego Bay in 1834, I this day transmit a copy of the said note to the Captain General of the Island of Cuba, in order that he may immediately report to this Department respecting the fraud, which, according to the information possessed by Her Britannic Majesty's Government, seems to have been practised at Cuba, by substituting another boy instead of "Wellington," and delivering him over to the British Consul.

So soon as I receive the report of the said Captain General, I will hasten to transmit it to you, for the satisfaction of the British Government.

I avail myself, &c.

(Signed)

EVARISTO PEREZ DE CASTRO.

The British Chargé d'Affaires,

&c. &c. &c.

No. 3.

Viscount Palmerston to Mr. Jerningham.

SIR,

Foreign Office, January 13, 1840.

I HAVE received your Despatch, Slave Trade, of the 28th December, 1839, containing a copy of your representation to the Spanish Government, upon the con-

duct of the local authorities in Cuba, in respect to the black soldiers doing duty on board the "Romney" hulk at the Havana, and I have the satisfaction to acquaint you, that Her Majesty's Government approve the note which you addressed upon this subject to M. Perez de Castro on the 28th December, 1839.

I am, &c.

(Signed) PALMERSTON.

G. S. S. Jerningham, Esq.
&c. &c.

No. 4.

Mr. Jerningham to Viscount Palmerston.

Madrid, January 11th, 1840.

MY LORD,

(Received January 20th 1840.)

I HAVE the honour to enclose a copy of the note, which I have addressed to M. Perez de Castro, in execution of the instruction contained in your Lordship's Despatch, marked Slave Trade, of the 21st December 1839, renewing the offer of Her Majesty's Government to take charge of the emancipated negroes in the island of Cuba.

I have, &c.

(Signed) G. S. S. JERNINGHAM.

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

Enclosure in No. 4.

Mr. Jerningham to M. de Castro.

SIR,

Madrid, January 5th, 1840.

YOUR Excellency is doubtless aware, that in the month of August 1837, a correspondence took place between the Government of Her Catholic Majesty and this Legation, respecting the non-execution of those stipulations of the Treaty of 1817, between Great Britain and Spain, which provided for the good treatment of those negroes, who, being emancipated under that Treaty, might be left in the hands of the Spanish authorities in the island of Cuba; and that on the 25th of the said month, Her Majesty's Envoy at Madrid stated to Her Catholic Majesty's Minister for Foreign Affairs, that Great Britain was willing to relieve the island of Cuba from the burthen of those negroes, by removing them to the British Colonies. The reply of the Spanish Government was, that it could not come to a determination on this subject, until it should have received information which had been required from the authorities of Cuba. But Her Majesty's Commissioners at the Havana have recently written word of the prevalence of a report, that the Captain General of Cuba had received a Royal Order, directing him to deliver up to the British Government, such negroes as have in former years been liberated by Decree of the Mixed Court of Justice in the Havana, and have been left in the island of Cuba.

I have consequently received an instruction to enquire of the Government of Her Catholic Majesty, if such an order has been actually sent to Cuba. I am also directed to state, that Her Majesty's Government, always anxious that the negroes, who have been emancipated under the Treaty of 1817, should have the full benefit of the provisions of that Treaty, which guarantee to them complete and permanent freedom, is ready to take upon itself the care and charge of all the negroes, who have been emancipated in Cuba under the stipulations of the Treaty of 1817, if the Spanish Government should consent thereto.

I have further the honour to observe, that, as the condition of slavery has now been abolished by law in the British Colonies, those negroes could not, in a British Colony, be reduced to slavery, under any pretext whatsoever.

I have, &c.

(Signed) G. S. S. JERNINGHAM.

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

No. 5.

*Mr. Jerningham to Viscount Palmerston.**Madrid, January 11th, 1840.*

MY LORD,

(Received January 20th, 1840.)

I HAVE the honour to enclose a copy of the note which I have addressed to M. Perez de Castro, in execution of the instruction contained in your Lordship's Despatch marked Slave Trade, of the 20th December, 1839, respecting the negroes imported into the Havana in the Portuguese vessel "*Tecora*."

I am, &c.

(Signed)

G. S. S. JERNINGHAM.

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

&c.

&c.

&c.

Enclosure in No. 5.

Mr. Jerningham to M. de Castro.

SIR,

Madrid, January 5, 1840.

I HAVE the honour to acquaint your Excellency, that Her Majesty's Government 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, forty-nine of them were purchased in the public slave-market in that place by Joze Ruiz, and four more by Pedro Montes.

Ruiz and Montes then engaged the Spanish schooner "*Amistad*," to carry these negroes, together with themselves and some stores, 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; but, it appears that this Court expressed doubts of its having jurisdiction in the case, and that 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 Montes.

It is, however to be observed, that since the year 1820, according to Spanish Law, it has been illegal to import negroes from Africa into the Spanish Dominions. As, therefore, these negroes had been newly imported from Africa into Cuba, and as according to the Law, they could not be imported, as slaves, they must in the eye of the law, be considered as free persons.

I have consequently been instructed by my Government to call upon the Government, of Her Catholic Majesty to issue with as little delay as possible, strict orders to the authorities of Cuba, that if the request of the Spanish Minister, at Washington be complied with, these negroes may be put in possession of the liberty of which they were deprived, and to the recovery of which they have an undeniable title.

I am further directed to express the just expectations of Her Majesty's Government that the Government of Her Catholic Majesty will cause the Laws against the Slave Trade to be enforced against Messrs. Jose Ruiz and Pedro Montes, who purchased these newly imported negroes, and against all such other Spanish subjects as have been concerned in this nefarious transaction.

I have &c.

(Signed)

G. S. S. JERNINGHAM.

To His Excellency Don Evaristo Perez de Castro,

&c.

&c.

&c.

No. 6.

Mr. Jerningham to Viscount Palmerston.

Madrid, January 18, 1840.

MY LORD,

(Received January 27.)

I HAVE the honour to inclose a copy of the note which I have addressed to M. Perez de Castro, in execution of the instructions contained in your Lordship's Despatch marked Slave Trade, of the 28th December, 1839, respecting the Tonnage Duties exacted by the Authorities of Cuba of the brigs "Venus" and "Louise Fredericke."

I have &c.

(Signed)

G. S. S. JERNINGHAM.

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

&c.

&c.

&c.

Enclosure in No. 6.

Mr. Jerningham to M. de Castro.

SIR,

Madrid, January 12, 1840.

IN the year 1838 Her Majesty's Envoy at this Court addressed to the Government of Her Catholic Majesty, by order of his Government, a representation upon 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 Government of Her Catholic Majesty 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, whilst it seems that a tonnage duty amounting to 277 dollars, has lately been exacted from the Bremen brig "Louise Fredericke," employed under circumstances similar to those of the "Venus."

In representing the above circumstances to your Excellency, I am instructed to request of the Government of Her Catholic Majesty, that the duty exacted from the "Louise Fredericke," 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 may take the liberty of adding that, whilst the exaction of the tonnage duty in question must have had the effect of appearing an additional instance of the disposition of the authorities of Cuba (so often complained of by Her Majesty's Government,) to throw obstacles in the way of a due execution of the Treaty between Great Britain and Spain for the suppression of Slave Trade, the reimbursement of that duty will go far towards producing a counteracting impression; and may be used as a point of departure by the authorities of Cuba for entering upon a really zealous execution of the Treaty above referred to, and an adequate fulfilment of the beneficent intentions of the Queen Regent, and of the Government of Her Catholic Majesty.

I have, &c.

(Signed)

G. S. S. JERNINGHAM.

His Excellency Don Evaristo Perez de Castro

&c.

&c.

&c.

No. 7.

Viscount Palmerston to Mr. Jerningham.

SIR,

Foreign Office, January 31, 1840.

I HEREWITH transmit to you a Copy of a Despatch, and of its Enclosure, which I have received from Her Majesty's Commissioners at the Havana, respecting

the case of the slave ship "*Amalia*," which vessel it appears, had recently entered the Havana, after having landed a large cargo of slaves on other parts of the coast of Cuba.

The local authorities at the Havana evaded, under various pretences, a compliance with the suggestion of Her Majesty's Commissioners, that the infraction of the laws of Spain, which had occurred in the case of this vessel, should be inquired into, and should be visited with the punishment which is affixed to it by those laws.

You will bring this case to the notice of the Spanish Government, and you will endeavour to induce them to send out to the authorities in Cuba orders for a real instead of a mock compliance with the compacts between Great Britain and Spain on Slave Trade, and with the Royal orders and laws issued for carrying those compacts into effect.

I am, &c.

(Signed)

PALMERSTON.

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

Enclosure in No. 7.

Her Majesty's Commissioners to Viscount Palmerston.—Havana, December 3, 1839.

(See Class A. Further Series, No. 30.)

No. 8.

Mr. Jerningham to Viscount Palmerston.

Madrid, January 25, 1840.

(Received February 3.)

MY LORD,

I HAVE the honour to inclose a copy and translation of M. Perez de Castro's reply to my Note of the 23rd ultimo, respecting the treatment of the black soldiers doing duty on board the "*Romney*" hulk at the Havana, of which a copy was transmitted with my Despatch, of the 28th December 1839.

I have, &c.

(Signed)

G. S. S. JERNINGHAM.

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

Enclosure in No. 8.

M. de Castro to Mr. Jerningham.

(Translation.)

SIR,

Madrid, January 18, 1840.

I HAVE had the honour to receive the Note, which you were pleased to address to me under date of the 23rd of last month, complaining, by order of your Government, against the authorities of the Island of Cuba, on account of the manner in which the British Negro soldiers of the "*Romney*" are treated, and particularly of the detention to which four of them were exposed at the Havana on their return from Grenada, whither they were sent to convey the Negroes taken on board the Spanish schooner "*Sierra del Pilar*."

The orders given by Her Majesty's Government to the authorities of the Havana for preventing every founded motive of complaint on the part of Great Britain are so peremptory and repeated, that I cannot but suppose that some misunderstanding has taken place in the affair referred to in your Note. Consequently, Her Majesty the August Queen Regent, desirous of coming to a proper determination, which may be in harmony with her invariable will, that the Spanish authorities behave towards British subjects in the abovementioned manner, Her Majesty has been pleased to command me to communicate to the Captain-General of the Island of Cuba this

new complaint of the British Government, as I have done under date of this day, in order that he may report to this department upon the subject with all possible exactness and brevity; and I can assure you that Her Majesty will never permit her authorities to disobey the orders which she has given them.

I have, &c.

(Signed)

EVARISTO PEREZ DE CASTRO.

G. S. S. Jerningham, Esq.,
&c. &c. &c.

No. 9.

Mr. Jerningham to Viscount Palmerston.

Madrid, January 25, 1840.

MY LORD,

(Received February 3.)

WITH reference to your Lordship's Despatch, marked Slave Trade, of the 31st December, 1839, I have the honour to state, that the Brief of His Holiness the Pope, enjoining all Catholics to abstain from Slave Trade, has already appeared in the principal newspapers of this capital, and that I have communicated it to M. Perez de Castro.

I have, &c.

(Signed)

G. S. S. JERNINGHAM.

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

No. 10.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, February 20, 1840.

I HEREWITH transmit to you a copy and a translation of an Apostolical Letter promulgated on the 3rd December, 1839, by His Holiness the Pope, on the subject of the Slave Trade.

I have to desire that you will cause this Letter to be inserted in the public journal of the place where you reside, and that you will avail yourself of any other suitable opportunity which may offer to make its contents known,

I have, &c.

(Signed)

PALMERSTON.

To A. Aston, Esq.,
&c. &c. &c.

Enclosure in No. 10.

Papal Brief, December 3, 1839.

(See Class C. Further Series.)

No. 11.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, February 22, 1840.

I HEREWITH transmit to you a Copy of a Despatch, and of its Enclosure, from Her Majesty's Consul at the Cape Verd Islands, containing an account of undertakings contemplated by parties at the Havana for supplying the Island of Cuba with Slaves.

It appears from these Papers, that collections of Slaves are to be formed at the French Colonies on the Coast of Africa, and at the Cape Verd Islands, and are to be despatched from those places to Cuba on board of vessels, to be provided for that purpose by the Slave Traders at the Havana.

You will embody in a Note to the Spanish Government the principal facts stated

in these Papers; and you will urge that Government to make inquiry into these facts, and to give such orders thereupon as shall serve to defeat these renewed attempts of Spanish Slave-dealers to evade the laws of Spain.

I am, &c.

(Signed) PALMERSTON.

A. Aston, Esq.,
&c. &c. &c.

Enclosure in No. 11.

Mr. Rendall to Viscount Palmerston.—Boa Vista, December 1, 1839.

(See No. 85.)

No. 12.

Mr. Jerningham to Viscount Palmerston.

Madrid, February 22, 1840.

MY LORD,

(Received March 2.)

I HAVE the honour to enclose a copy of the Note which I have addressed to M. Perez de Castro, in execution of the Instructions contained in your Lordship's Despatch, marked Slave Trade, of the 31st January, 1840, respecting the cargo of Slaves landed in Cuba by the "*Amalia*."

I may take this opportunity of stating, that I have not failed to endeavour to produce more promptitude on the part of this Government in returning answers to pending applications upon the subject of Slave Trade, more especially regarding the additional Article proposed by Her Majesty's Government with a view to seize slave-ships which shall have had equipment Articles on board, and respecting the offer of Her Majesty's Government to relieve the Spanish authorities of emancipated negroes.

I can state at present, with reference to your Lordship's Despatch above-mentioned, that no such order as the one alluded to by Her Majesty's Commissioners, appears to have been sent to the Captain-General of Cuba.

I have, &c.

(Signed) G. S. S. JERNINGHAM.

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

Enclosure in No. 12.

Mr. Jerningham to M. de Castro.

SIR,

Madrid, February, 19, 1840.

IN compliance with an Instruction which I have received from my Government, I have the honour to bring the following case under the notice of your Excellency, which I again regret to have to represent as a fresh instance of the indisposition of the authorities of Cuba to oppose a continuation of the execrable traffic in Slaves, notwithstanding the laws and ordinances issued, and the Treaties entered into, by the mother country.

On the 20th of last November, the notorious slave-ship "*Amalia*," formerly the "*Cavallo Marin*," entered the harbour of the Havana, under Portuguese colours, having, a few days before, landed a large number of Slaves upon the coast.

The same vessel had been denounced by Her Majesty's Commissioners to the Captain-General of Cuba in the beginning of last year, when, as usual, an unsatisfactory answer was returned.

On the 21st of November, that is, the day after the arrival of the "*Amalia*," Her Majesty's Commissioners addressed a letter to the Captain-General, stating the particulars collected on the subject, viz., that this vessel had recently landed at Mariel, a small port 12 leagues from the Havana, 840 negroes, and remarking, that the introduction of so large a number could not possibly be unknown either to the police or to the Government.

Her Majesty's Commissioners, added that they had not lately denounced any slave-ship to his Excellency, although aware that many had arrived, because they had hoped that the energetic measures, recently adopted by the British Government for

suppressing the Slave Trade carried on under the flag of Portugal, might induce the Spanish authorities to follow that example. Moreover, as in the correspondence held in January, 1839, respecting the "*Amalia*," the Commandant of Marine had declared, that he had no authority to interfere with her, because of her being under a foreign flag. Her Majesty's Commissioners called the attention of the Captain-General to Article 276 of the Criminal Code of Spain of 1822, and to the Royal Order of the 2nd January, 1826, by which the Naval Commandant is directed to search every vessel, without distinction, on her arrival from Africa.

In reply to the representations of Her Majesty's Commissioners, the Captain-General sent them copies of letters which he had received from the Naval Commandant at the Havana, and from the same authority at Mariel, in which the latter owned that the "*Amalia*" had been at Mariel, but denied all knowledge of her having landed a cargo of Slaves, and the former simply replied that he had no authority to interfere in the case of a foreign vessel.

Your Excellency, I cannot feel a doubt, will perceive as readily as did Her Majesty's Commissioners that these replies were evasive, and that they proved a disposition to abet the Slave Trade rather than to hinder it.

With respect to the assertion of the Commandant of "*Mariel*," that he had no knowledge of the cargo of Slaves landed by the "*Amalia*," it can hardly be regarded, considering the certainty of the fact, but as a quibble or an untruth. With regard to the excuse set up by the Naval Commandant of the Havana, it seems to display, to say the least of it, a lukewarm inefficiency, utterly at variance with the Treaties existing between Great Britain and Spain.

I have consequently been instructed to call upon the Government of Her Catholic Majesty, in the most urgent manner, to send out to the authorities of Cuba orders for a real instead of a mock compliance with the solemn compacts established between Great Britain and Spain for the suppression of Slave Trade, and with the Royal Orders and Laws issued for carrying those compacts into effect.

I have, &c.

(Signed) G. S. S. JERNINGHAM.

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

No. 13.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, March 4, 1840.

I HEREWITH transmit to you Copies of an Instruction which I have addressed to Her Majesty's Commissioners at the Havana, on the subject of the Spanish Slave-vessel, the "*Vencedora*," captured, on the 26th October, 1837, by Her Majesty's sloop "*Ringdove*," Commander Nixon, and adjudged by the Mixed Spanish and British Court of Justice at the Havana. In this case it appears that the Commissioners proceeded to judgment upon insufficient evidence; for the only papers examined by the Commissioners in this case were the muster-roll, the bill of health, and the passports of some passengers; and the only persons examined were the commander, the mate, and the surgeon of the capturing vessel, who could know nothing of the proceedings of the "*Vencedora*" before her capture, and the captain and the two mates of the captured vessel, who had a strong interest in concealing and falsifying those proceedings: and upon such evidence as the Commission thereby obtained they liberated the "*Vencedora*," gave up to slavery the negroes found on board of her, and condemned the captor in damages.

But the Commissioners omitted to examine—1st, the ship's register; 2nd, the bill of sale; 3rd, the royal sailing licence; 4th, the manifest of the cargo; 5th, the custom-house clearance from Cadiz; 6th, the log-book. And the Commissioners did not examine any one of 26 negroes, nor any one of 49 passengers, who were on board the "*Vencedora*" at the time of her capture.

The Spanish Commissioner, moreover, refused to take any evidence whatever upon new and most important facts which were brought forward by Commander Nixon, while the British and Spanish Commissioners were sitting in conference upon the case.

If the Commissioners had taken that evidence as they were urged to do by Commander Nixon, that evidence would have shown, that the negroes captured on

board the "*Vencedora*" had been shipped in the river Congo, on the coast of Africa, and had been taken round to Cadiz; and that, during the voyage of the vessel from Cadiz to Porto Rico, these unfortunate captives had been concealed in the hold, whilst the vessel was employed as a common passage-vessel; and that such of the negroes whose strength had not been entirely exhausted by their sufferings, had been sent on from Porto Rico to the Havana, in the character of natives of Porto Rico.

You will embody, in a Note to the Spanish Government, the principal facts of this case, as detailed in the accompanying Papers, and in the * correspondence on Slave Trade already laid before Parliament, and marked in the margin of this Despatch.

You will refer the Spanish Government to the representations already made to them upon this subject by the Earl of Clarendon; and you will earnestly solicit the attention of the Spanish Government---1st, to the neglect of the authorities at Cadiz in permitting a vessel which had touched there with a cargo of slaves from Africa, to proceed from thence with impunity to its ultimate destination; 2nd, to the connivance of the authorities at Porto Rico in this transaction of African Slave Trade, by giving passports which permitted persons, who were evidently newly-imported negroes, to be conveyed to the Havana as *bonâ fide* natives of Porto Rico; and 3rd, to the conduct of the Spanish Commissioners in refusing to hear evidence on new and important facts, adduced by the captor before any decision had been pronounced on the case, and in passing a sentence releasing the "*Vencedora*," and giving damages against the captor of that vessel, and consigning the negroes to slavery, in the face of an allegation of facts, into the truth of which the Commissioners refused to inquire.

You will say, in your Note to the Spanish Government, that, under the circumstances of the case, Her Majesty's Government feel confident that the Spanish Government will mark strongly its displeasure at the conduct of the Spanish Commissioners, whose peculiar province it was to elicit the whole truth, and to judge according to the facts laid before them. Her Majesty's Government also trust that the conduct of the Spanish authorities at Cuba and at Porto Rico in this case, will be visited with marks of the severe displeasure of the Spanish Government, for the facilities which they gave to the slave trading transactions of the "*Vencedora*." Her Majesty's Government further hope that the Spanish Government will not insist upon the payment of the unjust damages awarded in the case: but, on the contrary will, if it be found practicable, cause proceedings to be instituted in the proper courts of law in Spain against the owners of the "*Vencedora*" for their illegal conduct in this case; and Her Majesty's Government hope above all that the Spanish Government will do justice, however tardy, to the unfortunate negroes who were on board of the "*Vencedora*" at the time of her capture, by giving peremptory orders for their being searched for, and restored to that liberty of which they have been so cruelly and unjustly deprived.

I am, &c.
(Signed)

PALMERSTON.

To Arthur Aston, Esq.
&c. &c. &c.

Enclosure in No. 13.

Viscount Palmerston to Her Majesty's Commissioners at Havana.

Foreign Office, January 18, 1840.

(See Class A. Further Series, No. 34.)

* Class A. 1837-8. No. 10, page 141.
Class B. 1837-8. No. 35, page 28.
Class A. 1837-8. Further Series, No. 24, page 35.
No. 25, " 36.
No. 26, " 38.
No. 31, " 51.
Class B. 1837-8. Further Series No. 10, page 8.

Class B. 1838-9. No. 12, page 17
No. 14, " 21.
No. 26, " 49.
Class A. 1838-9. No. 55, " 94
No. 81, " 124
No. 85, " 128

No. 14.

*Mr. Jerningham to Viscount Palmerston.**Madrid, March 14, 1840.*

MY LORD,

(Received March 22.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches, marked Slave Trade, of the 20th and 22nd of February 1840, addressed to Mr. Aston.

I have further the honour to inclose a Copy of the Note which I have addressed to M. Perez de Castro, in execution of the instruction contained in your Lordship's Despatch of the 22nd February, 1840, respecting contemplated undertakings by parties at the Havana for supplying Cuba with slaves.

I have, &c.

(Signed)

G. S. S. JERNINGHAM.

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

&c.

&c.

&c.

Enclosure in No. 14.

Mr. Jerningham to M. de Castro.

SIR,

Madrid, March 9, 1840.

IN compliance with Instructions which lately reached me, I have the honour to lay before your Excellency certain facts which have come to the knowledge of Her Majesty's Government, tending to prove contemplated undertakings by parties at the Havana, for supplying the Island of Cuba with Slaves, it being apparently intended that collections of Slaves should be formed at the French Colonies on the coast of Africa, and at the Cape Verd Islands, to be dispatched from those places on board of vessels provided for the purpose by Slave-traders at the Havana.

Towards the end of last November Her Majesty's Consul at Boa Vista, Cape Verd Islands, received information of the arrival at the island of "Sal" of two vessels under American colours, which were originally from the Havana, but lastly from the coast of Africa, where they were reported to have landed their cargoes. They were both schooners and American built; one being a Baltimore clipper, and the other a New York Pilot Boat. They had American colours and captains, but the crews were principally Spanish and Portuguese; their object in visiting "Sal" appeared clearly to be, the completion of arrangements for taking in a cargo of Slaves upon the coast.

A most respectable inhabitant of the Cape Verd Islands, subsequently informed Her Majesty's Consul at Boa Vista, that he had heard of the intended formation of two companies at the Havana; one to carry on the Slave Trade by vessels directed to keep at a certain distance from the coast, and there await their cargoes from small vessels under the French flag; and the other company to equip a certain number of small fast sailing vessels, to act as Pirates upon the commerce of Great Britain.

There was also strong reason for believing, that to these companies belonged the two American-built vessels abovementioned, and that the larger schooner was expecting a cargo of Slaves from the neighbourhood of Senegal and Goree, whilst the Pilot Boat was to try her luck as a Pirate upon British commerce near the Cape Verd Islands. They were not expected to return to the Havana before the expiration of two months.

There appeared, moreover, to be good grounds for supposing, that the Cape Verd Islands, on account of their neglected and defenceless state, would become the rendezvous of the Slave-traders of Cuba, for the contemplated traffic between that Island and vessels under the French flag on the coast of Africa; these Slave-traders being apparently determined to use every art, and to make every exertion, which money could possibly render available, to counteract the measures adopted by Great Britain and Spain for suppressing the Slave Trade.

It seems, also, that there is continually a large deposit of newly purchased Slaves at Saint Louis in the Senegal, and in the Island of Goree, bought by French traders from the natives in adjacent parts, evidently for exportation, and that there can hardly be a doubt of the connexion between these French traders and the Slave dealers of the Havana.

In imparting these facts to your Excellency, I have been directed to urge the Government of Her Catholic Majesty to make inquiry into them, and to give such orders thereupon as shall serve to defeat these renewed attempts of Spanish Slave-dealers to evade the laws of Spain.

I have, &c.

(Signed)

G. S. S. JERNINGHAM.

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

No. 15.

Mr. Jerningham to Viscount Palmerston.

Madrid, March 14, 1840.

MY LORD,

(Received March 22.)

REFERRING to my Despatch of the 11th January, 1840, I have the honour to enclose a Copy and Translation of the Note which I have received from M. Perez de Castro, in reply to mine of the 5th of January last, renewing, by your Lordship's directions, the offer of Her Majesty's Government to take charge of negroes liberated by the Mixed Court of the Havana.

The Spanish Government declines that offer.

I have, &c.

(Signed)

G. S. S. JERNINGHAM.

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

Enclosure in No. 15.

(Translation.)

M. de Castro to Mr. Jerningham.

SIR,

Madrid, March 9, 1840.

I HAD in due time the honour to receive the note which you were pleased to address to me, on the 5th of January last, respecting the treatment which the emancipated negroes in the Island of Cuba are subjected to by Spanish authorities, and in which you state the readiness of the British Government to remove them to the British Colonies; founding this proposal on the Report, which, according to Her Britannic Majesty's Commissioners, at the Havana, was very prevalent in that city, that a Royal Order had been received there, for delivering up the said negroes to the British Government.

The serious and urgent affairs which at present require the whole attention of the Spanish Cabinet, and the necessity of my making myself acquainted with all the antecedents of this subject, have prevented me from answering your said note so promptly as I could have wished. But now, acquainted with the correspondence which has taken place between the British Legation and this office, as with the information received from the Captain General of the Island of Cuba, on the subject in question, I have the honour to state to you that, with respect to the first topic alluded to in your note relative to the treatment given in that Island to emancipated negroes, I can add nothing to that which Señor Don José Maria Calatrava, with so much clearness and exactitude, stated to the Legation on the 28th of April, 1837, completely refuting the charges set forth against the authorities of that Island; and proving to evidence that those authorities had never fallen into the slightest deviation from the stipulations of the Treaties of 1817 and 1835 upon the subject, and the constant vigilance of the Captain-General, in order that the condition of the said negroes may not at all degenerate into slavery, nor even may approach it.

In the absence of the slightest foundation for the report spread over the Havana, and which the British Commissioners have made a merit of, respecting the order which was supposed to have been issued by Her Majesty's Government, for delivering up to the British Government those negroes who in former years might have been declared free by decree of the Mixed Court of Justice, I proceed to answer you

respecting the proposal made by your Government to take upon itself the removal of those negroes to its Colonies.

Even were it possible to overlook for a moment the tenor of existing Treaties, according to which the emancipated negroes in question are to remain in that island, the proposed measure would present very serious difficulties. Those negroes, entrusted to the care of respectable and wealthy individuals, according to regulations, have dedicated themselves to the apprenticeship of some art; many among them have acquired a capital, and others have contracted marriage in the country, or have already a family in it.

To remove them from thence would be much opposed to those principles of humanity, which have been laid down as the basis of all Treaties of this nature. A free negro, established in the Island of Cuba, acquainted with the language, moulded to those customs, more or less related, with children or without them, with capital or destitute of it, would consider it as the greatest misfortune to be suddenly removed to another country; and it would be indispensable to employ force and coercion to take him out; it being also difficult to calculate what resolutions they might be induced to adopt by this alarm. Moreover, since the last Treaty concluded on the 28th of June, 1835, the free negroes found in the vessels which are seized by the British Navy, are brought to the British Colonies. Therefore there are no new cases in the said Island, and those who exist in it are becoming less numerous by death, so that, the supposed evil, which it is now intended to cut short, will very soon cease to exist.

In consequence, therefore, of these reasons, which I have the honour to state to you, and which, I have no doubt, will be sufficient to convince the enlightened Government of Her Britannic Majesty, that the removal of the emancipated negroes of the Island of Cuba would inhumanly injure their interests and their relations, Her Majesty's Government cannot adopt the measure of their transportation to the British Colonies, without exposing itself to serious and fatal consequences, which it is their duty to avoid; but, at the same time, the British Government can rely upon the assurance that, in the treatment given to emancipated negroes in the Havana, the superior authority there has always acted in conformity with the unalterable will of the Spanish Government, which is to have the Treaties faithfully fulfilled, and to give satisfaction to the Cabinet of their August Friend and Ally the Queen of Great Britain.

I avail myself, &c.

EVARISTO PEREZ DE CASTRO.

(Signed)

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

No. 16.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, March 24, 1840.

I HEREWITH transmit to you copy of a Despatch, and of its Enclosure, which I have received from Her Majesty's Commissioners at the Havana, by which you will perceive that the local authorities at the Havana have refused to permit the publication of the two notes addressed by Lord Howard de Walden, to the Portuguese Government on the 28th April, and 5th May, 1839, on the subject of the Slave Trade.

I have to desire that you will remonstrate with the Spanish Government upon this determination of their Colonial authorities, to withhold from the people of Cuba the knowledge of those Documents, and that you will urge the Spanish Government to give orders, that these Documents may be published and circulated freely throughout Cuba.

I have, &c.

(Signed)

PALMERSTON.

A. Aston, Esq.
&c. &c.

Enclosure in No. 16.

*Her Majesty's Commissioners to Viscount Palmerston.**Havana, January 25, 1840.*

(See Class A. No. 43.)

No. 17.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, March 30, 1840.

I HEREWITH transmit to you copy of a communication, which I have received from Her Majesty's Commissioners at the Havana, stating the conduct which has been pursued by the Government of Cuba, towards the negroes who were taken in the year 1832, in the slave vessel the "*Negrigo*," and who were afterwards emancipated by sentence of the Court of Mixed Commission at the Havana.

Eight years have now passed, since these persons were nominally emancipated by sentence of the Mixed Court; but from the accompanying communication it appears that they are still held in a state of bondage; it appears also, that at the time of their emancipation, it was declared by the Governor of Cuba, that they were to be employed solely on the public works, and not in the service of individuals; and yet, that in the face of this declaration, they were assigned out to individuals, who purchased their services at so much per head.

It appears also, that recently the Captain General of Cuba has made fresh assignment of them for money, and has taken the price of their assignment as a perquisite for himself; that the persons to whom they are assigned let them out again to others on hire, and that thus these emancipated negroes undergo the evils of slavery without even enjoying the advantages, such as they are, which are granted to Slaves in Cuba. I have to desire that you will communicate by note to the Spanish Government, the substance of the enclosed communication, and that you will remonstrate against this violation of the Treaty between Great Britain and Spain, for the Suppression of the Slave Trade, and that you will say that, as it appears that the Government of Cuba practically sells as Slaves, those negroes who have been emancipated by judgment of the Mixed Commission, and whose full and complete liberty the Spanish Government has bound itself by Treaty to secure; Her Majesty's Government demand that those negroes, so emancipated by Judicial Sentence, but actually held in slavery, shall be delivered over to the Superintendent of emancipated negroes, to be by him sent to a British Colony, where their liberty would by law be secure.

I am, &c.

(Signed)

PALMERSTON.

A. Aston, Esq.
 &c. &c.

Enclosure in No. 17.

*Her Majesty's Commissioners to Viscount Palmerston.**Havana, January 15, 1840.*

(See Class A., No. 39.)

No. 18.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, March 30th 1840.

I HAVE received Mr. Jerningham's Despatch, Slave Trade, of the 14th instant, containing the answer given by M. Perez de Castro to the offer of Her Majesty's Government to take charge of negroes liberated by the Mixed Court at the Havana.

I have to desire that in reply you will present to the Spanish Minister a note, in which you will quote the case of the *Negrigo*, explained in my other Despatch marked Slave Trade, of this date; as proving that the condition of the negroes nominally emancipated by sentence of the Mixed Commission in Cuba, is not that of practical freedom, as supposed by M. Perez de Castro.

You will urge the Spanish Government to comply with the request contained in my Despatch abovementioned, with regard to the negroes taken on board the *Negríto*; and, with respect to the other negroes emancipated by the Mixed Court, you will propose, that with a view to ascertain with certainty that nothing like compulsion is exercised over these negroes, they shall all be brought before the Mixed Commission, and the Superintendent of Liberated Africans: and that each of those negroes shall be asked separately, whether he is in a state of perfect freedom, and whether he prefers remaining in Cuba, or removing to a British colony, and that if he prefers so to remove, the Superintendent of Liberated Africans, should make the necessary arrangements to enable him to do so.

The negroes should be produced according to the List, made out when they were emancipated; and the questions put to each, and the answers given should be taken down in writing.

You will observe to the Spanish Minister, that a strong impression prevails that these negroes have been practically reduced to slavery, and you will say that an examination and inquiry, such as are now proposed, would afford the best means of vindicating the honour of the Spanish Government, and of satisfying the just uneasiness of the British Government on this matter.

I am, &c.
(Signed) PALMERSTON.

A. Aston, Esq.
&c. &c. &c.

No. 19.

Mr. Aston to Viscount Palmerston.

(*Madrid, April 11th, 1840.*)

MY LORD,

(*Received April 20th.*)

I HAVE had the honour to receive your Lordship's Despatches marked Slave Trade, to those of the 30th ultimo inclusive.

I have the honour to enclose a copy of the note, which I have addressed to M. Perez de Castro, in execution of the instruction contained in your Lordship's Despatch marked Slave Trade, of the 4th March, 1840, relative to the slave vessel *Vencedora*, improperly released by the Mixed Commission Court at the Havana.

I have, &c.
(Signed) ARTHUR ASTON.

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

Enclosure in No. 19.

Mr. Aston to M. de Castro.

SIR,

Madrid, April 8th, 1840.

WITH reference to the correspondence, which has taken place between the Government of Her Catholic Majesty and this Legation, relative to the capture of the slave vessel *Vencedora*, in the month of October 1837, and to its adjudication by the Mixed Spanish and British Court of Justice at the Havana; and in consequence of an instruction which I have received from my Government, I have the honour to make the following communication to your Excellency. The *Vencedora* was captured on the 14th of October, 1837, by Her Majesty's sloop "Ringdove," Horatio Stopford Nixon, Esq., Commander, in or about latitude 23° 23' north, longitude 80° 57' west, for having 26 concealed negroes on board, and sent to the Havana for adjudication, where proceedings were commenced in the Spanish and British Mixed Commission Court. The two judges not being able to agree upon the sentence to be pronounced, drew lots as directed by the Treaty, when the lot fell on the Spanish arbitrator. The proceedings and separate opinions of the two judges were laid before him, and a conference was held on the 11th of November following, when he gave his decision in accordance with the Spanish judge, by which the detention of the *Vencedora* was pronounced to have been illegal. The vessel was consequently liberated, the slaves were given up to their owners, and costs were awarded against the captors.

But it appears that the Commissioners had proceeded to judgment upon insufficient evidence, for the only papers examined by them were, the Muster Roll, the Bill of Health, and the Passports of some passengers; whilst the only persons examined were, the commander, the mate, and the surgeon of the capturing vessel, who could know nothing of the proceedings of the *Vencedora* before her capture; and the captain and two mates of the captured vessel, who had naturally a strong interest in concealing and falsifying those proceedings. Upon the evidence obtained by such insufficient means, the Commission liberated the *Vencedora*, gave up to slavery the negroes found on board of her, and condemned the captor in damages.

The Commissioners, however, had omitted to examine, first, the ship's register; second, the bill of sale; third, the royal sailing licence; fourth, the manifest of the cargo; fifth, the custom-house clearance from Cadiz; and sixth, the log-book. The Commissioners, moreover, did not examine any one of the 26 negroes, nor any one of the 49 passengers, who were on board the "*Vencedora*" at the time of her capture.

The Spanish Commissioners also refused to take any evidence whatever upon new and important facts, which were brought forward by Commander Nixon, whilst the British and Spanish Commissioners were sitting in conference upon the case.

If the Commissioners had taken that evidence, as they were urged to do by Commander Nixon, it would have shown, that the negroes on board the "*Vencedora*," had been shipped in the river Congo, on the coast of Africa; that they had been taken round to Cadiz; that, during the voyage from Cadiz to Porto Rico, those unfortunate captives had been concealed in the hold, whilst the ship was employed as a common passage vessel; and that those negroes, whose strength was not entirely exhausted by their sufferings, had been sent on from Porto Rico, to the Havana, in the character of natives of Porto Rico.

I have been instructed to refer your Excellency to the representations already made upon this subject by the Earl of Clarendon, to the Government of Her Catholic Majesty; and earnestly to solicit their attention, first, to the neglect of the authorities at Cadiz, in permitting a vessel, which had touched there with a cargo of slaves from Africa, to proceed with impunity to its ultimate destination; secondly, to the connivance of the authorities of Porto Rico in this transaction of African Slave Trade, by giving passports which permitted persons, who were evidently newly imported negroes, to be conveyed to the Havana as *bonâ fide* natives of Porto Rico; and third, to the conduct of the Spanish Commissioners, in refusing to hear evidence on new and important facts, adduced by the captor before any decision had been pronounced in the case; and in passing a sentence releasing the "*Vencedora*," giving damages against the captor of that vessel, and consigning the negroes on board of her to slavery, in the face of an allegation of facts, into the truth of which the Commissioners had refused to inquire.

I am further directed to state to your Excellency, that, under the circumstances of the case, Her Majesty's Government feel confident, that the Government of Her Catholic Majesty will mark strongly their displeasure at the conduct of the Spanish Commissioners, whose peculiar province it was to elicit the whole truth, and to judge according to the facts laid before them.

Her Majesty's Government also trust, that the conduct of the Spanish authorities at Cuba, and at Porto Rico, in this case, will be visited with marks of the severe displeasure of the Spanish Government, for the facilities afforded by them to the Slave Trading transactions of the "*Vencedora*."

Her Majesty's Government further hope, that the Government of Her Catholic Majesty will not insist upon the payment of the unjust damages awarded in this case, but, on the contrary, that they will, if it be found practicable, cause proceedings to be instituted in the proper courts of law in Spain, against the owners of the "*Vencedora*," for their illegal conduct.

In conclusion, I am particularly directed to state, that Her Majesty's Government hope, above all, that the Government of Her Catholic Majesty will do justice, however tardy, to the unfortunate negroes who were on board of the "*Vencedora*" at the time of her capture, by giving preptory orders for their being searched for, and for their restoration to that liberty of which they have been so unjustly and so cruelly deprived.

I have, &c.

(Signed)

ARTHUR ASTON.

To His Excellency D. Evaristo Perez de Castro.

&c.

&c.

&c.

CLASS B.—FURTHER SERIES.

No. 20.

*Viscount Palmerston to Mr. Aston.**Foreign Office, April 23, 1840.*

I HEREWITH transmit to you, for your information, three Copies of a Treaty, concluded at Caracas on the 15th March, 1839, between Her Majesty and the Republic of Venezuela, for the abolition of the Slave Trade.

I am, &c.

(Signed) PALMERSTON.

To *A. Aston, Esq.*
&c. &c. &c.

No. 21.

*Mr. Aston to Viscount Palmerston.**Madrid, April 18th, 1840.*

MY LORD,

(Received April 26th.)

I HAVE the honour to enclose a copy of the note, which I have addressed to M. Perez de Castro, in execution of the instruction contained in your Lordship's Despatch marked Slave Trade, of the 30th March, 1840, regarding the conduct pursued by the authorities of Cuba, towards the negroes captured in 1832, on board the "*Negrito*," and afterwards emancipated by the Court of Mixed Commission.

I have, &c.

(Signed) ARTHUR ASTON.

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

Enclosure in No. 21.

Mr. Aston to M. de Castro.

SIR,

Madrid, April 15, 1840.

I HAVE the honour to inform your Excellency, that I have been instructed to call the serious attention of the Government of Her Catholic Majesty to the conduct, which has been pursued by the authorities of Cuba towards the negroes taken in the year 1832, on board the slave vessel "*Negrito*," and who were afterwards emancipated by sentence of the Court of Mixed Commission at the Havana.

Eight years have elapsed since those persons were thus nominally emancipated; but it appears, by a communication from Her Majesty's Commissioners, that they are still held in bondage.

It appears also, that at the time of their emancipation, it was declared by the Governor of Cuba, that they were to be employed solely on the public works, and not in the service of individuals; nevertheless, in the face of this declaration, they were assigned out to individuals, who purchased their services at so much per head.

It appears, moreover, that the Captain-General of Cuba has recently made fresh assignments of them for money, and has taken the price of their assignment as a perquisite for himself; that the persons to whom they are assigned let them out again on hire, and that thus these emancipated negroes undergo the evils of slavery, without even enjoying the advantages, such as they are, which are granted to slaves in Cuba.

I am directed to remonstrate against this violation, by the authorities at Cuba, of the Treaty between Great Britain and Spain for the suppression of Slave Trade.

I am further instructed to state that, as it appears that the authorities of Cuba practically sell as slaves, those negroes who have been emancipated by sentence of the Mixed Commission, and whose full and complete liberty the Spanish Government has bound itself by Treaty to secure, Her Majesty's Government expect that those negroes, so emancipated by judicial sentence, but actually held in slavery, shall be delivered over to the superintendent of emancipated negroes, to be by him sent to a British Colony, where their liberty would by law be secure.

I have, &c.

(Signed) ARTHUR ASTON.

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

No. 22.

*Mr. Aston to Viscount Palmerston.**Madrid, April 18, 1840.*

MY LORD,

(Received April 26.)

I HAVE the honour to enclose a Copy of the note, which I have addressed to M. Perez de Castro, in execution of the instruction contained in your Lordship's second Despatch, marked Slave Trade, of the 30th March, 1840, again urging the Spanish Government to allow the negroes, emancipated by the Mixed Commission of the Havana, to be transferred to a British Colony.

I have, &c.

(Signed)

ARTHUR ASTON.

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

&c.

&c.

&c.

Enclosure in No. 22.

Mr. Aston to M. de Castro.

SIR,

Madrid, April 15, 1840.

WITH reference to the note which Mr. Jerningham had the honour of addressing to your Excellency on the 5th of January last, repeating the offer of Her Majesty's Government to take charge of negroes liberated by the Mixed Court of the Havana, and to your Excellency's reply to that note of the 9th ultimo, I have the honour to state, that I have been instructed to represent to your Excellency the case of the negroes taken on board the slave vessel "*Negrigo*" in 1832, and emancipated by sentence of the Mixed Court at the Havana (for further particulars of which case I beg to refer your Excellency to my other note of this date) as proving, that the condition of the negroes, nominally emancipated by the Mixed Commission Court in Cuba, is not that of practical freedom, as supposed by your Excellency.

I have consequently been instructed again to urge the Government of Her Catholic Majesty to comply with the repeated wishes of Her Majesty's Government, with regard both to the negroes, taken on board the "*Negrigo*," and to the other negroes emancipated by the Mixed Court.

I am further directed to propose, that with a view to ascertain with certainty, that nothing like compulsion is being exercised over these negroes, they shall all be brought before the Mixed Commission, and the Superintendent of Liberated Africans, and that each of them shall be asked separately, if he is in a state of perfect freedom, and whether he prefers remaining in Cuba, or removing to a British Colony; and that in the event of his preferring so to remove, the Superintendent of Liberated Africans should make the necessary arrangements to enable him to do so.

It appears advisable that the negroes should be produced, according to the list made out when they were emancipated, and that the questions put to each, and the answers given should be taken down in writing.

I am also instructed to observe to your Excellency, that a strong impression prevails, that the negroes in question have been practically reduced to slavery, and that on examination and inquiry, such as those which I have had the honour to propose, would afford the best means of vindicating the honour of the Spanish Government, and of satisfying the just uneasiness of the British Government upon this subject.

I have, &c.

(Signed)

ARTHUR ASTON.

His Excellency Don Evaristo Perez de Castro.

&c.

&c.

&c.

No. 23.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, May 2, 1840.

WITH reference to my previous Despatches, containing accounts of the Slave Trade of Cuba. I transmit to you, for your information, and for your assistance in your communications with the Spanish Government, a copy of a Despatch from Her Majesty's Commissioners at the Havana, containing lists of vessels which arrived at the Havana from the coast of Africa, during the month of January last, and of vessels which had been cleared out from the Havana for Africa, during the same period.

I have, &c.

(Signed)

PALMERSTON.

Arthur Aston, Esq.
 &c. &c. &c.

Enclosure in No. 23.

*Her Majesty's Commissioners to Viscount Palmerston.**Havana, February 28, 1840.*

(See Class A.—Further Series, No. 45.)

SPAIN (*Consular*)—CADIZ.

No. 24.

Viscount Palmerston to Mr. Brackenbury.
Foreign Office, February 20, 1840.

CIRCULAR, sending Papal Brief against Slave Trade.
 (See No. 10, page 8.)

No. 25.

Mr. Brackenbury to Viscount Palmerston.

Cadiz, March 11th 1840.

MY LORD,

(*Received March 26th.*)

IN acknowledgment of your Lordship's Despatch of the 20th ultimo, marked Slave Trade, I have the honour to enclose the Public Journal of this city, in which, according to your Lordship's direction, I have caused to be inserted the copy (translated into the Spanish language) of the apostolical letter, promulgated on the 3rd December, 1839, of his Holiness the Pope, on the subject of the Slave Trade.

I have not failed to avail myself already of other suitable opportunities of making known the contents of this letter; for I have forwarded the translation of it, in the Spanish language, to each of my Vice Consuls, with a request that they will give it due publicity in the cities where they respectively reside.

I have, &c.

(Signed)

J. M. BRACKENBURY.

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

&c.

&c.

&c.

Enclosure in No. 25.

"El Tiempo" Newspaper.

Cadiz, Wednesday March 11th, 1840.

No. 26.

Viscount Palmerston to Mr. Brackenbury.

Foreign Office, April 23d, 1840.

CIRCULAR sending Copies of the Treaty with Venezuela.
 (See No. 20, page 18.)

SPAIN (*Consular*)—TENERIFFE.

No. 27.

Mr. Bartlett to Viscount Palmerston.

Santa Cruz, December 31st, 1839.

MY LORD,

(Received January 23rd, 1840.)

I HAVE the honour to acknowledge the receipt of a Despatch, marked Slave Trade, dated October 12, with inclosures; and also of a Despatch marked Slave Trade, dated November 2, 1839.

I have, &c.

(Signed)

RICHARD BARTLETT.

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

&c.

&c.

&c.

No. 28.

Mr. Bartlett to Viscount Palmerston.

Santa Cruz, January 6th, 1840.

MY LORD,

(Received February 11th.)

ON Saturday the 14th instant, Her Majesty's corvette "Rose," bound to Rio Janeiro, arrived here for a supply of water, having had a long passage of 28 days, from Pasages, on the north coast of Spain. Commander Christie was not aware of the extent to which he is authorised to interfere for the suppression of the Slave Trade, by the Act 2 and 3 Vict.; and according to the terms of your Lordship's circular letter, dated November 2, 1839, I presented those documents for his perusal, and he took copies of them for his guidance. I trust I have acted consonantly with your Lordship's views, in sending to me those papers.

I have, &c.

(Signed)

RICHARD BARTLETT.

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

&c.

&c.

&c.

No. 29.

Viscount Palmerston to Mr. Bartlett.

Foreign Office, February 20th, 1840.

CIRCULAR sending Papal Brief against Slave Trade.

(See No. 10 page 8.)

No. 30.

Viscount Palmerston to Mr. Bartlett.

SIR,

Foreign Office, February 21st, 1840.

I HAVE received your Despatch Slave Trade, of the 6th January, 1840; and I have to acquaint you, that I approve of your having communicated to Commander Christie, the Act 2 and 3 Vict., for the suppression of the Slave Trade, and also my circular letter of the 2d November, 1839, on the same subject.

I am, &c.

(Signed) PALMERSTON.

To R. Bartlett, Esq.
&c. &c.

No. 31.

*Mr. Bartlett to Viscount Palmerston.**Santa Cruz January 27th, 1840.*

MY LORD,

(Received March 5th.)

RESPECTING the vessel "*Two Friends*," under American colours, detained here for having been engaged in the Slave Trade, I have the honour to inform your Lordship, that I have learned, that the Minister of the United States in Madrid has formally claimed the vessel as American.

The Spanish authorities have received orders from Madrid to wait for further instructions, as the question respecting the detention of the "*Two Friends*," has been referred for consideration to the Supreme Council of War and Marine.

On the 15th instant, the American Brigantine of War the "*Dolphin*," arrived in this Bay from New York. Some correspondence passed between the Commander and the Spanish Commandant General; yesterday the "*Dolphin*" sailed, the brig "*Two Friends*" remains.

The destination of the "*Dolphin*" is the coast of Africa, to cruise for the suppression of the Slave Trade by ships under the American flag. The commander, C. H. Bell, called on me to ask if I could give him any information about the Slave Trade; I showed him the late Act of Parliament for its suppression, of which he took a copy. He appears to be very zealous to fulfil the object of his cruise, and is desirous of communicating with the commanders of Her Majesty's ships, and to act in unison with them, so to do in the most effectual manner.

On Saturday the 18th, I received information that a remarkably fast sailing Spanish Schooner had arrived from Havana and Porto Rico. This vessel commanded by a Spaniard named Thomas Penasco, (known as a Slave Captain,) sailed from the Havana for Gallinas on the coast of Africa, but receiving injury in a gale of wind, went to Puerto Rico, and was about to continue the voyage, when Francisco Riera arrived there, and desired that the captain should land him in Teneriffe; he is, therefore no doubt the owner of the schooner. This Francisco Riera, is known as the owner of the vessel "*Two Friends*," before it had American Colours, but I believe it is clear from the depositions given by the Spanish crew of the "*Two Friends*," that he is still the real owner.

I immediately called on the Marquis Concordia, and communicated these facts, of which he declared he was entirely ignorant; the official letter he had received merely announcing the arrival of a schooner bound to Gallinas, with a passenger on board. He seemed to hesitate about interfering without an official letter from me, I told him I had no difficulty in writing an official letter, but I could produce no judicial evidence, if he called upon me to do so, although I had no doubt of the truth of the facts. I accordingly wrote a letter, a copy of which is enclosed, and also a copy of the Marquis Concordia's answer.

I have, &c.

(Signed) RICHARD BARTLETT.

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

(Translation.

Enclosure in No 31.

Mr. Bartlett to the Marquis Concordia.

EXCELLENT SIR,

Santa Cruz, Teneriffe, January 18, 1840.

I HAVE been informed of the arrival of a schooner at the Port of Orotava with a Spanish flag from Havana and Puerto Rico, having a passenger on board, and destined to Gallinas, on the Coast of Africa. I possess no judicial evidence of the object of the said voyage, but Gallinas is a place where many negroes are embarked; and from what I have heard of the build and sailing qualities of this schooner, she is very appropriate for the Slave Trade. Having received orders from my Government to give information of the movements of vessels of this class, I consider it my duty also to give notice to your Excellency, for the ends that you may think convenient.

God preserve your Excellency, &c.

(Signed)

RICHARD BARTLETT.

The Marquis Concordia,

&c. &c. &c.

The Marquis Concordia to Mr. Bartlett.

(Translation.)

Santa Cruz, Teneriffe, January 22, 1840.

As soon as I received your communication of the 18th, respecting the Spanish schooner, which, coming from the Havana and Puerto Rico, had arrived at the port of Orotava, having on board a passenger, and was destined to Gallinas, on the Coast of Africa; I gave the proper orders, that immediately the said schooner should be securely brought to this port, to ascertain whether the object of the voyage is the inhuman traffic in Slaves, in contravention of the Treaty between their Catholic and Britannic Majesties, in order to impede it. But my orders could not be carried into effect, because, as I have been officially informed, the said schooner, the day after arrival at the above named port, had sailed, bound to Lanzarote, to repair the damage done to the mainmast

New and effectual orders are already given for the same end, waiting only that there may be a vessel going to the island named.

I say this to you in answer to your communication cited.

God preserve you many years, &c.

(Signed)

THE MARQUESS CONCORDIA.

No. 32.

*Viscount Palmerston to Mr. Bartlett.**Foreign Office, April 23, 1840.*

Circular sending copies of the Treaty with Venezuela.

(See No. 20, page 18.)

SPAIN (*Consular*)—THE HAVANA.

No. 33.

*M. Tolmé to Viscount Palmerston.**Havana, December 9, 1839.**(Received January 17, 1840.)*

MY LORD,

I HAVE had the honour of receiving your Lordship's Despatch of the 12th October last, marked *Slave Trade*, with six copies of the Papers which contain the substance of the Negotiation between Great Britain and Portugal, with reference to the suppression of the Slave Trade hitherto carried on under the flag of Her Most Faithful Majesty, and beg to inform your Lordship, that I have distributed these Papers as follows:—

One set to the Captain-General; one to the Intendente; one to the Admiral; one to the Regent; and one to the Tribunal of Commerce; each accompanied by a letter, whereof the Enclosure No. 1 is a copy.

The sixth set is at present circulating among my colleagues, accompanied by a letter, whereof the enclosure No. 2 is a copy, and will, when returned, be placed in the hands of such individuals, as I conceive likely to peruse it, to be afterwards added to the Archives of this Consulate.

I have, &c.

(Signed) C. D. TOLME'.

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

&c.

&c.

&c.

 First Enclosure in No. 33.
*Mr. Tolmé to the Captain-General and others.**Havana, December 4, 1839.*

THE Portuguese Government having addressed a circular Note to the Courts who were parties to the Treaties and Conventions concluded at the Congress of Vienna in 1815, complaining 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 representing the conduct of Great Britain towards Portugal, 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 in this matter; and I beg to transmit to you a set of the same, for your information.

I have, &c.

(Signed) C. D. TOLME'.

To His Excellency the Captain-General," *the Superintendent-General of Finances,*" *the Commander-in-Chief of Her Catholic Majesty's Naval Forces on this Station.*

&c.

&c.

&c.

Second Enclosure in No. 33.

M. Tolmé to the Consuls-General and Consuls at The Havana.

GENTLEMEN,

Havana, December 7, 1839.

THE Portuguese Government has recently addressed a circular Note to the Courts of Europe who were parties to the Treaties of Vienna in 1815, complaining of the measures of Great Britain to put down the Slave Trade, carried on under the flag of Her Most Faithful Majesty, as a "flagrant violation of the law of nations, a direct attack on national independence, an unjust and unprovoked aggression, an offensive and unheard of proceeding, and a new and extraordinary example of the abuse of power;" and thus endeavours, by inveighing against Great Britain, to conceal the deliberate bad faith and persevering breach of engagements, of which Portugal has been guilty.

The British Government, with the dignified calmness of conscious rectitude, answers such insulting charges, not by acrimonious recrimination, but by the simple publication of "Copies of Papers relative to the Negotiation between Great Britain and Portugal, on the subject of the Slave Trade." One of those I have the honour to submit to your perusal. It needs no comment; it affords proofs, showing how entirely groundless and false are the assertions made by the Portuguese Government in its circular Note: and I have but to regret, that I am obliged to ask you, after reading it, to return it to me, as it is the only copy I possess; for otherwise, I should have felt proud if you would have added to the archives of your Consulates, documents which place the justice, nay, the forbearance and generosity of the British Government and nation, in so elevated a point of view.

I have, &c.

(Signed)

C. D. TOLME'

*To the Foreign Consuls General, and Consuls in Havana,
&c. &c. &c.*

No. 34.

*Mr. Tolmé to Viscount Palmerston.**Havana, December 17, 1839.*

MY LORD,

(Received, January 7, 1840.)

A NEGRO boy serving in the house of a neighbour of Mr. Kennedy's in the country, having called on the latter gentleman and stated to him that he was a British subject, kidnapped from Sierra Leone, Mr. Kennedy reported the case to me on the 26th of September last. I immediately put myself into communication with Mr. Dodd, the master of the boy, through the medium of a mutual acquaintance, but found that he knew nothing of his history except that he had formerly belonged to Mr. Cruger, the directing engineer of the royal rail-road in this island. Mr. Cruger was absent, but his return was soon expected, and I determined to wait for it, in the hope of prevailing on him to give up the lad, or at least to furnish me with information corroborative of his statement, rather than at once apply to the authorities, from whom I had to expect no willing aid in the liberation of this unfortunate African. In this state the matter rested till the 8th instant, when the boy came to see me, and I profited by the occasion to take the deposition, of which the enclosed is a copy; afterwards desiring him to go home and conduct himself well, so as to ensure good treatment from his master for the time he would have to remain with him. To my astonishment, I received, four days after, a note from Mr. Kennedy, announcing that the boy, on his return from my office, had been delivered over to the Chief of the Police at the Cerro; and that he had, in passing, seen him in the stocks.

On hearing this, I lost no time in despatching to Mr. Dodd the letter of which No. 2 is a copy, and the boy was in consequence released, not however, to be set at liberty, but to be attempted to be sold or exchanged, or put out of the way. The moment I knew the fact, I wrote to Mr. Dodd the Enclosure No. 3, and to His Excellency the Captain-General, No. 4. From the former I have had no reply; from the latter I have received the letter, of which No 5 is a Copy, stating that a summary investigation of the case shall be made; and I have, in No. 6, replied, by representing the chief proofs of the boy's being illegally held in bondage, and urging

His Excellency to bring the investigation to an early conclusion, so that the poor lad may soon be placed in my hands, to be restored to his country and his friends.

I shall not fail to prosecute the affair with vigour, and in due time inform your Lordship of the result.

I have, &c.

(Signed)

C. D. TOLMÉ.

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

First Enclosure in No. 34.

Deposition of Daniel Speck.

PERSONALLY appeared before me, C. D. Tolmé, Her Majesty's Consul at Havana, on Sunday, 8th December, 1839, a negro of apparently twenty years of age, who stated himself to be the slave of Mr. Dodd, an American engineer, and declared that he had been stolen on the coast of Africa. After hearing his story, which was somewhat rambling and not very intelligible, I resolved on putting to him specific questions, and taking down his answer to each.

The following are the questions and his replies:—

“What is your name?—Daniel Speck.

“Where were you born?—At Sierra Leone.

“Were you baptised by that name!—Yes.

“Who were your parents?—My father was a mulatto called Charles Croker, my mother a negro called Betsy.

“What was your father?—A carpenter; but he also kept a shop and sold cloth, powder, guns, cutlasses, beads, corals, rice, camwood, grog, brandy, gin, champagne, wines, aniseed, handkerchiefs, and other things.

“What was your mother?—A washerwoman.

“Did you go to school in Sierra Leone?—Yes.

“To whom?—First to Mr. Johnson at York Island, and then to Mr. Morgan, the King's School, at Sierra Leone.

“Can you write?—No.

“Can you read?—A little, but I have almost forgot it.

“What did you do in Sierra Leone after you left school?—I went on board Her Majesty's ship ‘*Pylades*,’ as servant boy to the master, then waited in my father's shop, then was with Colonel Kingston till he went away, and then again in the shop, till my brother took my place and I was put to learn to trade with Samuel Job.

“What was Samuel Job's trade?—He went trading along the coast in a pinnace.

“Did you go with him?—Yes.

“Where did you go?—We went along the coast to Mandingo and Rio Pongo, and sometimes to Turtle Islands and other parts.

“What did you sell?—Powder, grog, cloth, tobacco, and other things, which we exchanged for ivory, camwood, &c., taking the things back to Sierra Leone.

“Did you go on shore to sell and barter?—Yes.

“Alone?—Yes, sometimes.

“How many trips did you make?—About ten, and after that my father knowing that the Mandingoes were fighting did not wish me to go any more; but Simon Job asked him to let me go, and as I did not like to be idle I went. That was my last trip.

“Where did you go on the last trip?—To Turtle Islands.

“And what happened there?—Being inside Turtle Islands, I went ashore and sold a black man five corals for twenty dollars on credit, and afterwards I went to the country called Sama to get the money, and the man said he had none, and I offered to take ivory which I saw there, but he would not give it to me; and then I went back to a house that Samuel Job had on Sama River, and afterwards the black man's wife came and brought some rice, and this I would take, but I told her that the man would still owe me ten dollars; and she had some ivory, and I told her I would take it all and give her more things for it; and then it was put in Sam Job's house till we should agree about it, and then the black man came and said I had ill-treated his wife, and they took me to the court house in Sama and tied my arms behind me, and afterwards they sold me to another man, Mr. Domingo, and I went with him to Gallinas, and was delivered to a man called François.

"Where was Samuel Job when this was going on?—He was gone back to Sierra Leone in the pinnace.

"How long were you going to Gallinas from Sama?—Two days and a half.

"How did you go?—In Domingo's boat.

"How long were you kept in Gallinas?—Five days.

"What sort of place were you in?—In a Baracoon.

"How many people were in it?—200 women and 300 men.

"Did you see any one at Gallinas whom you knew?—Yes, a Spanish man that had been taken when I was on board the "*Pylades*."

"What did they afterwards do with you?—They put me in a ship.

"How many Africans were on board her besides yourself?—About 340.

"And what happened then?—The ship went to sea.

"And what country did she come to?—To this.

"Where did you land?—I don't exactly know, but from what I have since learnt, I believe it was Caimito.

"And after landing what happened?—They made us walk to Marianao.*

"How long were you coming?—Three days.

"What place did they put you in?—In a large yard.

"How long did you stay there?—Three days and two nights.

"Where did you go then?—To a Baracoon near the railroad.

"Could you now find it?—Yes.

"Do you know the name of the ship you came in?—No.

"Was she a ship, brig, or schooner?—A brig; I had seen her at Sierra Leone before, where she was two or three times a prize.

"Do you know the captain's name?—No, he was a Frenchman, but speaks English, a short fat man, an old man with large whiskers.

"Do you know the name of any of the people?—No except Manuel and Antonio.

"Do you know any other of the Africans who came over with you?—Yes, three who live near the Plaza de Vapor, and one in the Cerro and some in the country.

"Does anybody here know you from the time you were in Sierra Leone?—I once saw here an American gentleman that knew me there, and he gave me half an ounce.

"Where is he?—I don't know.

"Is he in this Island?—I believe not.

"Does anybody know him that you know?—I believe not.

"Does Mr. Dodd know him?—No.

"Nor Mr. Cruger?—No.

"Does anybody else know you from the time when you were in Sierra Leone?—Yes, one boy called John, who lives at los Guines: he is also from Sierra Leone.

"What is that boy?—He makes cigars.

"How long has he been there?—He told me seven years.

"Do you know his master's name?—He lives with a widow.

"Do you know her name?—No.

"If you were in los Guines could you find her house?—Yes.

"How long have you been here?—Two years.

"Who do you live with now?—Mr. Dodd.

"How long have you lived with him?—Eight months.

"Who did you live with immediately before living with Mr. Dodd?—Mr. Cruger.

"How long?—About three months in town, and seven in los Guines.

"Who did you live with before that?—With a Spaniard called 'Niño † Pepe.' Niño Pepe lives in a large house in front of the Plaza de Vapor: he sent me to his estate for six months.

"Do you know his house?—Yes.

"Do you know where his estate is?—Yes, on the road near the large bridge on the railway, before you come to the large hole underground. (*The Tunnel*.)

"Where did he get you?—He bought me out of the Baracoon.

"Did he buy more negroes at the same time?—Yes, seven.

"Where are they?—At his estate.

"Do they know you?—Yes, we came in the same vessel.

* A place about six miles from Havana, at which P. Martinez and Co. have a large Wax bleach. Signed) C. D. T.

† Niño meaning "child," is a term by which servants, brought up in a family, and by imitation, all others, always call their young masters. "Pepe," is an abbreviation of "Jose." It is seldom that Slaves know the surnames of those to whom they belong. (Signed) C. D. T.

“ Why did Niño Pepe sell you to Mr. Cruger?—Because I cried always, and could not learn Spanish.

“ You promised when I first began to ask you these questions that you would tell me only what was true; it will be to your own injury, if I put down anything but the truth; therefore if you have the least idea that you have said anything wrong, tell me now, before it is too late?—No, Sir, indeed all I have said is true.

“ Before me,
“ C. D. TOLME’.”

(Signed)

Second Enclosure in No. 34.

Mr. Tolmé to Mr. Dodd.

SIR,

B. C. Havana, 13th December, 1839.

ABOUT two months ago Her Majesty's Commissary Judge in this place informed me, that there was a negro in your house, “ who states himself to be a British subject, a native of Sierra Leone, from the neighbourhood of which Colony he was kidnapped on board of a slave vessel, and brought to this Island.”

Bound by the Instructions of the British Government to investigate all cases of this nature, which come to my knowledge, I could not, if I had wished, let the matter rest; but not having the pleasure of your acquaintance, I requested Dr. Finlay and Mr. Dalton to speak to you about it and to inform me of the particulars. From them I ascertained, that you have a boy who talks English, but that you know nothing of his history, beyond the fact of his having been previously in Mr. Cruger's service; on hearing this I determined to wait the return of that gentleman before I took any further steps in the business, confident that in your family he would meantime enjoy kind treatment. Nor was my determination changed, when the boy last Sunday called on me with a note from Mr. Kennedy, and told me his story, the truth of which in the main can hardly be doubted.

But to my astonishment and regret, I have since heard from Her Majesty's Judge, that the lad was, “ on his return from me, handed over to the Captain del Barreo del Cerro, and has since been kept in the stocks.” This treatment so different from what I expected he would have experienced at your hands, obliges me no longer to wait for Mr. Cruger's return, but to take immediate measures in his behalf; yet out of courtesy, I would not do so without giving you notice of such intention, and adding, that I shall be anxious in what I do to put you to as little inconvenience, as is consistent with the fulfilment of that duty which I owe to my Government, and to one whom I believe to be a British subject, and therefore as much entitled to be free as myself.

I am, &c.,
(Signed) C. D. TOLME’.

To E. Dodd, Esq.
&c. &c. &c.

Third Enclosure in No. 34.

Mr. Tolmé to Mr. Dodd.

SIR,

I HAD the honour of addressing you on the 13th Instant, about a Boy in your service; but have not had the pleasure of a Reply.

The Boy has since informed me, that you have been attempting to change him for another Slave at one of the Baracoons, and have threatened to send him to an estate unless he finds a master.

My request now, is, that you would desist from so doing, for no such step would be of avail, as the case must be immediately investigated by the authorities.

If the Boy is not kidnapped your right to him may be established; and if he is, I trust you are too just to wish that he should continue in bondage.

I am, &c.,
(Signed) C. D. TOLME’.

To E. Dodd, Esq.
&c. &c. &c.

Fourth Enclosure in No. 34.

Mr. Tolmé to the Captain General.

MOST EXCELLENT SIR,

British Consulate, Havana, Dec. 15th, 1839.

A NEGRO boy in the service of Mr. Dodd, an engineer in the Cerro, having reported to me that he was above two years back, kidnapped from Sierra Leone, and having stated so many particulars, that I entertain not the slightest doubt of the fact, I beg your Excellency to order the case to be enquired into, and the boy if what he states be true, placed at my disposal, in order to be restored to liberty and to his family.

I have also to request your Excellency to be pleased forthwith to direct Mr. Dodd to deliver up the boy to some one, with whom your Excellency may think fit to deposit him till the case is investigated, for I have reason to apprehend that it is Mr. Dodd's intention either to sell him, or send him away this very day.

Pleading the urgency of the matter as an apology for my addressing your Excellency on a Sunday.

I have, &c.

(Signed) C. D. TOLME'.

His Excellency the Captain General.

&c. &c. &c.

Fifth Enclosure in No. 34.

(Translation.)

*The Captain General to Mr. Tolmé.**Dec. 16th, 1839.*

I HAVE received your communication of the 15th instant, in which you are pleased to inform me of the declaration made to you by a negro in the service of Mr. Dodd, an engineer in the Cerro; and having given orders for the summary investigation of the case, I notify it to you in reply to your letters.

God preserve you, &c.

To the English Consul,

&c. &c.

Sixth Enclosure in No. 34.

Mr. Tolmé to the Captain General.

MOST EXCELLENT SIR,

British Consulate, Havana Dec. 16th 1839.

I HAVE had the honour of receiving your Excellency's letter of this date, informing me that a summary investigation of the case of the kidnapped negro, in service of Mr. Dodd, would immediately take place, and I therefore beg leave to call your Excellency's attention to the following facts:—

1. That the boy, though two years in this country, of which six months were passed in a Spanish plantation, knows scarcely anything of Spanish, and speaks English fluently.

2. That he is perfectly well acquainted with many people in Sierra Leone, with that place, and its customs.

3. That he can describe the schools there at which he was taught.

4. That he knows the persons at that place with whom he has served, among others Colonel Kingston.

5. That he remembers the name of a British ship of war, on board of which he was for six months on the African station;

And 6. That his description of the country in and proximate to the settlement of Sierra Leone, is such as no person but one who had long resided there could give.

The facts afford the strongest *primâ facie* evidence of his being a British subject, and convince me that his master, Mr. Dodd, cannot by any possibility have papers, under which he is legally held in bondage.

I trust, therefore, that his case will be brought to an early conclusion, and the boy soon be placed in my hands to be restored to his country and his friends.

I have, &c.

(Signed) C. D. TOLME'.

To His Excellency the Captain General.

&c. &c. &c.

No. 35.

*Mr. Tolmé to Viscount Palmerston.**Havana, December 18th 1839.*

MY LORD,

(Received January 17th.

I HAVE the honour to enclose copies of the lists which have been furnished me, by my agents, of the vessels arrived in this port, during November, from the coast of Africa, after landing negroes, and of those which have cleared out at this Custom-house for that destination, and for the Cape Verds.

(I have, &c.

(Signed) C. D. TOLME.

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

First Enclosure in No. 35.

List of vessels arrived in the Port of Havana, after having, it is said, landed negroes on the coast.

				Masters.		
November	2	Portuguese	Schooner	" <i>Felicedad</i> ,"	Felix with	235 negroes.
"	13	"	"	" <i>Josefina</i> ,"	Carvallo "	313 "
"	21	"	Ship	" <i>Amelia</i> ,"	Suarer "	518 "
"	29	"	Schooner	" <i>Paz</i> ,"	Machado "	370 "

Second Enclosure in No. 35.

List of vessels despatched at the Custom-house in November 1839, for the coast of Africa, and the Cape de Verds.

November	13	Spanish	Schooner	" <i>Margareta</i> ,"	Mr. Falduendo Gallinas.
"	14	American	"	" <i>Asp</i> ,"	W. L. Weny, Rio Bras.
"	19	Portuguese	"	" <i>Eliza</i> ,"	Vivez, Cape de Verds.

No. 36.

*Mr. Tolmé to Viscount Palmerston.**Havana, December 18th, 1839.*

MY LORD,

(Received January 17th.)

I HAVE had the honour of receiving your Lordship's Despatch Slave Trade, of the 12th of October, 1839, enclosing one copy of the *Correiro* of Lisbon, containing 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, and which your Lordship desires me to cause to be reprinted, and to be circulated as extensively as possible.

I have requested the Captain General to direct the Censor to allow these notes to appear in the public papers, which I hope his Excellency will not refuse, but if so I shall take other means of complying with your Lordship's instructions.

I have, &c.

(Signed) C. D. TOLME.

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

No. 37.

*Mr. Tolmé to Viscount Palmerston.**Havana, December 18th, 1839.*

MY LORD,

(Received January 17th, 1840.)

THE Governor-General of Jamaica, Sir C. T. Metcalfe, having written to me respecting two British subjects, "Wellington and Shirley," held in bondage in this country, I addressed the Captain-General on the 20th November last the letter on this subject, of which No. 1 is a copy.

His Excellency answered me in the terms of the Enclosure No. 2, and I replied to him in those of the Enclosure No. 3. The consequence was that His Excellency transmitted to me an authenticated copy of the proceedings in regard to Wellington, by which it appears that the orders for his release were sent to Santiago de Cuba as long ago as the 18th of May last. This document (the authenticated copy of the proceedings) I immediately forwarded in original to Mr. Pro-Consul Wright, and hope that the boy is now at liberty. About "Shirley" nothing yet has been decided. If I do not now soon obtain his liberation, I shall again apply to the Captain-General on the subject.

I have, &c.

(Signed)

C. D. TOLMÉ.

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

&c.

&c.

&c.

First Enclosure in No. 37.

Mr. Tolmé to the Captain-General.

MOST EXCELLENT SIR,

Havana, November 20th, 1839.

I HAD the honour so long ago as the 24th November, 1838, to address your Excellency on the subject of a young man named "Wellington," who in the year 1834 was kidnapped in Jamaica, brought to Santiago de Cuba, and after legal inquiry as to his quality, was deposited with the Protector of Slaves, to be delivered up to the British authorities whenever claimed, but who, notwithstanding these facts, and in spite of application for his release made by their Excellencies the Marquess of Sligo and Sir Lionel Smith, successively Governors of Jamaica, and by myself in the name of the latter, is still held in bondage.

Her Majesty's ship "Racer," arrived this day from Port Royal, brings me despatches from his Excellency the Right Hon. Sir Charles Theophilus Metcalfe, the present Governor-General of Jamaica and its dependencies, by which I am desired again to call your Excellency's notice to the matter, as I have now the honour of doing.

I am also to request your Excellency to be pleased to cause inquiry to be made as to the case of a person called Henry Shirley, who it seems was stolen from Jamaica by a Mr. Antonio La Damont, or La Dezma, a shopkeeper of Santa Cruz, once owner of a schooner trading to Montess Bay, called the Lucea; for this unfortunate individual, Shirley, though discharged by the late Governor of Santa Cruz, is still held in slavery; and I am further to ask, if this statement be true, of which there is little doubt, that Shirley may likewise be set at liberty.

The justice and benevolence which characterise your Excellency's administration are a sufficient guarantee for the release of these unhappy people, as soon as the iniquity and cruelty of their detention engage your Excellency's attention: but when, moreover, I learn, from public documents, that Her Catholic Majesty's Government has expressly declared to Her Britannic Majesty's Representative at Madrid, that the penalties of the Spanish laws upon those who venture to commit the crime of kidnapping a freeman are as severe as those of England can be, "and that Her Majesty the Queen would issue orders to the Captain-General of Cuba to persevere in his zealous investigation for the delivery of free British negroes, illegally and surreptitiously reduced to slavery," I am convinced that your Excellency will not

only liberate the two individuals, who are more peculiarly the subject of the present despatch, but likewise others who may be or become enslaved under similar circumstances, and punish with the utmost severity of the law those who are the authors of their misfortune.

I am, &c.

(Signed)

C. D. TOLME'.

His Excellency the Captain-General,
&c. &c. &c.

Second Enclosure in No. 37.

The Captain-General to Mr. Tolmé.

[*Havana, November 28th, 1839.*

I HAVE received your communication of the 20th, with reference to the theft of a youth named Wellington, who was taken to St. Jago de Cuba, and has been claimed at the dates mentioned, and I beg to say that I shall opportunely inform you of the result.

God preserve you, &c.

(Signed)

ESPELETA.

The English Consul,
&c. &c.

Third Enclosure in No. 37.

Mr. Tolmé to the Captain-General.

MOST EXCELLENT SIR,

Havana, December 2nd, 1839.

I HAVE received your Excellency's communication of the 28th ultimo, announcing, in reply to my letter of the 20th, with reference to the theft of a youth named Wellington, who was conveyed to Santiago de Cuba, and who was previously claimed, "that your Excellency would opportunely inform me of the result."

I shall have the honour of transmitting a copy of your Excellency's Despatch, to his Excellency the Governor-General of Jamaica, with whom the claim of Wellington originated, as well as to Her Majesty's principal Secretary of State, for their information; and I should ill perform my duty did I not also take leave to recall to your Excellency's mind, that it is now more than five years since Wellington was stolen from Jamaica, and acknowledged by the authorities of Santiago de Cuba to be so, and did I not respectfully urge your Excellency to cause immediate measures to be taken for the boy's release?

It is likewise right that I should observe to your Excellency, that my letter of the 20th ultimo did not apply to Wellington alone, but also to Shirley; yet of the latter your Excellency, in reply, takes no notice. I have therefore again to bring his case before your Excellency, and I am enabled to do so the better by enclosing the copy of a letter from him, which since I last addressed your Excellency upon the subject I have received from his Excellency Sir Charles Metcalfe. I solicit your Excellency's attention to both these claims, as belonging to a class in favour of which Her Catholic Majesty's Government, in its communication with that of Her Britannic Majesty, has expressed itself most decidedly, and one which the latter will never cease to agitate till it has secured, what it so justly pretends to, the liberation of all its kidnapped subjects.

I request, &c.

(Signed)

C. D. TOLME'.

The Captain-General,
&c. &c. &c.

No. 38.

*Viscount Palmerston to Mr. Tolmé.**Foreign Office, February 20th, 1840.*

CIRCULAR sending Papal Brief on Slave Trade.

(See No. 10, p. 8.)

No. 39.

*Mr. Tolmé to Viscount Palmerston.**Havana, March 3rd, 1840.*

MY LORD,

(Received April 22nd.)

ON the 17th December last I had the honour of addressing your Lordship, relative to a British subject named Daniel Speck, who had been kidnapped from Sierra Leone, and was then held in bondage in this island.

I have now the satisfaction to announce, that my endeavours to procure this boy's freedom have been crowned with success: he has, by a formal act of the Tribunals, been placed at liberty.

Presuming that his first desire would be to return to his family and friends, I offered him a passage home, by way of England. But he preferred to take service here for the present, and has in consequence accepted a situation in a respectable foreign family, where he earns about 30*l.* sterling a-year, knowing at the same time that, as he is under my eye, his rights will be secured to him; and that whenever he wishes to go back to Africa he has but to apply to me for the means of doing so.

I have, &c.

(Signed)

C. D. TOLMÉ.

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

No. 40.

*Viscount Palmerston to Mr. Tolmé.**Foreign Office April 23rd, 1840.*

CIRCULAR sending Copies of the Treaty with Venezuela.

(See No. 20, p. 18.)

No. 41.

Viscount Palmerston to Mr. Tolmé.

SIR,

Foreign Office, April 30th 1840.

I HAVE received your Despatch marked Slave Trade, of the 3rd of March, 1840, stating that the British negro, Daniel Speck, who had been kidnapped from Sierra Leone, and was held in bondage at the Havana, had been set at liberty by a formal act of the Tribunals, and had taken a situation in a respectable foreign family in that city.

It appears to me, that this individual has a bad chance of remaining practically free, while in the service of a foreigner, and in a colony in which so many persons of his colour are kept in slavery; and I therefore think it desirable that he should be sent home to Sierra Leone.

I have accordingly to instruct you to have him conveyed to Sierra Leone by the first safe opportunity which may offer, and to report to me the steps you may take for this purpose.

Upon reference to your previous Despatch upon this subject marked Slave Trade of the 17th December, 1839, I observe that Daniel Speck, when examined by you on the 8th of that month, deposed "that there was another boy who had been brought from Sierra Leone, who was called John, and who was living at Los Guines," and John Speck stated "that he could find the house of the person with whom this negro boy, called John, lived;" I have to request that you will inform me whether you have made any inquiries about this individual, and if so what has been the result thereof.

I am, &c.

(Signed.)

PALMERSTON.

C. D. Tolmé, Esq.
&c. &c.

PORTUGAL.

No. 42.

Baron Moncorvo to Viscount Palmerston.

London, January 1, 1840.

(Received January 2.)

O ABAIXO assinado Enviado Extraordinario e Ministro Plenipotenciario de Sua Magestade Fidelissima junto a Sua Magestade Britanica cumprindo as ordens que recebeu do seu Governo, tem a honra de participar a Sua Excellencia mi lord Visconde Palmerston, Principal Secretario de Estado de Sua Magestade Britanica, na Repartição dos negocios Estrangeiros, que o Governo de Sua Magestade acaba de ser informado das mais extraordinarias violencias e attentados commettidos pelo Commandante Elliott do Brigue de Guerra Britanico "Columbine," contra Navios e Bandeira de Portugal, como consta do Extracto junto No. 1 do Officio que ao Governo de Sua Magestade dirigio o Vice Almirante Antonio Manoel de Noronha, Governador Geral de Angola, com as copias Nos. 2 e 3, a que se refere; bem como por officio copia No. 4 de 10 do dito mez, do Capitaõ Tenente Joaõ Maria Ferreira do Amaral, entaõ Commandante da Estação Naval em Loanda.

Da copia No. 2 do Protesto feito pelo Capitaõ, Piloto, Contramestre e Dispenheiro do Brigue Escuna Portuguez "Esperança," se prova que o dito Commandante do Brigue Britanico "Columbine," não só detivera sem justo motivo ao Sul do Equador, na Costa de Africa, aquelle navio Portuguez durante oito dias, tirando lhe por todo esse tempo a sua tripulação, mas abriera a correspondencia que nelle encontrára, 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 dirigira ao Governador Geral de Angola, replicando com expressões arrogantes ás observações que sobre este procedimento tan criminoso lhe fizera o Capitaõ do dito Navio Portuguez Francisco Jeronimo de Mendonça.

Ainda maiores attentados do mesmo Commandante Elliott se provaõ tanto do citado officio No 4 do dito Commandante da Estação naval em Loanda, como da Declaração copia No. 3, que ao Governador Geral de Angola apresentaraõ Bento Fernando Salgueiro, e Luiz Antonio de Carvalho e Castro, o primeiro delles Capitaõ, e o Segundo sobrecarga do Brigue Portuguez "Paquete de Loanda."

Foi este navio visitado pelo dito Commandante Elliott, e por elle detido para presenciar, *como elle proprio disse*, o castigo que queria dar aos dous Navios Portuguezes "Neptuno" e "Angerona," cujas tripulações mandou para bordo do dito Brigue "Paquete de Loanda," metendo depois a pique a força de tiros de artilheria os mencionados navios "Neptuno," e "Angerona," no ultimo dos quaes tinha sido içada por ordem do dito Tenente Elliott, a Bandeira Portugueza, e com ella foi submergido.

Naõ se achavaõ incursos estes dous 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 Elliott, valendose da authoridade que lhe dava a Convenção assinada 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 Britanica, tinha naquella occaziaõ hido ao Zaire para aprezar os navios que se empregassem no Trafico da Escravatura; mas que deixára 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 he que o "Neptuno," foi abordado de noite, e aprezado pelos escaleres do "Columbine;" e só quando ao amanhecer os marinheros Inglezes tratavaõ

de desamarar violentamente o "Neptuno," para o conduzirem para o mar, he que se diz que Pretos do Congo lhes fizeraõ fogo.

Por consequente o aprezamento precedeu o fogo dos negros, e não podia este ser motivo daquelle, nem esse fogo feito pela tripulação do "Neptuno," como pretendeo asseverar o Commandante Elliott; por quanto a esse tempo ja havia muito que a guarnição do "Columbine," se tinha apoderado do Brigue, "Neptuno," e aprizio-nado a sua tripulação.

Disto resulta ser indubitavelmente da invenção do Commandante Elliott terem as tripulações dado armas aos negros quando alias he certo e sabido que elles habitualmente dellas estaõ providos naquellas paragens.

Mas quando tivessem existido justas queixas da parte do Commandante Elliott contra os ditos navios, devia elle dirigir as suas reclamações conforme o Direito das gentes á authoridade competente em Angola, aonde receberiaõ o merecido castigo as tripulações ou os individuos dellas, que houvessem delinquido.

Vê-se porem manifestamente que o Commandante Elliott não julgava culpado individuo algum das ditas tripulações porque até as deixou a todos em plena liberdade: donde he evidente que o seu inaudito procedimento contra os mencionados dous navios só teve por alvo a acintosa intenção de ultrajar da maneira mais atroz a Bandeira Portugueza.

Ainda em estado de guerra não he licito metter a pique os navios do inimigo, senaõ em casos de extrema necessidade; a qual unicamente pode limitar os deveres de moderação, e de humanidade que para com o proprio inimigo manda observar o Direito das Gentes.

Em summa, dos papeis juntos persuade-se o abaixo assinado 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 um 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 içar em um delles a Bandeira Portugueza, passando antes disso suas tripulações para bordo de "Pacquete de Loanda," que obrigou a demorar-se, para presenciar este acto inaudito! O facto pois de haver-se o Commandante Elliott constituido, de motu proprio, aprezador, juiz, e executor de taõ horrendos attentados, em tudo contrarios ás Leis de Portugal, e da Gram Bretanha e ao Direito das Gentes, he taõ revoltante que não precisa comentario.

Em consequencia o Governo de Sua Magestade vivamente offendido, deu ordem ao abaixo assinado, Enviado Extraordinario e Ministro Plenipotenciario de Sua Magestade Fidelissima, para reclamar do Governo Britanico, como elle faz pela presente nota, huma reparação adequada á grandeza do ultrage recebido, e em virtude da qual se faça pezar a força da Lei sobre o delinquente, e se dê 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 Britanico não faltará a praticar este acto de Justiça em que está empenhada a sua propria honra, e a elevada reputação da sua Marinha.

O. Abaixo assinado, &c.

(Signed) BARON DE TORRE DE MONCORVO.

To the Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Baron de Moncorvo to Viscount Palmerston.

(Translation.)

London, January 1, 1840.

THE Undersigned Envoy Extraordinary and Minister Plenipotentiary of Her Most Faithful Majesty to Her Britannic Majesty, in compliance with orders from his Government, has the honour to inform his Excellency Lord Viscount Palmerston, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, that Her Majesty's Government has received intelligence of a most extraordinary act of violence and outrage, committed by Captain Elliott, of Her Britannic Majesty's brig "Columbine," against ships and the flag of Portugal, as appears from the enclosed extract No. 1, of the Despatch, addressed to Her Majesty's Government by Vice-Admiral Antonio Manoel de Noronha, Governor-General of Angola, and from the enclosures Nos. 2 and 3, to which he refers, as well as from the Despatch No. 4, of

the 10th October from the Lieutenant Captain Joao Maria Ferreira do Amaral, the then Commandant of the Naval Station at Loanda.

It will be seen by No: 2, being the Protest made by the Captain, the Master, the Boatswain, and the Steward of the Portuguese schooner brig "*Esperanza*," that the said Commander of the British brig "*Columbine*," not only detained that Portuguese ship for eight days, without just grounds, to the south of the equator on the coast of Africa, keeping her crew out of her during all that time, but also opened the correspondence which he found on board of her, without even respecting a Despatch which had the Royal Arms of Portugal impressed on its seal, being addressed by Her Majesty's Minister at the Court of Rio de Janeiro to the Governor-General of Angola; Captain Elliott returned an arrogant reply to the observations made him on this criminal procedure by Francisco Jeronimo de Mendonza, the Captain of the said Portuguese ship. Still greater outrages of Commander Elliott are set forth in the above Despatch No. 4, of the said Commandant of the Naval Station at Loanda, as well as in the Declaration No. 3, presented to the Governor-General of Angola, by Bento Fernando Salgueiro and Luiz Antonio de Carvalho e Castro, the former of them Captain and the latter Supercargo of the Portuguese brig "*Paquete de Loanda*."

The latter ship was searched by Lieutenant Elliott and detained by him for her to witness, *as he himself said*, the chastisement he wished to inflict on the two Portuguese ships "*Neptuno*" and "*Angerona*," whose crews he ordered on board the brig "*Paquete de Loanda*," whereupon he by cannon shot sunk the two ships "*Neptuno*" and "*Angerona*," in the latter of which the Portuguese flag, with which she was submerged, had been hoisted by order of Lieutenant Elliott. These two ships had not incurred the penalties established by the laws nor the provisions of the Treaties which prohibit the Slave Trade to the Portuguese, inasmuch as it appears from the papers alluded to, that Commander Elliott availing himself of the authority given him by the Convention signed at Loanda, the 29th of May last, by Vice-Admiral Antonio Manuel de Noronha, Governor-General of Angola, and by Lieutenant Tucker of the British Navy, had proceeded to the Zaire in order to capture such ships as should engage in the Slave Trade; but that he had not touched the two ships "*Neptuno*" and "*Angerona*," doubtless, because, he had not found anything in them which could be construed into a contravention of the Decree of the 10th December, 1836.

Many days afterwards, the "*Neptuno*" was boarded in the night and captured by means of the barges of the "*Columbine*," and it is alleged that the blacks of Congo fired on them, only when, at the dawn of day, the English sailors set about forcibly to unmoor the "*Neptuno*" in order to take her out to sea.

Consequently, the capture preceded the fire from the negroes, nor could the latter be the motive of the former, any more than could the firing proceed from the crew of the "*Neptuno*," as Commander Elliott insisted, inasmuch as at that time the men of the "*Columbine*" had already a good while been in possession of the brig "*Neptuno*," and had taken her crew.

From hence it undoubtedly results as an invention of Commander Elliott, that the crews had furnished arms to the negroes, it being certain and notorious that it is a common practice to provide them with arms in those latitudes.

But, supposing there had existed just complaints on the part of Commander Elliott against those ships, he ought to have addressed his reclamations, according to the law of nations, to the competent authority in Angola, where the crews, or such individuals of them as had been in fault, would have been visited with condign punishment.

But it is clear that Commander Elliot did not judge any individual of those crews to be culpable, as he left them all at full liberty, so that his unheard-of proceeding against the said two ships can have had no other object than the spiteful intention of outraging the Portuguese flag in the most atrocious manner.

Even in a state of war it is not permitted to sink the enemy's ships, except in cases of the utmost necessity, which alone can limit the duties of moderation and humanity which the law of nations directs to be observed towards the enemy.

To conclude, the Undersigned is convinced, that from the enclosed papers sufficient proofs will be collected of the singular conduct of that officer, inasmuch as they establish the audacity of violating the correspondence by breaking open the seal of the Royal Arms, of detaining a ship in which no suspected article was found, of taking out her crew and keeping them away from her for eight days; and finally, of sinking two Portuguese ships, the "*Neptuno*" and the "*Angerona*," after caus-

ing the Portuguese flag to be hoisted on one of them, and transferring previously their crews on board the "*Paquete de Loanda*," which vessel he obliged to suspend her voyage that she might witness this unheard of act!!! The fact, then, of Commander Elliott having, of his own accord, constituted himself captor, judge, and executor of the horrid deeds, totally militating against the laws of Portugal and of Great Britain, as well as against the law of nations, is too revolting to need any comment.

In consequence, Her Majesty's Government, feeling greatly offended, has directed the Undersigned Envoy Extraordinary and Minister Plenipotentiary of Her Most Faithful Majesty, to demand from the British Government, as he does by the present Note, a reparation, adequate to the magnitude of the outrage received, so that in virtue of it the whole weight of the law may be made to fall on the delinquent, and that suitable reparation may be given to the owners of, and the other persons interested in, the two ships who have suffered such great losses. The Government of Her Majesty cherishes full confidence that the British Government will not fail to perform this act of justice, which involves its own honour and the high character of its Navy.

The undersigned, &c.,
(Signed) **BARON DA TORRE DE MONCORVO.**

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

Enclosures in No. 42.

No 1.—*Extract of a Despatch from the Governor-General of Angola.*
Loanda, October 9, 1839.

No. 2.—*Protest by the Captain and others of the "Esperança."*
September 24, 1839.

No. 3.—*Statement made by the Captain and others of the "Paqueta de Loanda."*
Loanda, October 1, 1839.

No. 4.—*Despatch from J. M. F. do Amaral. Loanda, October 10, 1839.*

(See Enclosures in Lord Howard's Despatch of December 22nd, 1839.
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No. 43.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, January 2, 1840.

MY LORD,

(Received January 13.)

I HAVE the honour herewith to enclose a Copy of a Note, which I have addressed to the Count de Villa Real, communicating to him, for the information of the Portuguese Government the Brief issued by the Pope in prohibition of the Slave Trade, which was transmitted to me by your Lordship's Despatch, of December 31, 1839.

This Document has already been given in Portuguese by the "*Correio*" Newspaper, but not yet by the "*Diario do Governo*."

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

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

Enclosure in No. 43.

Lord Howard de Walden to Count Villa Real.

MONSIEUR LE COMTE,

Lisbon, January 1, 1840.

YOUR Excellency having stated to me this morning that you had not yet received the Brief issued by the Pope in denunciation of the inhuman traffic in Slaves,

I have the honour herewith to enclose a Copy of that Document for the information of the Government of Her Most Faithful Majesty. As it is my duty to give as much publicity as possible to an Act of the Papal Government, having for its object the suppression of the crime of Slave-trading, so disgraceful to Christianity, I have the honour at once to express my hope that it shall meet with co-operation on the part of your Excellency; and that directions will be given for the propagation of the sentiments of the head of the church in Portugal on this most important question, by the publication of the Brief in the "Diario do Governo."

Your Excellency will observe that the document is an authentic and official one from the Papal Government.

I avail myself, &c.

(Signed) HOWARD DE WALDEN.

To His Excellency the Count Villa Real.

&c. &c. &c.

No. 44.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, January 18, 1840.

HER Majesty's Government have had under their consideration your Lordship's Despatch of the 5th instant, enclosing copies of your correspondence with Count Villa Real, respecting a doubtful passage in the speech delivered by the Queen of Portugal, at the opening of the Cortes on the 2nd instant; and I have to instruct your Lordship to present a note to Count Villa Real, stating that you are instructed with reference to the said passage to declare, that the question about the suppression of the Slave Trade under the Portuguese Flag, and the question about the British Claims upon Portugal, have no connexion whatever with each other; and that Her Majesty's Government cannot allow them to be mixed up together. The first question is settled for all practical purposes, because measures are now in execution, which will put an end to the Slave Trade under the Portuguese Flag; and though Her Majesty's Government would be quite ready to conclude a Treaty on this matter with Portugal, yet Her Majesty's Government has no particular wish to do so, if the Government of Portugal does not desire it.

I am, &c.

(Signed) PALMERSTON.

Lord Howard de Walden,

&c. &c. &c.

No. 45.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, January 10, 1840.

MY LORD,

(Received January 20.)

I HAVE the honour herewith to transmit a copy of a note which I have received from Count Villa Real, in which His Excellency gives certain reasons for not complying with my request, of making known, by the publication of the Pope's Brief in the "Diario do Governo," the sentiments of the head of the Roman Catholic Church on the iniquity of the Slave Trade.

I cannot consider the Count's answer as at all satisfactory; as, without adopting officially or acquiescing in all the contents of that document, he could without the slightest inconvenience, have caused it to be inserted in the non-official part, as is done daily with documents and articles taken from other papers, and which are given as news for the information of the public, without their acquiring anything of the character of adoption on the part of any authority of the Portuguese Government.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

&c. &c. &c.

Enclosure in No. 45.

(Translation.)

Count Villa Real to Lord Howard de Walden.

MY LORD,

Office of Foreign Affairs, January 10, 1840.

I HAD the honour to receive the Official Letter, which your Lordship has addressed to me, under the date of the 1st instant, enclosing a Bull issued by the Pope against the Slave Trade, requesting that the said Bull might be published in the *Diario do Governo*; in answer to which I have to observe to your Lordship, that it is necessary to obtain the Royal approbation of the Sovereign, before Bulls from the Pope can be officially published and have any validity in this kingdom, having to undergo certain examinations, and to be subject to various formalities to this effect, which cannot be dispensed with. Leaving aside the principal object of the said Bull, which is the total abolition of the Slave Trade, and which Her Majesty's Government have much at heart, the above-mentioned Bull contains both matter and expressions to which the said Government never can give their assent. In addition to these objections, it must be observed that the state of our relations with the Court of Rome prevents giving publicity to a similar document.

However praiseworthy the interest which the Holy See seems to take for the temporal welfare of the negroes may be, the spiritual interests of the Portuguese nation ought not to be less deserving its attention, so as to determine on renewing, without any loss of time, its relations with the Court of Lisbon, the interruption of which having already been the cause of many evils, that may be still more aggravated if it should continue much longer.

I renew, &c.

(Signed)

CONDE DE VILLA REAL.

Lord Howard de Walden,

&c.

&c.

&c.

No. 46.

*Lord Howard de Walden to Viscount Palmerston.**Lisbon, January 17, 1840.*

MY LORD,

(Received January 26.)

I HAVE the honour to enclose a Copy of a Note which I have addressed to the Count de Villa Real, on the subject of the Papers of Nationality given last year at Lisbon to the Spanish vessel "*Vigilante*," under the name of "*Braganza*," in direct infraction of the Portuguese Navigation Law of the 16th January, 1837.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

&c.

&c.

&c.

Enclosure in No. 46.

Lord Howard Walden to Count Villa Real.

MONSIEUR LE COMTE,

Lisbon, January 17, 1840.

I HAVE the honour to acquaint your Excellency that, on the 9th of February last, the brig "*Braganza*," Manoel de Vascinato Moreira, master, was met with, under Portuguese colours, by Her Majesty's brigantine "*Termagant*," in latitude 5° 53' N., and longitude 57° E., 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 the 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

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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 José de Oliveira Chambira, well known 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 17th December, 1836.

In this 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 the Slave-trading voyage, in the prosecution of which she was captured.

I send herewith to your Excellency 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.

I have been instructed to make known to your Excellency these facts, in order that the Government of Her Most Faithful Majesty may take such steps as may be necessary thereupon.

I avail myself of this opportunity to renew to your Excellency the assurances of my highest consideration.

(Signed)

HOWARD DE WALDEN.

His Excellency the Count de Villa Real.

&c.

&c.

&c.

No. 47.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, January 19, 1840.

(Extract.)

(Received January 26.)

I HAD the honour last night only to receive your Lordship's Despatch, (Slave Trade) of the 22nd December of last year, respecting the Note which I addressed to the Count de Bomfim, with reference to certain proceedings of Captain Elliot, of Her Majesty's ship "*Columbine*," alleged to have been adopted, in the river Zaire, towards the Portuguese vessels "*Neptuno*" and "*Angeronu*." I have, in fulfilment of your Lordship's instructions, at once informed the Count Villa Real, that the Note in question is to be withdrawn, and to be considered as cancelled.

No. 48.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, January 19, 1840.

(Received January 26.)

MY LORD,

I HAVE the honour to enclose a Copy of a Note which I have received from the Count de Villa Real, in which His Excellency proposes to reopen negotiations with Her Majesty's Government, for the conclusion of a treaty for the suppression of the Slave Trade.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

&c.

&c.

&c.

P. S.—The time has not been sufficient to enable me to send a translation of the Enclosure.

Enclosure in No. 48.

Count Villa Real to Lord Howard de Walden.

O ABAIXO assignado Ministro e Secretario d'Estado dos Negocios Estrangeiros, em resposta ás notas, que Lord Howard de Walden, Enviado Extraordinario e Ministro Plenipotenciario de Sua Magestade Britanica, dirigio, em datas de 7, e 11 de Outubro do Anno proximo passado ao seu predecessor o Senhor Baraõ da Ribeira da Sabrosa, relativas Ambas á negociaçaõ de hum Tratado entre as duas Coroãs de Portugal, e da Graã Bretanha; para a total aboliçaõ do Trafico da Escravatura, e a falta da publicaçaõ da parte do Governo de Sua Magestade de dous Documentos que S^a. S^{ia}. citou, tem a honra de participar a S^a. S^{ia}. que naõ estando no caso de responder ás observaçoẽs que se contem nas citadas notas de S^a. S^{ia}. e que se referem a huma discussaõ entre S^a. S^{ia}. e o Senhor Baraõ da Ribeira da Sabrosa, sobre a causa de naõ se haver assignado o dito Tratado, lhe cumpre sómente accusar a recepçaõ das mesmas. Naõ competindo tambem ao Abaixo assignado avaliar, ou explicar as razões que o Ministerio precedente teve para omittir a publicaçaõ dos dous Documentos a que allude a Nota de 11 de Outubro de 1839, se pode observar, que posto que a Nota que o Senhor Duque de Palmella passou a S^a. S^{ia}. em data de 10 de Julho do dito Anno, seja hum documento importante para a intelligencia da Convençaõ de 1817, pela qual estavaõ determinadas as mutuas obrigaçoẽs que existiaõ entre os dous Governos para a suppressaõ do Trafico da Escravatura, he porem de huma data muito anterior aos fins do Anno de 1836, em que, por assim dizer, se entabolou huma nova negociaçaõ. Como só se publicaraõ os Documentos tendentes a elucidar a negociaçaõ desde essa epoca, he provavel que esse fosse o motivo pelo qual se omittio aquelle. Parece que assim se praticou tambem em Inglaterra, quanto às observaçoẽs sobre o Contra Projecto de Tratado proposto ao Governo Britanico pelo Senhor Visconde de Sá da Bandeira, visto que entre os Papeis que o Ministerio Britanico apresentou ultimamente ellas se naõ encontraraõ.

No momento actual, quando a promulgaçaõ do Bill, pelo qual o Governo Britanico tomou sobre si a repressaõ do Trafico da Escravatura, e contra o qual o Governo de Sua Magestade Fidelissima protestou, naõ se poderia agora fazer huma publicaçaõ destes dous Documentos. Prestandose porem o Governo de Sua Magestade Britanica a concluir com o de Portugal hum Tratado pelo qual concordem os dous Governos, conforme compete á dignidade de Governos independentes, nas medidas necessarias para reprimir por hum modo efficaz o Trafico da Escravatura, o obaixo assignado se apressará em dar principio a esta negociaçaõ, na persuasaõ de que naõ tardará muito tempo sem que se conclua hum ajuste satisfactorio entre os dous Governos para aquelle fim.

O abaixo assignado dezeja portanto que S^a. S^{ia}. possa receber quanto antes as ordens da Sua Corte sobre esta proposta; e no em tanto apoveita esta occasiaõ para renovar á Sa. Sra. &c. &c.

Secretaria d'Estado dos Negocios Estrangeiros, em 16 de Janeiro, 1840.

(Signed)

CONDE DE VILLA REAL.

To Lord Howard de Walden,

&c. &c. &c.

*Secretary of State's Office for Foreign Affairs,**16th January, 1840.*

(Translation.)

THE undersigned, Minister and Secretary of State for Foreign Affairs, in reply to the notes which Lord Howard de Walden, Envoy Extraordinary, and Minister Plenipotentiary of Her Britannic Majesty, addressed on the 7th and 11th of last October, to his predecessor Baron da Ribeira de Sabrosa, both relative to the negotiation of a Treaty between the two Crowns of Portugal and Great Britain, for the total abolition of the Slave Trade, and the non-publication, on the part of the Government of Her Majesty, of two documents which his Lordship specified, has the honour to inform his Lordship, that, as there is no occasion to reply to the observations contained in the said notes of his Lordship, and relating to a discussion between his Lordship and Baron da Ribeira de Sabrosa, respecting the cause of the said Treaty not having been signed, it is incumbent on him only to acknowledge the receipt of them.

Nor is it for the undersigned to give his opinion on, or to explain, the reasons which

the preceding Minister had for not publishing the two documents, alluded to in the note of the 11th October 1839; but this much may be observed, that though the note which the Duke of Palmella addressed to his Lordship on the 10th July of the said year, is an important document for the understanding of the convention of 1817, by which were determined the mutual obligations which existed between the two Governments for the suppression of the Slave Trade, it nevertheless is of a date much anterior to the end of the year 1836, at which period the negotiation which was set on foot was in a manner quite new.

Since only such documents were published as tended to elucidate the negotiation from that period, it is probable that this was the motive for which the others were omitted. It seems that the same practice was followed in England respecting the observations on the counter-project of the Treaty proposed to the British Government, by Viscount de Sá da Bandeira, for they were not found among the papers lately laid before Parliament by the British Ministry.

At the present moment, after the promulgation of the Bill, by which the British Government took upon itself the repression of the Slave Trade, and against which the Government of Her Most Faithful Majesty protested, it would not be proper to put forth those two documents. But as the Government of Her Britannic Majesty is disposed to conclude with that of Portugal a Treaty by which the two Governments propose to agree, in a manner suited to the dignity of independent Governments, on the measures necessary for efficaciously repressing the Slave Trade, the undersigned will hasten to commence this negotiation, being persuaded that it will not take a long time to conclude a satisfactory adjustment between the two Governments for this purpose.

The undersigned therefore, wishes that his Lordship may speedily receive directions from his Court on this proposal, and in the mean time avails himself, &c.

(Signed) CONDE DE VILLA REAL.

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

No. 49.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, January 19th, 1840.

(Received January 26th.)

MY LORD,

A PORTUGUESE brig the "*Oriente*," (formerly the "*Columbo*," a slaver,) arrived here on the 17th, in 40 days, from Angola. This vessel was taken up by the new Governor to convey despatches to Lisbon. It is stated by the master, that Vice-Admiral Noronha had abandoned the Government on the 25th of November, and had sailed two days afterwards for Lisbon.

According to accounts brought by the "*Oriente*," Her Majesty's cruisers had taken several vessels, and no slavers could escape their vigilance on that part of the coast.

The report of the capture of a Portuguese vessel, laden with wax and ivory, was noticed in the Cortes, and excited very great sensation, and coming upon the case of Captain Elliot's proceedings, hitherto unexplained, has created almost unanimity in calling upon the Government to take strong measures to vindicate the honour and independence of the nation.

I saw Count Villa Real after the session, when His Excellency informed me of what had taken place, declaring that the embarrassment caused by the excited and almost unanimous feeling of the public on these questions, was such that he did not know how the Government could stand their ground, unless Her Majesty's Government would entertain consideration for the position of the present Ministry, and lend themselves to such an explanation on the subjects in question, as might enable them to be settled without further provoking national pride.

I replied that I was sure what was just would be done; but I added that I could not hold out any expectation of the slightest relaxation in the proceedings of Her Majesty's Government under the Bill 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.

No. 50.

Mr. Strangways to Lord Howard de Walden.

MY LORD,

Foreign Office, January 28th, 1840.

I AM directed by Viscount Palmerston, to refer your Lordship to an expression in your Despatch of the 20th May, 1838, wherein it is stated that, in reply to a formal note, addressed to your Lordship on that day, the Viscount de Sá, that Minister had promised to make a declaration on piracy.

As it does not appear from your Lordship's Despatches, that you had any conference with M. de Sá, on the 20th of May, the promise which he gave to you in reply to your note of that date, was probably in writing. But your Lordship did not enclose the paper containing that promise of M. de Sá, in reply to your note of the 20th of May. Lord Palmerston, therefore, directs me to request, that if that promise were expressed in writing by the Portuguese Minister, you will cause search to be made among your papers for the document containing the promise, and forward it to Lord Palmerston.

I have, &c.

(Signed)

W. FOX STRANGWAYS.

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

No. 51.

*Viscount Palmerston to Baron Moncorvo.**Foreign Office, February 1, 1840*

THE undersigned, &c., has the honour to acknowledge the receipt of the note addressed to him on the 1st of last month by the Baron de Moncorvo, and demanding, in the name of the Portuguese Government, reparation which he states to be due from Great Britain to Portugal, on account of certain proceedings of one of Her Majesty's cruisers against two vessels, the "*Neptuno*" and the "*Angerona*," in the River Zaire, which proceedings constitute, according to the allegation of the Baron de Moncorvo, a most extraordinary act of violence and outrage committed by Captain Elliot, of Her Majesty's ship "*Columbine*," against the ships and flag of Portugal.

The undersigned has the honour to state to Baron Moncorvo, in reply, that Her Majesty's Government have attentively considered the circumstances of this case, as stated in the papers transmitted to the undersigned by Baron Moncorvo, and in the reports which have been received from Her Majesty's naval officers in Africa; and the result is, that Her Majesty's Government are of opinion—First, that the measures of severity adopted by Captain Elliot, towards the "*Neptuno*," and "*Angerona*," were perfectly justified by the piratical conduct of those two vessels, and that consequently no foreign power has any right to demand reparation on that account; and secondly, that if any foreign Government were entitled to demand reparation, it would be the Government of Brazil, and not that of Portugal, because the "*Neptuno*" and "*Angerona*," though provided with papers falsely and fraudulently, representing those vessels to be Portuguese, were Brazilian property and not Portuguese.

The following short statement of facts will be sufficient to establish the correctness of the foregoing assertions.

The "*Neptuno*," was a vessel well known for a long time past, as being systematically employed in the Slave Trade; at the period when she was detained, she bore a Portuguese flag, and had a Portuguese crew, and she had on board Portuguese papers, which had been procured for her in March, 1839, at Lisbon, for which port she cleared out, as if bound for Monte Video. But other papers which were found on board of her, contained instructions from her owners, who reside at Maranham, proving her to be in reality a Brazilian vessel, and showing the fraudulent and illegal intention with which the voyage on which she was detained had been conceived; since

according to those instructions, she was to proceed to the River Congo, for a cargo of Slaves for sale, and after taking them on board, she was to return and to land them at Maranham for the account of her owners; and on the conclusion of this Slave Trade undertaking, she was to go on to Monte Video, in order to give an appearance of legality to the voyage in which she had been engaged. She was strongly armed both with cannon and with musketry, and was fitted up with a complete slave equipment.

The papers of the "*Angerona*" clearly proved, that she also was Brazilian property, though covered by a Portuguese flag, and the "*Angerona*," like the "*Neptuno*," was strongly armed, and was fitted up for Slave Trade.

At the time at which these vessels were met with in the River Zaire, they were preparing to carry into effect their illegal undertakings by shipping the Slaves intended to constitute their cargo.

The Portuguese papers and flag did not exempt the "*Neptuno*" and "*Angerona*" from being searched, even under the provisions of the Treaty of 1817; because by that Treaty Portuguese vessels suspected of Slave Trade may be searched, wherever met with: and if those two vessels upon being taken possession of by the "*Columbine*," as Brazilian property, had submitted quietly and without resistance, they would have been carried to Sierra Leone, and would there have been handed over to the Mixed British and Brazilian Commission for adjudication; but when the boats of Her Majesty's ship "*Columbine*" proceeded to search them, a large number of men, partly whites and partly blacks, assembled on the shore opposite to the "*Columbine*," and armed themselves in apparent opposition to the search. Part of the crew of the "*Neptuno*" and "*Angerona*" landed, and were among the foremost in the hostile assemblage on the shore. Her Majesty's officers and men, seeing this preparation, retired for safety from the "*Neptuno*" and "*Angerona*" to the *Columbine*. But a heavy fire of grape, langridge, and musketry, was then opened upon the "*Columbine*" from the shore. This fire was kept up from the shore with guns landed from the "*Angerona*" and from the "*Neptuno*," and with muskets with which the men on shore were supplied from the "*Angerona*."

The fire from the shore against the "*Columbine*" was supported by the launch of the "*Neptuno*," which, anchoring close to the shore, opened a fire upon the "*Columbine*," and by the "*Angerona*," which anchored near the spot where the conflict took place, and then opened likewise a fire upon Her Majesty's ship.

At that period, and not previously, orders were issued by the British Commander to return the fire directed against the "*Columbine*," from the shore, from the "*Angerona*," and from the launch of the "*Neptuno*," but to these orders was added a special direction, that the fire from the "*Columbine*," should on no account whatever be directed against any other vessel, or against any other point, but upon that part of the shore, and against the two vessels from which the "*Columbine*" was assailed.

The "*Columbine*," subsequently took possession of the "*Angerona*," and of the "*Neptuno*."

The crew of the "*Angerona*" amounted to 16 men, but 4 only of these were on board when she was captured, the remainder having been landed to join in the attack upon Her Majesty's ship.

The "*Neptuno*" had six guns, four of which were on board, and the other two were on shore and had been fired against the "*Columbine*;" and the baracoon from which the fire on shore had been chiefly kept up against the "*Columbine*" belonged to the "*Neptuno*." In consequence of this piratical attack, the commander of Her Majesty ship "*Columbine*" very properly resolved to destroy the "*Neptuno*" and the "*Angerona*;" and having detained two Portuguese slave brigs to receive the crews, of the "*Neptuno*" and "*Angerona*," and to witness the destruction of those vessels, he ran them into deep water and sank them.

This outrage committed upon Her Majesty's officers and men, would have justified the officer commanding the "*Columbine*," in dealing with the offending crews as pirates; but Captain Elliot was unwilling to have recourse to such extreme measures, and contented himself with sinking the vessels, as a warning to others engaged in the same criminal pursuit, while he put the crews on board the Portuguese vessels above-mentioned.

The undersigned is satisfied, that when the Portuguese Government shall become acquainted with the foregoing facts, that Government will feel that no reparation or apology is due in this case, from Great Britain to Portugal, and that the Portuguese Government must, on the contrary, see that Captain Elliot is entitled to their acknowledgments for having punished, though with great moderation, parties who, by a

fraudulent assumption of the flag of Portugal, for the purpose of carrying on a traffic infamous in its nature, and prohibited by the Portuguese law, were disgracing that flag, and dishonouring the character of the country to which it belonged.

I have, &c.
(Signed) PALMERSTON.

The Baron da Torre de Moncorvo,
&c. &c. &c.

No. 52.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

February 1st, 1840.

I HEREWITH transmit to your Lordship, for your information, a copy of a note which I have this day addressed to the Baron Moncorvo, respecting recent proceedings in the River Zaire, upon which the Portuguese Government have founded a complaint against Captain Elliot, of Her Majesty's ship "Columbine," for sinking the piratical Slave-vessels the "Neptuno" and "Angerona."

I have, &c.
(Signed) PALMERSTON.

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

Enclosure in No 52.

Viscount Palmerston to Baron Moncorvo.—(February 1, 1840.)

(See No. 51.)

No. 53.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, January 24th, 1840.

MY LORD,

(Received February 3rd.)

A SPANISH brigantine slaver "*Ensaïador*" was brought into the Tagus yesterday, as a prize to the Portuguese schooner of war "*Cabo Verde*." She had touched at the Island of Brava, to take in water, and was there detained, in consequence of having on board equipments for the Slave Trade, viz., water casks, coppers, iron bars, shackles, muskets, cutlasses, and the provisions made use of for Slaves. Her crew consisted of 24, 19 of whom have been left at Brava, to be sent to Lisbon in different vessels.

The "*Ensaïador*" is American-built, with great beam, very square yards, pierced for 8 guns, about 180 tons, and is quite a new vessel.

The circumstances which have justified the capture by a Portuguese man-of-war of this vessel, under the Spanish flag, have not yet been made known; but I presume that equipment for the Slave Trade may be considered as contraband in any port of Portugal, and would subject a vessel to confiscation.

I understand that the Spanish Chargé d'Affaires is disposed to protest against the legality of the capture, and to claim her being given up by the Portuguese Government: if this should be the case, I trust it will only be for the purpose of subjecting her to trial before a Spanish tribunal, under the law against the Slave Trade.

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

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

No. 54.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, February 8th, 1840.

I HAVE received your Lordship's Despatch, "Slave Trade," of the 19th of January, 1840, enclosing the copy of a note from the Count de Villa Real, containing the proposal to open negotiations for the conclusion of a Treaty between Great Britain and Portugal, for the effectual suppression of the Slave Trade. And I have to desire that you will state, in reply to the Portuguese Minister, that you are authorised to sign with his Excellency the Treaty, of which a draft was communicated to the Portuguese Government, by Mr. Jerningham, on the 1st of August, 1838, with the addition of two Articles, of which I herewith send to you copies, one, by which Portugal will engage to pass a law making Slave Trade piracy, and to attach to the crime the heaviest secondary punishment; and the other stating that the Treaty shall not come into force until such law shall have been passed in Portugal.

First Enclosure in No. 54.

ARTICLE XV.

Her Majesty the Queen of Portugal and the Algarves hereby engages, that Her Majesty will recommend to her Cortes to pass a penal law, declaring Slave Trade to be piracy, and inflicting the most severe secondary punishment on all those of her subjects who shall, under any pretext whatever, take any part in the traffic in Slaves.

Second Enclosure in No. 54.

ARTICLE XVI.

The present Treaty shall not come into operation until a penal law, such as is stipulated in the preceding Article, shall have passed the several branches of the legislature in Portugal, and have become part of the law of the land.

No. 55.

*Lord Howard de Walden to Viscount Palmerston.**Lisbon, January 31, 1840.*

MY LORD,

(Received February 11.)

I HAVE the honour to enclose a Copy of a Note, which I have received from the Count de Villa Real, in reply to the Note which I addressed to his Excellency's predecessor in office on the 6th September last, communicating to the Portuguese Government the names of the Captain and Owner of the Portuguese Slave-brig "*Victoria*," in order that they might be proceeded against, according to the law of this country prohibiting the Traffic of Slaves.

It appears from his Excellency's reply and the accompanying Enclosures, that the said individuals, for want of more precise data than have been afforded, cannot be discovered or identified by the Portuguese Government.

I have, &c.,

(Signed)

HOWARD DE WALDEN.

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

Enclosure in No. 55.

(Translation.)

Count de Villa Real to Lord Howard de Walden.

MY LORD,

Office of Foreign Affairs, January 28, 1840.

IN addition to the official Letter addressed to your Lordship by my predecessor the Baron da Ribeira de Sabrosa, informing that he had written officially to the Minister of Justice in order to proceed according to law against Antonio Jozé Affonso, Captain, and Mattheus da Souza Louro, ostensible owner of the brig "*Victoria*," as being implicated in the nefarious traffic in Slaves. I have now the honour to inform your Lordship, that notwithstanding the most positive orders issued by that department to proceed against them in the most effective manner, the said Minister of Justice apprises me, under the date of the 23rd instant, of the impossibility of such proceedings being carried into effect, in consequence of the motives alleged in the official communication received by him from the Solicitor-General of the Crown, which I have the honour to transmit to your Lordship, it being chiefly grounded on the impossibility of finding out the two abovementioned individuals whose names appear to be fictitious: under these circumstances, if your Lordship could obtain further informations respecting the discovery of these two criminals, Her Majesty's Government would feel the greatest interest in receiving them, as it is their wish to contribute in abolishing the illicit Slave Trade.

I avail myself, &c.,

(Signed) COUNT DE VILLA REAL.

To Lord Howard de Walden.

&c. &c. &c.

Sub Enclosure 1 in No. 55.

(Translation.)

Señor Ottolini to the Minister of Justice.

MOST ILLUSTRIOUS AND EXCELLENT SIR,

Lisbon, January 20, 1840.

IN conformity with the Royal order from the Department of Justice, of the 28th of November, and with the official communication from the same department of the 31st of December last, I have the honour to lay before your Excellency the Official Letter inclosed, received from the Crown Lawyer of the *Relação* (Court of Common Pleas) of Lisbon, accompanied by another from the Administrator-General of Police of that district, which show the impossibility of proceeding against Mattheus de Souza Louro, and Antonio Jozé Affonso, as accomplice in the traffic of Slaves carried on by the ship "*Victoria*," captured on the coast of Africa, owing to the difficulty of determining on the competency of the tribunal in which they ought to be tried, because the crime having been perpetrated on the high sea, and the captured vessel not having put into any Portuguese port, the process could only be carried on in the tribunal of the place in which the criminals might have been detected; but such a place is not known, nor can it be found out owing to the want of characteristic signs of the said individuals, which are not stated in the Papers transmitted to this effect. Therefore, from what is exposed, your Excellency will be pleased to direct what it may be deemed best to be done under these circumstances.

May God preserve, &c.,

(Signed)

J. C. D'A OTTOLINI,

Solicitor-General of the Crown.

A true Copy.

Office of Foreign Affairs, January 28, 1840.

(Signed)

A. J. GOMES D'OLIVIERA.

Sub Enclosure 2, in No. 55.

(Translation.)

Señor J. B. da Fonseca Alvares Pereira to the Solicitor-General of the Crown.

MOST ILLUSTRIOUS AND EXCELLENT SIR, *Lisbon, January 14, 1840.*

IN compliance with your Excellency's Official Letter of the 17th of December last, an application was made from this Department on the 20th of the same month to the General Administration of Police of the District of Lisbon, for the purpose of obtaining the necessary informations respecting the place of residence of Mattheus de Souza Louro and Antonio Jozé Affonso, suspected of Slave-trading in the ship "*Victoria*." In answer to the said application, I have received an official communication, the Copy of which I lay before your Excellency, according to which it seems difficult to obtain the required information unless the characteristic signs are stated, as to their employment, native country, &c. Under these circumstances, therefore, the impossibility still remains for proceeding against these individuals as it was determined upon. Consequently I shall wait for your Excellency's further determination on the subject. May God preserve your Excellency, &c.

(Signed) **JOAO BARBOZA DE FONSECA ALVARES PEREIRA.**

To His Excellency the Solicitor-General of the Crown.

&c.

&c.

&c.

A true Copy.

Adjutant in the Crown Solicitor's Office,

Office of Foreign Affairs, January 28, 1840.

(Signed) **ANTONIO JOAQM. GOMES D'OLIVEIRA.**

(Translation.)

Sub-Enclosure 3, in No. 55.

Señor A. de Gamboa e Liz to the Crown Lawyer.

Lisbon, 7th January, 1840.

MOST ILLUSTRIOUS AND EXCELLENT SIR,

IN order to enable me to comply with the request made in your official letter of the 20th of December last, respecting Mattheus de Souza Louro and Antonio José Affonso, it is necessary you would be pleased to send me a list of the characteristic signs, such as employment, native country, and last place of residence of these individuals; as it would be difficult to obtain the information requested by you on the subject without it. May God preserve, &c.

(Signed) **A DE GAMBOA E LIZ.**

A true Copy.

Administrator-General of Police.

Office of Foreign Affairs 28th January 1840.

(Signed) **ANTONIO JOAQUIM GOMES D' OLIVEIRA.**

No. 56.

Lord Howard de Walden to Viscount Palmerston.

(Extract.)

Lisbon, February 3, 1840.

MY LORD,

(Received February 11.)

I HAVE the honour to enclose a Pamphlet which has been published by the Viscount de Sá da Bandeira, on the subject of the Bill passed by Parliament for the suppression of the Slave Trade under the Portuguese flag. The Viscount caused copies of this work to be distributed on Saturday among the Deputies of the Cortes, when a friend of his, Signor Celestino Soares, one of the Anti-English Party, moved at once, previous to its having been read by any one to whom it was there delivered, that it should be printed in English and French. This motion was referred to the Diplomatic Commission.

This Pamphlet is couched in very strong terms, very hostile to Her Majesty's Government, indeed to England generally, on the subject of the Slave Trade.

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

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

No. 57.

Viscount Palmerston to Lord Howard de Walden.

Foreign Office, February 20, 1840.

[CIRCULAR sending the Papal Brief against Slave Trade.]

(See No. 10, page 8.)

No. 58.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, February 22, 1840.

I HEREWITH transmit to your Lordship, for your information, Copies of two communications which I have received from Her Majesty's Consul at the Cape Verds, respecting the state of the Slave Trade connected with those islands.

I leave to your Lordship's discretion to make such use of these Papers as you may think expedient, in your communications with the Portuguese Government.

I am, &c.
(Signed) PALMERSTON.

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

Enclosures in No. 58.

- 1.—*Mr. Rendall to Viscount Palmerston. Porto Praia, November 23, 1839.*
- 2.—*Ditto ditto ditto December 1, 1839.*

(See No. 85 and No. 86.)

No. 59.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, February 10, 1840.

(Extract.)

(Received February 24.)

ALTHOUGH I had been informed privately, that a leading member of the Opposition contemplated taking notice of my Confidential Note to the Viscount de Sá da Bandeira, of the 19th of May, which had been published by the Baron de Sabroza, in a note addressed to me by him (while he had suppressed my reply), I yet considered the assertions of the Baron so evidently groundless, that I looked with the most perfect confidence to my official correspondence, as quite adequate for every purpose of refutation, and of justification of my conduct with my own countrymen.

I was not, however, prepared, I confess, for the totally opposite line of attack which has been lately made in either House of Parliament in an entirely different sense to that in which attacks had been made on me in this country.

I had been accustomed in this country to the unremitting hostility and abuse of the Slave-trading faction, for an uncompromising character in my negotiations with

the Viscount de Sá da Bandeira: for this reason, my official correspondence does not, perhaps, at once present, as clearly and concisely, all the explanations with reference to such an opposite view, so totally unexpected by me, as it would otherwise have done, but which, though late, I think it my duty to offer to your Lordship.

Your Lordship has seen, by my Despatch of the 12th May, 1838, that I had already broken off negotiations with the "Viscount de Sá" (under the conviction of the spirit in which he was negotiating); and that it was only on the assurances conveyed to me in the private note from His Excellency, which I reported to your Lordship at the time, that I was induced to resume them, but in doing which, I must acknowledge, I was partly influenced by over-caution, for the purpose of guarding against the possible imputation of personal considerations of my own, viz., my anxiety to return to England, being cast upon me as the main spring of my proceedings.

It was after this renewal of my negotiations with the Viscount de Sá that I received your Lordship's Despatch of the 12th of May, transmitting to me a Copy of a Resolution of the House of Commons, to the effect that a humble address should be presented to Her Majesty, "Representing to Her Majesty that the Slave Trade still continues with great intensity, and that it has even been aggravated in all its horrors; that one of the most probable means of abolishing that traffic would be a *general declaration of all the Christian Powers; that the Slave Trade is Piracy, and ought to be punished as such;*" and in which was further expressed, "The deep concern of the House of Commons at learning that Portugal has not yet fulfilled the engagements which she has taken towards Great Britain, by concluding with Great Britain an adequate Treaty for the suppression of the Slave Trade."

Your Lordship, in another despatch of the same date, laid stress upon the *moral effect* which would be produced upon public opinion in Portugal, by branding the Slave Trade with *the name* of Piracy.

It was on the 18th instant that I communicated the Resolution of the House of Commons to the Viscount de Sá da Bandeira, and had a long discussion with him on the piracy question. I had another interview with him on the following day, as is reported in my Despatch of the 20th of May. It was at that interview that, on finding him peremptory in refusing to admit of an article in the Treaty, declaring Slave Trade to be Piracy at once, I thought it would be acting more in conformity with the spirit of my instructions, and the Resolution of the House of Commons, transmitted to me by your Lordship, if I were to endeavour to elicit a pledge as to future *co-operation*, in exact conformity with the expression of the Resolution of the House of Commons, than to abandon the question entirely on his refusing to accede to the proposed article.

When I left the Viscount de Sá, on Saturday afternoon, I told him I should make the official proposition in writing as to the Piracy article; that, if he would not consent, I trusted he would make as strong a declaration as possible, in the sense of the Resolution of the House of Commons; and I flattered myself I had succeeded in propitiating him sufficiently to obtain his acquiescence in the general expression of the House of Commons.

On Saturday-night, therefore, I wrote the Official Note, which bears the date of the 20th (having been copied out, signed by me, and sent in that day), transmitting to the Viscount two projects of Articles, declaring Slave Trade Piracy, in order, as stated to your Lordship in my Despatch of the 20th of May, to force him to record officially, in writing, the grounds of his refusal to consent to make Slave Trade Piracy by Treaty. At the same time I wrote a private and confidential Note to him, containing the heads of such a declaration as, if his objection to the Piracy article, on full consideration of the two projects therewith submitted to him, remained insurmountable, I thought he would have adopted, and which I gave in such a shape, knowing that he never drew up any official paper himself; that he had only to make an extract, as instructions to the clerk, whom he had always employed in papers and correspondence connected with the Slave Trade business.

The result was, that although the Viscount de Sá did not at once adopt the declaration to the full extent as suggested by me, in *bonâ fide* conformity with his assurances to me, yet he did subsequently make (in his Note, dated the 22nd May, only delivered to Mr. Jerningham on the 28th,) such a declaration as removed all pretext of opposition, on ground of principle at least, to the demands of Her Majesty's Government, and would render a fuller concession to the true intent of the

Enclosure in No. 60.

*The Count de Villa Real to Lord Howard de Walden.**Palace of the Necessidades,*

MY LORD,

February 10, 1840.

IN answer to your Lordship's Official Communication of the 17th January last, respecting the capture of the brig "*Bragança*," Manoel do Nascimento Moreira, master, made by Her Britannic Majesty's brig "*Termagant*," in the latitude of 5° 53' N., and longitude 57° S., owing to her being implicated in the Slave Trade, as well as of the said vessel having been fictitiously sold in this city, and obtaining a Portuguese register from the Portuguese authorities; I have the honour to inform your Lordship that, on the 8th instant, I have directed the translation of the said communication from your Lordship, together with the documents thereto annexed, to be forwarded to the Department of Justice, in order that judicial proceedings may be commenced against the party concerned in this odious business; having also written an Official Letter to the Minister of Marine, and to the Vice-Consul at Corunna, where, it appears, the real owner of the vessel exists, in order to obtain informations on the subject, and to deliberate on the measures to be adopted according to justice.

I avail, &c.

(Signed)

CONDE DE VILLA REAL.

His Excellency Lord Howard de Walden.

&c. &c. &c.

No. 61.

*Lord Howard de Walden to Viscount Palmerston.**Lisbon, February 13, 1840.*

MY LORD,

(Received February 24.)

WITH reference to my Despatch, marked Slave Trade, of the 24th January, in which I reported to your Lordship the capture of the Spanish vessel "*Ensaïador*," at the Island of Brava, on suspicion of being destined for the Slave Trade, I have the honour to state that this vessel, on being claimed by the Spanish Chargé d'Affaires, as having been seized illegally by the Portuguese authorities, has been given up by the Portuguese Government to the Spanish Government.

She is about to be sent to Cadiz, to be duly tried by the Spanish tribunals, upon the evidence and papers which had been transmitted to Lisbon.

The Spanish Chargé d'Affaires informs me, that he does not think the case against the "*Ensaïador*" is a clear one.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

&c. &c. &c.

No. 62.

*Lord Howard de Walden to Viscount Palmerston.**Lisbon, February 13, 1840.*

MY LORD,

(Received February 24.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked "Slave Trade," of the 1st instant, transmitting a copy of a note addressed by your Lordship to the Baron de Moncorvo, relative to the proceedings of Captain Elliot of Her Majesty's ship "*Columbine*," towards the piratical Slave-vessels "*Neptuno*" and "*Angerona*," in the river Zaire. For some days past rumours have been current in Lisbon, of letters having been received from Angola, corrobora-

rative of the information received by Her Majesty's Government. Endeavours had been made by members of the Slave Trade protecting faction to suppress these letters, and in this they have been to a great extent successful.

I have understood further, that a wealthy merchant, known to be concerned in the "*Neptuno*," had from the first been much annoyed at the case having been brought before the public, being conscious no doubt of the criminality of the "*Neptuno's*" character.

I have, &c.
HOWARD DE WALDEN.

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

No. 63.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, February 13, 1840.

(Received February 24.)

MY LORD,

I HAD to day a long discussion with Count Villa Real, occasioned by a declaration which I made to His Excellency, in conformity to your Lordship's instructions in your Despatch of the 31st January, 1840, "that the conclusion of a Slave Trade Treaty is a matter which now concerns Portugal only, but that the British claims are a matter upon which Her Majesty's Government cannot admit of any further delay."

His Excellency expressed himself extremely disappointed at the tone taken by your Lordship on the subject of the Slave Trade Treaty. He said he had indeed hoped, that the Government, of which he was a member, being really desirous of concluding a Treaty for the abolition of the Slave Trade, his advances would have been met by your Lordship in a more friendly and conciliating spirit. He said that it was very well for your Lordship to treat the question of the Slave Trade Treaty as a matter of indifference, but that as a Portuguese, and a Minister of the Crown, he looked upon it as the question upon which our friendly relations, and the satisfactory settlement of all other cases to be discussed between the two countries depended; that he considered the existence of the Bill tantamount to, indeed worse than war, and that while that state of things lasted, no Minister could enter into amicable arrangements as to other questions; that Great Britain had force on her side, and could, if she liked, send a squadron to the Tagus and dictate terms as the French had done; that they must bow to the stronger power, but that the Government could only yield to force.

I expressed my surprise to Count Villa Real at his tone; I said I did not understand what could warrant this change of language on his part. I pointed out to him, that he had only expressed in general terms the disposition of the Government to conclude a Treaty on the subject of the Slave Trade; that he had proposed no *specified basis*; that he had indeed hinted at *his own personal* preference for the project of the Treaty as it stood on the breaking out of the Revolution of September; but in doing this he had also given me to understand, that the Duke of Palmella would be entrusted with some kind of powers to open this, as well as other questions, with your Lordship. I reminded the Count, that three months had now elapsed without any specific proposition having been made by him; that although it was true that the Duke of Palmella had been laid up with the gout, yet the British claimants were crying out, and no proposition on what he now stated he considered an indispensable preliminary step to the settlement of the British claims *viz.*, the Slave Trade, had as yet been made.

In reply, after some discussion as to the basis which he would prefer for a Slave Trade Treaty, His Excellency at last declared that, as I stated I could listen to no other basis than the last project, which had been termed the ultimatum of Her Majesty's Government, he would accept that project as the basis on which he was disposed to treat; he remarked, he would not say *re-open negotiations*, as there was in fact but one point of importance on which it was necessary to come to an understanding, which was as to the principle of perpetuity as applied to the non-revision of the details of the Treaty.

I explained to the Count, that the objections entertained by Her Majesty's Government to any relaxation in that respect arose from a conviction of the spirit in

which it had been proposed and insisted on by the Viscount de Sá da Bandeira. I reminded him, that neither Spain nor Brazil had required any limitation as to the duration of their Treaties for the suppression of the Slave Trade; that the other Slave Trade Treaties between Great Britain and Foreign Powers were all perpetual, and that it must not be withheld from him, that the very pertinacity with which this point was insisted upon gave to *this Stipulation*, so contended for, a peculiarly auspicious character. The Count Villa Real at once declared, that if Her Majesty's Government would concede the principle of revision of such details as might, after the *bonâ fide* cessation of the Slave Trade, be considered derogatory to the independent character of the Portuguese Flag in the African seas, he would readily give in the article every possible guarantee against the Slave Trade. I asked him to what extent he would go; whether, for instance, he would admit that the revision was only to take place with the consent of both parties and after the recognition of the *bonâ fide* suppression of the Slave Trade. He replied in the affirmative. I then inquired whether he would consent that, in the event of any stipulations in the Treaty being thus suspended by mutual consent, those stipulations should be called again into force, *ipso facto*, on any revival of the Slave Trade? He said that he certainly could not object to that, as the Government were really willing to go the fullest length for the suppression of the Slave Trade, and that it was to the details of the Treaty in regard to Right of Visit, &c., when no longer really required as against the Slave Trade, that the Government found it necessary to make a stand on principle, and more particularly as the feeling of the Cortes had been worked up on this point as a question of national dignity. I then remarked that there were probably other points in the ultimatum, to which he also objected. The Count seemed to reflect for an instant, but answered no; that he did not feel *much objection* to any other point; that the question of the principle of the perpetuity of the details, as to visit, &c., when no longer required, was the main point, and that it was upon this he begged to appeal to your Lordship, to admit of such relaxation as he called for, without which concession it would be impossible for the Government, however sincerely anxious they were, to conclude this Treaty with Great Britain; that upon this Treaty must depend the mode of settlement of the British claims; that if the state of things lasted, which was considered tantamount to war, the Government could not do otherwise than leave to the Cortes the decision as to the payment of the claims in question, although, if the Slave Question were settled, they should feel strong enough to take upon themselves to decide upon the mode of settling these questions.

I told the Count, that I could not venture to enter into any engagement of any kind with him on this subject, but that I would fairly report to your Lordship what he had said, and that I was sure you would take the subject into consideration in the fairest spirit, and that you would only be influenced by the conviction of what was indispensable for the efficacy of the Treaty.

The Count said, he should write only in general terms on the subject to the Baron de Moncorvo.

(Signed)

I have, &c.
HOWARD DE WALDEN.

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

No. 64.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, February 15, 1840.

MY LORD,

(Received February 24.)

I have the honour to acknowledge the receipt of your Lordship's Despatches, marked "Slave Trade," to that of the 8th instant.

(Signed)

I have, &c.
HOWARD DE WALDEN.

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

No. 65.

*Lord Howard de Walden to Mr. Strangways.**Lisbon, February 15, 1840.*

SIR,

(Received February 24.)

I HAVE the honour to acknowledge your Despatch in which you refer me, by Lord Palmerston's directions, "to my Despatch of the 20th May, 1838, wherein it is stated, that in reply to a formal note, addressed by me on that day to Viscount de Sá, that Minister had promised to make a declaration of Piracy," and you request, that if that promise was expressed in writing by the Portuguese Minister, I should forward it to Lord Palmerston. I regret to say that at this distance of time I am not able to reply with confident accuracy to his Lordship's inquiries, to the extent I should have wished. There existed no official promise in writing of the date of 20th of May, in regard to the declaration in question. You will see by my Despatch of the 10th instant, which I had already prepared on the subject of my private note to the Viscount de Sá da Bandeira, what took place on that occasion.

The reply to which I referred must have been made, either in a private note from the Viscount de Sá, or personally by him in the evening at the Palace; but as you will have seen from the Viscount de Sá's pamphlet, this is a point not disputed, and that, far from it, the Viscount de Sá labours to prove, that he *did* act up to the extent of my suggestions, by an inaccurate and garbled quotation, which he gives of the wording of his declaration.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

No. 66.

*Lord Howard de Walden to Viscount Palmerston,**Lisbon, February 15, 1840.*

MY LORD,

(Received February 24.)

WITH reference to my Despatch, "marked Slave Trade," of the 3rd Instant, in which I transmitted to your Lordship a Copy of a Pamphlet, published under the name of the Viscount de Sá da Bandeira, I forward to your Lordship No. 507, of the "Correio" Newspaper, in which appears, under the head of Correspondence, a fair and correct analysis, as far as it goes, of the main features of the Viscount de Sá's case, as regards his assertion of having concluded a Treaty in 1838, to which my signature was all that remained to be added. I also transmit the "Nacional" of this day, in which an answer, promised some days ago, is given, and no doubt from authority as connected with the authorship of the pamphlet in question.

The change that has come over the tone of late Slave Trade partizans is very remarkable. They now take up the tone of crying out in the strongest terms against the Slave Trade; denying the practices encouraged by them and attempted so long to be justified by them, as regards Portugal, and denouncing England as the main encourager of the Slave Trade, under the cloak of hypocritical philanthropy.

The favourite topic taken up against England is the infamy of carrying on a war against China, for the purpose of recklessly poisoning whole populations, and destroying the energies of a great nation, for mere commercial profits.

To go into the various falsehoods uttered publicly by the Anti-English faction, (actively supported by foreigners) would be endless, as they seem to be restrained by no shame of immediate exposure. It is satisfactory, however, to observe, that the good sense of the nation is effecting a reaction in public opinion, and that hardly anything which is now advanced by certain marked characters and journals is received, but with the greatest distrust.

I have, &c.,

(Signed)

HOWARD DE WALDEN.

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

First Enclosure in No. 66.

Extract from the Correio de Lisboa, No. 507, February 10, 1840.

SOME days ago we received Viscount de Sá da Bandeira's pamphlet referred to in a correspondence which will be found in another part of this paper. Our first intention was to do brief justice to the patriotism of His Excellency, and at the same time to point out the errors and mistakes into which he has fallen. But as we recollected, not only that we live in a country where all intentions are explained at the pleasure of parties, and where the real interests of the country are sacrificed to an ephemeral popularity, but also that whatever we might say on our own account might, as is the case with all that is written in this country, possibly be attributed to another, and perhaps prove hurtful to him, we changed our plan, regretting nevertheless the state to which certain objects may be reduced by reason of the truth not appearing in its entire light.

If, however, we are silent with regard to the pamphlet, we shall not do so as respects an assertion put forth by the *Nacional* in its publication of the 6th instant, inasmuch as that assertion is tantamount to its party having been robbed of a glory to which it has no claim.

The *Nacional* asserts that the English Government had begun its hostilities against the Portuguese Government after the revolution of 1836, in consequence of the *Patriotic Government* having equalised commercially all the other nations to the British, and for having deprived England of the monopoly in the Portuguese market.

The *Nacional*, according to its practice, asserts what is false in point of fact. Foreign nations were put on a par with Great Britain in 1834 by a decree of the Emperor. The treaty of 1810 was declared suspended within six months by the Duke of Palmella when he was Minister in 1835.

It is also perfectly well known that in the Treaty proposed *subsequently* to be taken into consideration in 1836, the British Government demanded no *special* advantages, while at the same time the English Colonies were opened to the Portuguese navigation.

We take notice of this only on account of the exactness of facts, and that neither the public may be deceived by the vague assertions of the *Nacional*, nor glory may be withheld from any one to whom it belongs.

The *Nacional* having committed this error more than once, it was time for him not to have relapsed into it.

(Correspondence.)

MR. EDITOR,

PERMIT *Detector*, an old friend of yours, after a long silence, once more to appear among the champions of truth.

A pamphlet has been published with the name of Viscount de Sá da Bandeira, which from its contradiction seems hardly to be a defence by himself, inserted in a work against *any contract* for the abolition of the Slave Trade, which would be quite consonant with the policy of the party by whom His Excellency is supposed to have been chosen. I shall confine myself to the Viscount, leaving the writer to enjoy all the glory of having foisted in his insidious arguments, and of thus abusing the good faith and acquiescence of his master.

The truth of the proverb, "*qui s'excuse s'accuse*" was never so well proved as by the pamphlet of Viscount de Sá.

I have carefully examined the Parliamentary Papers as well as those printed by order of the Portuguese Government. I am ready to prove the general tendency of the deception pervading the whole composition, though a general analysis of it would not now satisfy public attention, which looks to my humble efforts for an elucidation of the truth. I shall limit my observations to the Viscount de Sá's own case.

The Viscount says that he had concluded a treaty with the English Plenipotentiary in May, 1838; the English Plenipotentiary replies "no such thing."

Let us refer to the book and judge for ourselves which were the points, as quoted by the Viscount himself, in question between him and the English Plenipotentiary, Lord Howard de Walden.

1.—The question respecting Piracy.

2.—The guarantee.

Let us see what Lord Howard de Walden proposed.

PROJECT.

“Her Majesty the Queen of Portugal and of the Algarves engages immediately after the exchange of the ratifications of the present Treaty, and afterwards from time to time as it may be found necessary, to take the most effectual means for preventing her subjects from engaging, and her flag from being employed, any way in the continuation of the traffic in Slaves; and especially within six months after the said exchange, to promulgate in her dominions a penal law declaring the Slave Trade piracy, and punishing with the most severe secondary penalty all such of her subjects as shall, under any pretext, take part in the traffic in Slaves.”

ANOTHER.

“Her Majesty the Queen of Portugal and of the Algarves declares also, as a further consequence of the stipulations contained in the first article of this Treaty, that she will without delay take the necessary measures for enacting penal laws for the prevention of the Slave Trade, by which the said Slave Trade shall be declared piracy, and those found to have been guilty of it shall be subject to the most heavy secondary punishment.”

And what did Viscount de Sá say to this? “but to declare it piracy, that is, on a level with the crime of high treason, and at the same time to annex to it not the *corresponding penalty of death, but the punishment next to it*, as Lord Howard de Walden proposes in the two Projects annexed to his above Note, would be to render such a declaration of no effect.”

Lord Howard goes on to say,—I made a solemn *declaration* according to the suggestions contained in a confidential Note of the following terms:—

“*Most confidential.*—My dear Viscount, Here is a hint that will guide you in drawing up your declaration respecting piracy.—1. You will probably state your objections and difficulties, if insuperable.—2. The fact of having established a penal law which imposes a secondary punishment on (unintelligible) those engaged in the Slave Trade.—3. The observation that no European power, except England, has effectually declared the Slave Trade piracy; and 4. concludes with the declaration that Portugal is ready to join the other powers of Europe in any resolution declaring the Slave Trade piracy, though under the circumstances in which the Government at present is placed, it cannot venture to take the initiative. This briefly seems to be in substance what it will be most proper to say, while the conclusion will have to condemn *as forcibly as possible*, but in general terms, the traffic in Slaves.”

The Viscount, instead of conforming to this, adds at the end of a long controversial Note, a declaration that “the Undersigned is also directed by Her Majesty to assure his Lordship, that if Great Britain should enter into conventions with the Great Powers of Europe possessing Colonies for the purpose of declaring the Slave Trade piracy, the Government of Her Majesty, though it cannot in this respect take the initiative, will not hesitate in adhering to such a declaration, after it shall have been solemnly sanctioned by those principally concerned.”

Now what does Viscount de Sá say in his pamphlet in the article respecting piracy at page 58?

“1.—*For if the punishment of death be not inflicted on those carrying on the traffic, but only that of transportation, as the British Government desired they would be punished with less severity than the decree of the 10th December, 1836, requires, which, in addition to transportation, imposes on them forced labour, great fines, &c.*”

What does he say to the declaration at page 15.

“If the British Government should conclude *adjustments with the great Powers of Europe which possess Colonies* for declaring the Slave Trade piracy, the Portuguese Government, though it cannot in this respect take the initiative, would not hesitate in consenting to such a declaration.”

What could be Viscount de Sá's motive of omitting, in his Official Note, the suggestions contained in Lord Howard's Confidential Note? What can now be the object of the substitution and omission in the quotation marked with inverted commas, as well as of his Official Note, in his present justification.

Why did he insert the word *Conventions*? Because it was not intended to make any conventions on the subject. The English Parliament was only desirous that, by the laws of all countries, the Slave Trade should be declared piracy. For what purpose is there added the phrase “*sanctioned by all the parties concerned?*” Because it would be a puzzle hereafter to find out who were the *parties* whose sanction the Viscount de Sá required.

In the next place, why was the word *Conventions* altered into *adjustments* in the Viscount's pamphlet, when he made this quotation with inverted commas? Why suppress the conditional sanction of the *parties interested*, as was required? Can it be supposed that Viscount de Sá was ignorant of the form of this insidious alteration of Lord Howard's projects? He certainly knew it, so much so, as also to know that he was cutting his own case from under his feet.

Let us now proceed to the guarantee:—first, Viscount de Sá's project; and then that of Lord Howard de Walden.

ADDITIONAL ARTICLE, p. 75.

In order to prevent any inconveniences which might arise from the carrying into effect, 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 successor, as follows:—

1.—To guarantee to the Crown of Portugal the dominions of that Crown in Africa, specified in Article of that Treaty signed this day.

2.—To furnish, in support of the guarantee promised in the preceding paragraph, an effective succour by sea and on land to the Government of Her Most Faithful Majesty, whenever the latter shall apply for it to the British Government, or when it shall be directly applied for by the Portuguese authorities in Africa to the British authorities in Africa or in India; it being, however, understood that the Governor-General of Mosambique shall be competent to apply to the Governor of the Cape of Good Hope, or of Bombay, or of the Mauritius, or their successors, yet so as never to require more than two ships of war, and more than 1500 troops for disembarkation: it being likewise lawful for the Governors of the other Portuguese settlements in Africa to apply for succour to the British Governors in Africa, and the latter shall furnish it in proportion to the means at their disposal, and to the urgency of its being wanted.

The present additional Article shall have the same force and vigour as if it was inserted word for word in the said Treaty signed to-day, and shall be ratified, and the ratification shall be exchanged at the same time.

In faith and testimony thereof, the respective Plenipotentiaries have signed it, and have affixed to it the seal of their arms.

COUNTER-PROJECT, p. 76.

“With the view of providing against any opposition which, in the Portuguese possessions in Africa, might result from the execution of the Treaty concluded between Her Most Faithful Majesty and Her Britannic Majesty, for the total abolition of the Slave Trade, of a character likely to endanger the tranquillity or safety of the said possessions, whether fomented by natives or by foreigners, Her Britannic Majesty promises an effective succour to the Government of Her Most Faithful Majesty whenever such succour shall be demanded from the British Government.

“The object, nature, extent, and duration of such auxiliary succours shall be

regulated by a Special Convention, which is to be the object of a speedy negotiation between the two Governments ”

Now on what ground does Viscount de Sá prefer his own project, and reject that of Lord Howard? Is it not clear that the signing of that Treaty laid no obligation on him, while he was at liberty to put off or refuse the ratification on any trivial points, or unreasonable demands respecting the guarantee? Was it ever understood that any such demand had been made? In fact, of what use was the signing, if the ratification of the Treaty was to depend on subsequent negotiations, in which the Viscount's proposals had been found to be inadmissible? Any one may see through the veil with which he would cover his intention of eluding the ratification of the Treaty after its being signed. Even this is not all. From the papers laid before Parliament, it appears that Viscount de Sá proposed to engage to sign the Treaty within six months, or sooner if possible, when in fact he never intended to do so, since he afterwards manifested his determination to apply for the previous sanction of the Cortes! which, in the ordinary course of things, would not meet before the expiration of eight months from that time. Why did he not declare at once in the Treaty that it would not be ratified till after it had been sanctioned by the Cortes?

It may be supposed that Viscount de Sá did not look forward to the ratification of this Treaty, though his reputation of a European statesman compelled him to adopt an indirect mode of avoiding its execution instead of acting on steady principles, though he now labours to establish a principle on the hacknied arguments of the advantages of the Slave Trade.

He did not proceed exactly in the same manner respecting the Treaty during the negotiations with Mr. Bois la Comte, the French Plenipotentiary. Why does the Viscount not communicate to us anything on this subject? He had not recourse to the expedient of disputes respecting the supplementary obligations (relative to the guarantee exacted from England in the Treaty on the Slave Trade,) with the view of avoiding the execution of the Treaty, now ratified, for the navigation of the Douro.

The Viscount's Pamphlet, which is to be translated into several languages, has been published. But as it is not supported by any vouchers, it will be indispensable for the honour of the Cortes, if they would proceed with honesty, to publish, in compliance with the expectations of the community, all the documents which can throw any light on this most interesting question, and to subjoin a supplement to this blindly adopted abortion of eighteen months' labour.

“ *Detector.* ”

Second Enclosure in No. 66.

Extract from O Nacional, Lisbon, 15th February, 1840.

To “ Detector.”

WE have promised a complete reply to the Correspondent of the “ *Correio de Lisboa,* ” an Englishman, who adopts the pseudonymous signature of “ *Detector,* ” to the miserable sophisms and insolent remarks which he pours forth against whatever is Portuguese, and which are received with profound deference into a Journal which pretends to stand up for the dignity and independence of the country.

The Pamphlet of Viscount de Sá being the fruit of continued study and of a thorough acquaintance with all topics bearing on the Slave Trade, is undoubtedly calculated to make an impression on the Courts of Europe. It reveals facts hitherto-unknown, it presents new views of a subject which seemed to be exhausted, and exhibits the Machiavellian conduct of Lord Palmerston in its frightful shape.

We have noticed with regret the silence observed by the Journals of “ *the right,* ” on occasion of the publication of a work which does so much honour to its author, and which must confer so much benefit on the Portuguese nation. This ignominious silence, which betrays the partiality of the Chartist faction, is to be compensated by the reflections of the “ *Correio,* ” introductory of the Englishman's invectives; reflections designating as inaccurate the most vigorous demonstration of the perfidy which distinguishes the present English Government, and the good faith of ours.

Detector's letter appeared last Monday, the day commonly appointed for the sailing of the packets to London. It is the artful contrivance of our antagonist to make his publications more conspicuous on those days, knowing that they will go without reply, at least for a week, to the readers of the “ *Morning Chronicle* ” and the “ *Globe.* ”

We curb our indignation, though with some difficulty, in order to submit the diatribe of our adversary to the strictest examination.

'Ere we proceed, we invite Detector to get his articles translated into intelligible Portuguese, lest they should, like the one in question, be somewhat ungrammatical. We give this invitation under the supposition that no determination as yet is taken to invade our beautiful Portuguese idiom with Anglicisms, notwithstanding that the country referred to is so prone to invasions.

On the appearance of the Exposition of Viscount de Sá da Bandeira, Detector, as he says, carefully examined the English Parliamentary papers, and also those printed by order of the Portuguese Government, and wishing to employ all the attention with which he hoped his humble efforts would elucidate the truth, he presents himself, within a fortnight after, to that very public, with the same frankness and veracity of which he has given so many proofs, and enters on the examination of the Pamphlet, which he calls an abortion of eighteen months' labour, in which there is a trifling miscalculation of no more than than fifteen months, inasmuch as Lord Palmerston's Bill passed in August 1839, and the Pamphlet, which attacks that Bill, was here printed in December of the same year.

The principal conclusions drawn by Detector from his lengthy Article, are the following:—1, that the Pamphlet has no vouchers or documents annexed to it; 2, that it is a defence of the Viscount de Sá; 3, that the Viscount was disinclined to conclude the Treaty for the Abolition of the Slave Trade; 4, that the said Viscount was influenced by the dealers in Slaves; 5, that in the pamphlet, the Viscount wrote "adjustments" instead of "conventions;" 6, that in the Treaty which he had negotiated with Lord Howard, there had been no declaration, that that Treaty must receive the approbation of the Cortes; 7, that Lord Howard had broken off the negotiation for the Treaty with the Viscount de Sá, fifteen days' previous to his departure for London, on the 23rd May, 1836, because the Viscount had refused to make the traffic Piracy.

Our answer will be short, because it will be sufficient for us to say; 1, that the Pamphlet, by quoting printed official papers, is, by referring to them, provided with vouchers; 2, that if it be a vindication of Viscount de Sá, it follows that it is at the same time the impeachment of Lords Howard and Palmerston; 3 and 4, that on these two points Viscount de Sá, in his Pamphlet, appealed to Lord Howard, and that it would therefore be against the rules of courtesy to anticipate the reply which we all expect from his Excellency, besides that the proceedings of Lords Howard and Palmerston are now under prosecution before the Portuguese Cortes, and before the British Parliament; 5, "adjustments" and "conventions" are equivalent terms in the quotation from Viscount de Sá; 6, that there was no occasion to declare in writing that the Treaty was to be approved by the Cortes, because Lord Howard must have had sufficient time to acquaint himself, as he in fact did, with the Portuguese Constitution; 7, that Lord Howard having presented to the Viscount on the 18th May, 1838, a fresh proposal for the Slave Trade to be declared piracy, and having left for London on the 23rd of the same month, that is, five days after making the proposal, it follows that it was absolutely impossible for Lord Howard to have suspended the negotiation *on this account*, as he wrote home, a fortnight before, according to "Detector's" assertion.

After having alluded also to the affairs of Baron de Bois le Comte, who is at the Hague, and of Sr. Perez de Castro, who is at Madrid, both of whom he seems to call in to the assistance of Lord Howard, with the view of forming a triple alliance, "Detector" concludes his epistle by suggesting to the Cortes what they ought to do, in case they should order the Viscount's Pamphlet to be translated into English and French. We on our part earnestly recommend to the Cortes, for their own benefit and glory, not to disregard the opinions of so eminent an authority, and which has so much at heart, and occupies itself with, the interests and the dignity of Portugal.

No. 67.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, February 17, 1840.

(Received February 27.)

MY LORD,

I HAVE the honour to enclose a Copy of a Note, which I have received from Count de Villa Real, in reply to the Note which I addressed to him, under your

Lordship's instructions, contained in your Despatch, dated the 18th January last, stating to him that, with "reference to the doubtful passage in the Speech delivered from the Throne by Her Most Faithful Majesty at the opening of the Cortès, I had received instructions to declare, that the question respecting the Slave Trade under the Portuguese flag, and the question about the British Claims upon Portugal, have no connexion whatever with each other; and that Her Majesty's Government cannot allow them to be mixed up together.

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

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

Enclosure in No. 67.

Count Villa Real to Lord Howard de Walden.

Office of Foreign Affairs, February 6, 1840.

THE Undersigned, Minister and Secretary of State for Foreign Affairs, hastened to lay before Her Most Faithful Majesty the Note, which he had the honour to receive from Lord Howard de Walden, Envoy Extraordinary, &c., dated on the 29th of last month, in which his Lordship, stating to have received Instructions from his Government to declare, that the question relating to the traffic in Slaves under the Portuguese flag, is not connected with the other relating to British Claims on Portugal, neither can the British Government consent that the one should be mixed with the other: His Lordship affirms, with respect to the first, that his Government is ready to conclude a Treaty with Portugal, notwithstanding the said Government having no particular wish to do it if the Portuguese Government should not wish it; and with reference to the second question the British Government requests to receive a prompt and decisive answer; in order to deliberate upon the measures to be adopted, according to the answer of Her Majesty's Government.

The Undersigned has received Her Majesty's Orders to state to your Lordship, that she never considered the question relating to the Treaty for the Abolition of the Slave Trade, to be, as far as regards its object, in any way connected with that of the claims made in favour of British subjects, on the Portuguese Government. But in order, that the relations of intimate friendship which have existed for many years between the two countries may be re-established with dignity, it is indispensable that the two Governments should come to an understanding, on the manner in which these different questions are to be adjusted.

Her Majesty's Government, therefore, sees with great satisfaction, from the declaration contained in the first part of his Lordship's Note, that the wish therein expressed has been anticipated by the proposal made in the Undersigned's Note of the 16th January last, for a Treaty to be immediately concluded between the two Governments, by which the means to be adopted for putting a stop everywhere to the traffic in Slaves should be determined upon by common accord. This Treaty must necessarily annul, and render of no effect the Bill passed in Parliament to that effect, upon which the Undersigned declines to make any observation.

From the contents of the second part of his Lordship's Note, Her Most Faithful Majesty's Government hopes that the British Government will acquiesce in the impartial examination, jointly with the Portuguese Government, of the claims which his Lordship mentions. The necessity of this examination arises from the different nature of them, such difference being even manifest in the claims of Lord Beresford, the justice of which the Undersigned does not, however, pretend to prejudice by this observation.

The Undersigned, therefore, persuades himself, that the British Government will not refuse to submit the said examination to a mixed Commission, by whom the sums due may be fixed, in order that the two Governments may at the same time determine upon the means of their being settled.

The Undersigned renews, &c.
(Signed) CONDE DE VILLA REAL.

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

No. 68.

*Lord Howard de Walden to Viscount Palmerston.**Lisbon, February 19, 1840.**(Received February 27.)*

MY LORD,

I HAVE the honour to enclose the Report in the "Diario do Governo" of the substance of a Speech, made by the Count de Villa Real yesterday in the Chamber of Deputies, on the subject of the engagements under Treaty of Portugal towards Great Britain for the Suppression of the Slave Trade.

I have, &c.,

(Signed)

HOWARD DE WALDEN.

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

&c.

&c.

&c.

Enclosure in No. 68.

Extract from the "Diario do Governo" of the 19th February, 1840.

"IN the debate on the answer to be returned by the Cortes to the Queen's speech, Mr. Seabra proposed, that the following paragraph should be inserted in the address to the Queen :—

"The chamber has observed with the greatest satisfaction the constant efforts and the lively solicitude, which Your Majesty's Government has at all times employed in putting an end to a traffic so extremely immoral, and highly blamed by the general opinion of the civilized world."

"The Minister for Foreign Affairs said, that in forming an opinion of the foreign policy pursued by the last administration, it was necessary, with reference to the case in question, not to consider any specific period, but to go back to the beginning of the negotiations, when the Duke of Palmella's Treaty was concluded, in which he, the Minister, had also shared. That he rejoiced in having giving preference to that Treaty, as there was no mention of Piracy in it. If it was expected that he should give his opinion of the former administrations, he had a right to request, that his own proceedings should be examined when he was Minister, and when the Treaty was about to be signed. He was certain that all the preceding administrations had sincerely desired to put an end to the traffic, but that they had wanted the means. He took a general view of all the Treaties concluded by Portugal on this subject. The first was that of 1810, now already terminated. In the second Treaty of 1815, the second Article provided, that all methods were to be employed to carry the suppression of the Slave Trade, north of the equator, into effect, while it should continue lawful south of the line. There was, however, in that Treaty a clause on which there had been much discussion. By the Convention of 1809, a Loan had been raised of 600,000*l.*, part of which was paid in 1815. With regard to the rest, the clause in question recited, that England would not insist on Portugal paying it, under the conditions of the preceding Articles, which related to the suppression of the traffic.

"Then came the Convention of 1817, by which the traffic to the north of the line was prohibited, and that to the south of it declared lawful, while the ships employed in that trade were to be furnished with certain passports in Portuguese and in English, without which they could not navigate, or they should be considered as navigating unlawfully. Did they then supply themselves with these passports? No, they did not; at least, most of them had no such passports. They therefore navigated unlawfully; and instead of those passports they even provided themselves with others, whereby necessarily some authorities were compromised. The Convention of 1817, had a separate Article, which was carried into execution by the decree of the 10th of December, 1836, and on account of it the additional Article of that Convention was applied to the south of the line. We could not get rid of this question, except by means of a Treaty. The Bill, of which so much had been said, was no longer a concern of two individuals, as it was now an Act of Parliament. How much had been said against the English Nation, when in fact the censures were directed against the Bill, in the same manner as the Portuguese nation would be railed against, when the laws enacted by it in the Cortes came to be criticised. The question now, only was how to get out of our present position, which could only be effected by the conclusion of a Treaty.

“Mr. Coelho observed, that during the administration of which he had formed a part, the English Government had made the unusual demand, that the Slave Trade should be declared Piracy, which he would not consent to, because no such demand had been addressed to other Governments.”

No. 69.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, February 29, 1840.

I HAVE received your Lordship's Despatch, marked Slave Trade, of the 13th February, 1840, giving a report of the conversation which you had held with Count Villa Real, on the subject of the terms, on which His Excellency desired to re-open Negotiations for a Treaty between Great Britain and Portugal on Slave Trade.

I understand from your Lordship's Despatch, that Count Villa Real expressed a readiness to treat on the basis of that draft of Treaty, which was presented to the Portuguese Government by Mr. Jerningham, on the 1st August, 1838; but that the Portuguese Government felt they must insist on the insertion of an Article in that Treaty, stipulating for a power of revising its details, after a limited period: and I have to desire, that your Lordship will, in reply, state to Count Villa Real, that the only limitation to which Her Majesty's Government could consent, in respect to the duration of the Treaty, would be, that it should cease and determine at the end of twelve months, after the condition of slavery shall have been entirely abolished in every part of the world.

For, judging from the conduct, hitherto pursued by the Portuguese nation, there is too much reason, to fear that they will again pursue the Slave Trade, whenever they may be permitted to do so; whether for the supply of Christian or for that of Mahometan or Pagan nations.

I am, &c.

(Signed) PALMERSTON.

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

No. 70.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, February 29, 1840.

I HAVE received your Lordship's Despatch, marked Slave Trade, of the 10th February, 1840, containing a statement of the endeavours, which your Lordship made in your negotiations with the Viscount de Sá in 1838, to obtain from that minister a declaration, that Slave Trade shall in Portugal be held to be piracy:

And I have to acquaint your Lordship, that the explanation which you have given of your conduct, on the occasion referred to, is quite satisfactory to Her Majesty's Government.

I am, &c.

(Signed) PALMERSTON.

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

No. 71.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, February 21, 1840.

MY LORD,

(Received March 2.)

HAVING previously read to Count Villa Real your Lordship's Despatch, marked Slave Trade, of the 8th instant, I addressed to His Excellency a Note, of which I enclose a copy.

I stated distinctly to His Excellency, in my conversation with him, that Her Majesty's Government could take, as a basis for re-opening any negotiations for a

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Treaty with Portugal for the suppression of the Slave Trade, *no other project* but the Draft which had been presented by Mr. Jerningham in August, 1838, and that in fact, but little remained to be treated upon. His Excellency expressed his regret that such should be the case, as he certainly should have preferred taking up the negotiations as they were left by him, on the point of being brought to a satisfactory termination, when the Revolution of September took place; but, that as the Portuguese Government were sincerely desirous of putting down the Slave Trade, and, above all, to re-establish harmony with England,—which was *impossible*, so long as the Bill constituted the law for the search and capture of Portuguese vessels instead of a Treaty—he would make the sacrifice of his feelings and treat on the Draft in question. I then communicated to him the two projects of Articles to be added to the Draft, which the Count remarked he himself felt no objection to, and respecting which he did not apprehend any difficulty. He added, however, that he must propose, on the part of the Portuguese Government, an Article with reference to the revision of the details of the Treaty. I then mentioned to the Count, that I had reported my conversation with him on this subject by last week's packet to your Lordship, and asked whether I had understood him right, when I had stated that he was willing to admit in the proposed stipulation as to revision—1st, the qualification of mutual consent being necessary for the suspension of any regulation; 2ndly, the revival, *ipso facto*, with revival of any Slave Trade, of any right thus suspended. The Count acknowledged that I had fairly interpreted his meaning. He then said he must go over the Treaty carefully, before he could give me any official answer. I reminded him, in terminating the conversation, that I could not treat upon any point in this project of Treaty, in regard to the suppression or alteration of any Article, or as to the insertion of any proposal, which had already been rejected by Her Majesty's Government.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

Enclosure in No. 71.

Lord Howard de Walden to Count Villa Real.

Lisbon, February 20, 1840.

THE Undersigned, &c., having referred to Her Majesty's Government the Note, which he received from the Count de Villa Real, &c., under date of the 19th January, containing a proposal to open negotiations for the conclusion of a Treaty between Great Britain and Portugal for the effectual suppression of the Slave Trade, has received instructions to state to His Excellency, that he has in consequence received authority to sign the Treaty, of which a Draft was communicated to the Viscount de Sá da Bandeira on the 1st August, 1839, if it should be desired by the Portuguese Government; with the addition of two Articles, of which the Undersigned has the honour herewith to enclose the projects. The first being to the purport, that Portugal shall pass a law, declaring Slave Trade piracy, to be visited by the severest secondary punishment. The second, that the Treaty shall not come into force until such law shall have been enacted.

The Undersigned trusts that this manifestation of willingness, on the part of Her Majesty's Government, to meet the wishes of Her Most Faithful Majesty's Government, notwithstanding the powers, adequate for every piratical purpose, with which they have already been invested by the Act past last year by the British Parliament, will be fairly appreciated by the Government of Her Most Faithful Majesty.

The Undersigned avails, &c.

(Signed) HOWARD DE WALDEN.

His Excellency Count Villa Real,
&c. &c. &c.

First Sub-Enclosure in No. 71.

ARTICLE XV.

Her Majesty the Queen of Portugal and the Algarves hereby engages, that Her Majesty will recommend to her Cortes, to pass a penal law, declaring Slave Trade to be piracy, and inflicting the most severe secondary punishment on all those of her subjects, who shall, under any pretext whatever, take any part in the traffic in Slaves.

Second Sub-Enclosure in No. 71.

ARTICLE XVI.

The present Treaty shall not come into operation until a penal law, such as is stipulated in the preceding Article (No. 15) shall have passed the several branches of the Legislature, and have become part of the law of the land.

No. 72.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, February 23, 1840.

MY LORD,

(Received March 2.)

THE day after the Count de Villa Real received from the Baron de Moncorvo the answer, which had been returned by your Lordship to the representation of the Portuguese Government, on the subject of the piratical slavers "*Neptuno*" and "*Angerona*," I expressed my hope, that he would lose no time in giving publicity to the case. Several days, however, having elapsed without any explanation having been afforded by the Government to the Cortes on this subject, notwithstanding that the proceedings of Captain Elliot were almost daily alluded to, I thought it right to speak strongly to His Excellency, pointing out to him the just cause for dissatisfaction on the part of Her Majesty's Government, which was thus created. I begged him to recollect, that this was not an ordinary case; that if it had been a mere attack on the part of the Slave Trading party, it might have very properly been treated with contempt; but here was a case, in which the Government had taken upon themselves to put into the Queen's mouth expressions of a declaratory nature, committing Her Majesty's judgment on the *ex parte* statement of Slavers, in the face of the official declaration of the Governor of Angola, Admiral Noronha, that the whole case was actually under investigation, and that the result of it would be forwarded by him to the Government by the earliest opportunity.

I represented to His Excellency, that such a proceeding was unprecedented; remarking that a minister might indeed, on being questioned in the Cortes, have expressed, if he liked, his belief in the accuracy of the statements of a slave-trader; but for a Government to commit their sovereign in the way they had done, was wholly unsuitable, was unjustifiable, and even impolitic, as the result had proved; that Her Majesty's Government had, then, just grounds for dissatisfaction at the course which had been adopted by a Government, professing a desire of friendly relations with Great Britain; but that their conduct had been rendered still more objectionable by the suppression of the official information they had since received, which placed the matter in a totally different light. The Count de Villa Real endeavoured, in general terms, to deprecate the interpretation I had put upon the disposition of the Government; and concluded by assuring me, that the sole object he had in view, in keeping back the contents of your Lordship's Note, was to be able to accompany it with some confirmation, on the part of the Portuguese Government, of the correctness of what was said of the "*Neptuno*." The Count expressed his regret, that the Note was not entirely satisfactory, nothing having been said about the Portuguese flag having been hoisted on the vessel when it was sunk. I interrupted the Count, by asking him, whether I was understanding him as making a national question of the want of respect to the Portuguese flag, if hoisted on vessels not entitled to it. He replied, not exactly; but still, that in the case of the "*Neptuno*," the national flag of Portugal had been insulted, by its having been hoisted in the manner done by Captain Elliot. I

answered that I begged, in comment, to express my entire concurrence with him in opinion, inasmuch as regarded the Portuguese flag having, in the case in question, *been degraded*; but that it was not by Captain Elliot that *this had been done*, but by the Portuguese Minister, under whose warrant this piratical and foreign slaver had been endowed with the national flag of Portugal for protection; that such things should take place, and that the national flag of Portugal should be so dishonoured, was indeed a disgrace; but that it was one which reflected on the originator, not on the vindicator, of such infamous conduct.

The Count de Villa Real did not deny the justice of my severity against the Portuguese authorities, through whom the Portuguese flag had been obtained, but was unwilling to exonerate Captain Elliot. I concluded the discussion by the remark, that after all nothing was known for certain as to what had taken place with respect to the flag, and that it was not worth while to lose time on that question. The object was now to make public what was really known, and thus meet with facts the falsehoods of those who, for political and interested purposes, did not scruple to have recourse to the most outrageous calumnies, for the purpose of exciting the public mind against the British Government.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

No. 73.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, February 28th, 1840.

(Extract.)

(Received March 8th.)

ALTHOUGH the Cortes have been dissolved, and the attacks made upon Great Britain and upon Her Majesty's Government in regard to the Slave Trade, have thus ceased, I have thought it right to report to your Lordship the principal passages of various speeches of certain leading members in the late Cortes, on the subject of the suppression of the Slave Trade.

Enclosure in No. 73.

Remarkable Assertions made in the Portuguese Cortes by various Members of the anti-English Party.

SENHOR LEONEL TAVARES stated, that the sixth cause for the Slave Trade Treaty not being concluded, was the wish of Lord Palmerston to have the Treaty signed before the opening of the Cortes, as it would not be sanctioned by them, as being against the constitution; that the exaction on the part of England to declare the Slave Trade piracy, was for the purpose of restricting the commerce of every other nation; that, from facts which had occurred in the Brazils, he knew that British naval officers were dealing in Slaves; that the whole nation should know this; that an agent of Great Britain in Portugal issued orders as might be given to the Governor of Jamaica; that the Portuguese Government had made every effort to put in execution the decree of the 10th of December.

SENHOR JULIUS SANCHES declared, that Lord Palmerston required, that a Treaty should be signed immediately, and without further discussion; and that the fault as regarded the non-signature of the Treaty was to be imputed to the British Government, and not to Portugal; that Lord Palmerston had put an end to the negotiations, before the Administration, of which he was a member, had been organized.

SENHOR JOZE ESTEVAO declared that Government had proceeded against the publishers of newspapers, in order that the conduct of the British Government should not be published; that the national character was lost in Portugal; that

the dissolution of the Chambers, as well as every other act of the Portuguese Government, depended on the will of Lord Palmerston; that this minister had threatened to cause the restoration of the Government of Don Miguel, as he could prove by a document he had in his possession, but with respect to which he would exercise his right of parliamentary reserve; that the exactions on the part of Great Britain tended, as it appears, to lay hold of the Portuguese possessions of Africa and Goa, and to crush the Portuguese nation; that England ought not to be called the ancient ally of Portugal, but rather her most ancient and constant oppressor, which he could prove from the history of her relations with Portugal for six or seven centuries past; that England with all her philanthropy, to which he gave no credit, only wished to aggrandize her commerce, employ her sailors, and instruct her navy, at the expense of Portugal; that the Slave Trade was nothing more than the cancer which gnaws the country at the present moment, but to-morrow it would be substituted by the Tariff (Pautas), and on the next day some fresh motive would be started, so as to erase Portugal from the geographical map; that the Queen of Portugal would only continue to reign as long as Lord Palmerston pleased; that this minister would not be satisfied until he placed Don Miguel on the throne of Portugal, and that he is making every effort to this effect; that Lord Palmerston had remitted a certain sum of money to the Portuguese Government for the purchase of Goa.

SENHOR OTTOLINI, in justification of the Baron da Ribeira de Sabrosa, stated that the publication of diplomatic notes in the official papers, previously to their being delivered, was provoked by Lord Palmerston, in printing his answer to Baron da Ribeira de Sabrosa's protest (some weeks after the publication protested against!).

SENHOR SA NOGUEIRA declared that England wished to ruin Portuguese commerce entirely on the African coast, as well as in her colonies; that Portugal ought not to submit herself to the unjust demands of the British Government.

SENHOR MIDOSI declared that several facts occurred during the discussion of the Bill in the British Parliament, at which discussion he had the misfortune of being present, and heard the insulting language made use of against Portugal; he quoted several passages published in the London newspapers against Portugal, which had been contradicted in the Times by him and by some other Portuguese gentlemen; that the exactions of Great Britain had no foundation, and only aimed at depressing Portugal because she was a small nation; that the cause of the Treaty not having been signed was the exactions on the part of Great Britain, which insulted the dignity of the Portuguese nation, attacked the independence of Portugal, and would have been the ruin of her licit commerce with Africa, giving power at the same time to British cruisers to embarrass the Portuguese navigation; that being at that time in England, he had had the misfortune of hearing and reading the insults, sarcasms, and assertions maliciously propagated against Portugal,—he even heard one of the most talented men in England say, that the Portuguese nation ought to be treated like the colony of Demerara, and to be compelled to execute the commands of England, as even the water of the Tagus ought not to run without her leave; that a distinguished member of the British Government accused the crew of the Portuguese ship "Maria," employed in the Slave Trade, of having formed the diabolical project of poisoning the ship's water, and a pipe of wine, in order to get rid of the British cruisers; he said that this was a paltry accusation.

SENHOR PASSOS MANOEL said, that he considered England as having no justifiable demand against Portugal; inveighed against the British Parliament, and said that he treated all the insults offered by it to Portugal with contempt; he considered the alliance between Portugal and Great Britain desirable, but not to look upon Portugal as a colony of Great Britain, and her independence as a gift; that he had no doubt but Portugal would suffer by being at war with England, but that Portugal would also have it in her power to make England suffer. He presented the following amendment to the answer of the speech from the throne:

"The Government of Her Britannic Majesty having obtained from the British Parliament a legislative Act, in order to empower their cruisers to take, and cause to be adjudged by their tribunals, all ships under Portuguese flag that may be met south of the line, suspected of trading in slaves, acted towards Portugal, a free and independent nation, with whom it was at peace, as if acting towards a nation sold to, or conquered by, Great Britain, with the most flagrant and odious violation of the most sacred principle of the right of nations.

“The patriotic Government of your Majesty has protested, with all reason, justice, and dignity, against such more than hostile act. The Portuguese nation ratifies this solemn protest. The Chamber assures your Majesty, that the whole nation will unite round your Majesty’s throne, in order to support the glory of the crown and the national independence. The Chamber hopes, however, that Her Britannic Majesty’s Government will hasten to give due satisfaction to the Portuguese nation, so unjustly insulted.

“As soon as the British Government will give to the Government of your Majesty the solemn satisfaction due to it, in the face of Europe, and of all the world, the Chamber will hear with great pleasure that a Treaty is to be concluded, in which the basis for the total abolition of the Slave Trade being once fixed upon, it will not engage for a long time the free discussion of future legislative bodies, on the means of rendering effective this generous undertaking.

“The Chamber considers this Treaty as a free and spontaneous Convention between the two high contracting parties, and formally protests against every coercion or violence. The Chamber hopes, that the legal interests of Portuguese commerce, the dignity of the Portuguese flag, the honour and independence of the nation, and the security and prosperity of the Portuguese ultramarine provinces, will be attended to in this negotiation.”

Senhor Passos further said, that if the British Government wishes to stand it must first of all be just, and not oppress so many thousand inhabitants of India, not attempt to poison the peaceful Chinese, nor oppress an allied nation for her only crime of having but three millions of inhabitants; that the project of the majority of the Committee evinced fear, but a deputy, he said, ought to have no fear; that treating with England would be an act of submission, as long as the Bill is not repealed; that his opinion was for war.

SENHOR VASCONCELLOS PEREIRA declared that the British Government asserts, that Portugal will not put an end to the Slave Trade; and that Portuguese vessels were the only ones that carried it on at present; that ships of war had been fitted out with great sacrifices on the part of the Portuguese treasury, in order to be sent out cruising to prevent this traffic; that England had no right whatever to legislate for Portugal, and to pass a Bill, from the operation of which England had everything to gain and nothing to lose, while it was the ruin of the African colonies of Portugal, enriching at the same time the British colonies by the vessels taken; and to legalise such captures all pretexts would serve; that Portugal never expected such treatment at the hands of Great Britain, who owed to her her political existence, while British ships and British commerce were admitted solely in Portugal; that the Portuguese nation had not lost her former bravery, as it had resisted, hand in hand with Spain, a great nation and one of the greatest warriors of the age, but when the national character was to be maintained all political parties would unite, and forget all their past quarrels.

SENHOR ALBERTO CARLOS declared that all the present exactions, embarrassing questions, &c., on the part of England, had no other object in view but doing away with the Revolution of September; that weakness alone prevented Portugal from going to war with England.

COUNT DA TAIPA declared that he was convinced that the Slave Trade was a personal question with Lord Palmerston, and his agreeing on this point with Senhor Leonel Tavares proved it to be a fact, that the Bill had been obtained in a surreptitious manner; that it was a violation of the right of nations, and that as such it was acknowledged everywhere; that it was not against England that Portugal ought to complain, but against Lord Palmerston, who has been her personal enemy; that Portugal ought to appeal to the good sense of the British people and of the British Parliament, against the British minister Palmerston.

SENHOR J. B. CELESTINO SOARES declared that the English were not only blockading all the ports in the African Sea, but even the Tagus was blockaded by them, as Portuguese vessels had been watched and chase given to them by British vessels of war, on their going over the bar of Lisbon.

No. 74.

*Lord Howard de Walden to Viscount Palmerston.**Lisbon, March 2, 1840.*

MY LORD,

(Received March 8.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches marked Slave Trade, to that of the 22d of February inclusive.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

&c.

&c.

&c.

No. 75.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, March 14, 1840.

I HEREWITH transmit to your Lordship an amended version of the Stipulation, which stands as article 11 in the draft of the Slave Trade Treaty between Great Britain and Portugal, communicated to the Portuguese Government by Mr. Jer-ningham on the 1st of August 1838; and I have to desire, that you will strike out Article XI. in that Draft of Treaty, and insert instead thereof the enclosed project of Article, which will consequently stand henceforward as article XI. in the Draft of Treaty.

I am, &c.

(Signed)

PALMERSTON.

To Lord Howard de Walden.

&c.

&c.

&c.

Enclosure in No. 75.

PROJECT ARTICLE XI.

It is hereby agreed between the two high contracting parties, that in all cases in which a vessel shall be detained under this Treaty, by their respective cruizers, as having been engaged in transporting negroes or others for the purpose of consigning them to slavery, or as having been fitted out with that view, and shall consequently be adjudged and condemned by the Mixed Commissions to be established as aforesaid, the Government whose cruizer made the capture, may purchase the condemned vessel for the use of the Royal Navy of that Government, at a price to be fixed by a competent person, who shall be chosen for that purpose by the Court of Mixed Commission. But if the condemned vessel shall not be so purchased, the said vessel shall be broken up entirely, and shall be sold in separate parts, after having been so broken up.

No. 76.

*Lord Howard de Walden to Viscount Palmerston.**Lisbon, March 9, 1840.*

MY LORD,

(Received March 16.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches, marked Slave Trade, to those of the 29th of February inclusive.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

&c.

&c.

&c.

No. 77.

Lord Howard de Walden to Viscount Palmerston.

(Extract.)

Lisbon, March 8, 1840.

MY LORD,

(Received March 23.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked Slave Trade, of the 20th ultimo, instructing me to cause the Pope's Apostolical Letter of the 3rd December, 1839, to be inserted in the public Journal of Lisbon, or to avail myself of any other suitable opportunity which might offer to make its contents known.

Although Count de Villa Real had already refused to publish the Pope's Brief in the *Diario do Governo*, I thought it would be better to make another attempt to effect its publication, through a direct application to the editor.

I therefore desired Mr. Consul Smith to wait upon the editor in person, to state to him, that he had been instructed to give the document every publicity in the public journals, and that therefore, in the first instance, he addressed himself to the *Diario do Governo*. The editor consented to insert the document, provided Mr. Smith would address a letter to him officially, requesting him to give publicity to it, which I authorized Mr. Consul Smith to do. The Brief was, in consequence, published on the 9th March in the *Diario do Governo*.

I regret to have to add, that the editor has incurred the displeasure of the Count de Villa Real.

I have, &c.

HOWARD DE WALDEN.

(Signed)

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

&c.

&c.

&c.

No. 78.

*Lord Howard de Walden to Viscount Palmerston.**Lisbon, March 23, 1840.*

MY LORD,

(Received March 31.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches, marked Slave Trade, to that of the 14th instant, inclusive.

I have, &c.

HOWARD DE WALDEN.

(Signed)

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

&c.

&c.

&c.

No. 79.

*Viscount Palmerston to Baron Moncorvo.**Foreign Office, April 3, 1840.*

VISCOUNT PALMERSTON presents his compliments to the Baron da Torre de Moncorvo, and has the honour to send to him, according to his verbal request, two Copies of the Papers relating to Slave Trade, which were presented to Parliament, by Her Majesty's Command, in the Sessions of 1838 and 1839.

Viscount Palmerston also takes this occasion to inform Baron Moncorvo, that his representation upon the subject of the proceedings which were taken at Bulama by Lieutenant Kellett, of Her Majesty's brig "Brisk," is still before the Department of Her Majesty's Government, to which it was referred in order that inquiries might be made into the case.

The Baron da Torre de Moncorvo,

&c.

&c.

&c.

No. 80.

*Lord Howard de Walden to Viscount Palmerston.**Lisbon, April 4, 1840.*

MY LORD,

(Received April 16.)

HAVING communicated personally to Count de Villa Real the substance of the Enclosures of your Lordship's Despatch, marked Slave Trade, of the 22nd of February, 1840, relative to the system of making the Cape Verd Islands a rendezvous for Slave Traders, His Excellency requested me to furnish him with the substance in writing, with a view to forward instructions to the authorities to take measures to counteract the projects of the Slave Traders.

I enclose a Copy of a Note, which I have in consequence addressed to His Excellency.

(Signed)

I have, &c.
HOWARD DE WALDEN.*The Right Hon. Viscount Palmerston, G.C.B.*

&c. &c. &c.

First Enclosure in No. 80.

Lord Howard de Walden to Count Villa Real.

MONSIEUR LE COMTE,

Lisbon, April 4, 1840.

IN compliance with your Excellency's request, I have the honour to communicate to you an Abstract of communications, which have been received by Her Majesty's Government, relative to the manner in which the Cape Verd Islands are made the rendezvous of Slave Traders, and are supposed, from the facilities afforded by their local position and abandoned and neglected state, to encourage the hopes of the Slave Traders, of being able to counteract the efforts of Her Majesty's Government to put down their infamous and piratical traffic.

I avail myself, &c.

(Signed)

HOWARD DE WALDEN.

His Excellency the Count de Villa Real,

&c. &c. &c.

Second Enclosure in No. 80.

*Abstract of Communications from the Cape Verd Islands.**Cape Verds, November, 1839.*

No doubt can exist, from the best information to be procured, that depots for Slaves are established in Boa Vista and other islands, from which they are drawn as they are wanted, or favourable offers for shipment arise.

Two vessels, under American colours, lately arrived at the Island of Sal, originally from Havana, but last from the Coast of Africa; the sailing captain, an American, but the crews are Spanish and Portuguese. Their object in visiting Sal is said to be, to complete arrangements for taking in a cargo of Slaves on the coast.

A most respectable inhabitant of Cape Verd Islands, who saw these vessels, and conversed with the parties connected with them, states that he learned that two companies are about to be formed at the Havana,—one to carry on the Slave Trade by vessels, which will be ordered to keep at a certain distance from the coast, and there wait to receive their cargoes from small vessels under the French Flag; and the other company to equip a certain number of small fast-sailing vessels, to act as pirates upon the commerce of Great Britain.

It is supposed that these islands, from their neglected and unprotected state, will be made the rendezvous for the Slave-dealing piratical set of Cuba, who seem determined to use every art and exertion, which money can purchase, to counteract the recent measures of Great Britain for the suppression of slaving.

CLASS B.—FURTHER SERIES.

Newly-purchased Slaves, to a very considerable extent, are deposited at Senegal and Goree for exportation.

At these places there has lately been made a great addition to the number of the Colonial craft, by building on the spot, and by purchases, made from English merchants, of the small craft condemned in the Mixed Commission Court at Sierra Leone.

Whatever plan the piratical Slave-dealers may have in view in reference to these islands (Cape Verds), there can be no doubt that the presence of a British man-of-war would at once oblige them to move to another quarter. As respects their scheme of piracy, it is certain they may effect much mischief, the outward-bound ships invariably passing in about this degree of latitude. The Portuguese Government have no force at command; the harbours in all the islands are without troops or batteries; and of the two vessels called men-of-war, one is manned by about 20, and the other 12 men, and these chiefly blacks.

No. 81.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, April 13, 1840.

MY LORD,

(Received April 20.)

WITH reference to my Despatch, marked Slave Trade, of the 4th April, I have the honour to enclose to your Lordship the Copy and Translation of a Note I have received from Count de Villa Real, acknowledging the receipt of the Note I addressed to him on the subject of the Slave Traffic carried on from the Cape Verd Islands.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

&c.

&c.

&c.

Enclosure in No. 81.

(Translation.)

Count Villa Real to Lord Howard de Walden.

MY LORD,

Palace of Necessidades, April 10, 1840.

I HAVE the honour to inform your Lordship, that the moment I received the Note addressed to me by your Lordship on the 4th instant, accompanying an extract of the communication made by Her Britannic Majesty's Government to you, respecting the Slave-dealers at Cape Verds, I hastened to have the said communication translated, and have forwarded it to the Minister of Marine, requesting him urgently to adopt such means as the present case demands.

I avail myself, &c.

(Signed)

COUNT DE VILLA REAL.

His Excellency Lord Howard de Walden,

&c.

&c.

&c.

No. 82.

Viscount Palmerston to Lord Howard de Walden.
Foreign Office, April 23, 1840.

Circular sending Treaty with Venezuela.

(See No 20, page 18)

No. 83.

*Lord Howard de Walden to Viscount Palmerston.**Lisbon, April 26, 1840.*

MY LORD,

(Received May 5.)

I HAVE the honour to enclose herewith a copy of a Note, which I have received from Count de Villa Real, in reply to the one I addressed to His Excellency, under the date of 20th February last, by your Lordship's instructions, expressing the willingness of Her Majesty's Government to conclude the Treaty, of which a draft was communicated to the Portuguese Government by Mr. Jerningham, on the 1st August, 1838, with the addition of two Articles; one, by which Portugal will engage to pass a law making Slave Trade piracy, and to attach to the crime the heaviest secondary punishment; and the other stating that the Treaty shall not come into force, until such law shall have been passed in Portugal.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

&c.

&c.

&c.

Enclosure in No. 83.

Secretaria de Estado dos Negocios Estrangeiros, em 23 de Abril, 1840.

O GOVERNO de Sua Magestade tomou na divida consideração a Nota que ao abaixo assignado Ministro e Secretario de Estado dos Negocios Estrangeiros foi dirigida, em 20 de Fevereiro ultimo, por Lord Howard de Walden, Enviado Extraordinario e Ministro Plenipotenciario de Sua Magestade Britanica, na qual S. S^a. lhe communicou em resposta á proposição feita pelo abaixo assignado, afim de entabolar negociações para a conclusão de um Tratado entre Portugal e a Gran Bretanha, afim de tornar effectiva a suppressão de trafico de Escravatura, haver recebido instrucções seu Governo para declarar ao abaixo assignado, que está em consequencia de sua proposta authorisado a assignar o Tratado, cujo projecto foi communicado ao Senhor Visconde de Sá da Bandeira, no 1^o de Agosto de 1838, se assim o desejasse o Governo de Sua Magestade, com o additamento de 2 Artigos; pelo primeiro dos quaes Sua Magestade se obrigará a recommendar ás Cortes, que se promulgue uma Lei, que declare pirataria o trafico de Escravatura, impondo-lhe a mais severa pena immediata á que, segundo a lei vigente, corresponde aquelle crime: e pelo segundo se estipula, que o mencionado Tratado não terá effeito em quanto a dita Lei não tiver passado em Cortés; accrescentando S S^a. que confia que o Governo de Sua Magestade apreciará bem esta manifestação de condescendencia da parte do Governo Britanico em annuir áos desejos: não obstante acharse munido de todos os poderes necessarios, pelo acto que passou no Parlamento Inglez em o anno passado, para effectuar a repressão de referido trafico.

Examinando o abaixo assignado com a mais seria attenção todos os Artigos do tratado proposto por Lord Howard de Walden com os seus Annexos cumpre ao abaixo assignado observar, que no Preambulo do mesmo Tratado, e em varios Artigos, se diz que o objecto d'elle é impedir que os Naturaes de Africa sejam transportados atravez dos mares, para o fim de ficarem escravos. Abrangendo a designação de naturaes da Africa homens brancos e de cõr, que não são escravos, pareceria conveniente explicar que só se trata de Negros ou homens de cõr que ja são considerados escravos nas possessões de Africa. Esta explicação ainda se torna mais necessaria pelo motivo de se accrescentar no § 3 do Artigo 2 Projecto de Tratado, e em varios Artigos dos Annexos a palavra *outros* á de *naturaes de Africa*.

No Artigo 2^o. de Anexo C. estipula-se que os Escravos libertos seraõ entregues ao Governo onde se acha estabelecida a Commissão que julgar a validade da preza do navio. Seria preferivel que se determina que ficassem entregues á Commissão que julgar a dita preza.

Pelo que toca aos dous Artigos, que Lord Howard de Walden remetters ao abaixo assignado para serem insertos no Tratado, com a idea de se poder declarar pirateria o barbaro Trafico dos Negros Africanos, O Governo de Sua Magestade abraça a doutrina para a propôr ás Cortes com a mais bem fundada esperança de que ha de ser adoptada. Julga porem que seria preferivel comprehender a mesma doutrina no Artigo que o Abaixo assinado tem a honra de offerecer, por ser mais explicito e terminante.

Cumpre tambien ao abaixo assignado propôr a Lord Howard de Walden a inserção

de outro Artigo de que remette copia, pelo qual se assegnala um praso de tempo á applicação deste Tratado. Desejando o Governo de Sua Magestade que nunca mais vinha a renovar-se desgraçadamente o Trafico da Escravatura, não poderia com tudo admittir que em perpetuidade existisse o direito reciproco de visita. Quando o Trafico tiver cessado inteiramente, quando, por effeito da civilização e pelo desenvolvimento da industria se mostrar, que cessou todo o perigo de se renovar aquelle infame trafico, o exercicio do direito de visita será desnecessario, e poderá prejudicar os interesses commerciaes, pelos embaraços que traria ao commercio licito, dando logar a abusos e questoës que muito convem evitar.

O Governo de Sua Magestade persuade-se, que o de Sua Magestade Britanica não terá difficultade em que se accrescente ao Tratado este Artigo. Dando o Governo de Sua Magestade uma prova tão evidente de sua condescendencia com o Governo Britanico, espera que tambem o Governo Britanico queira, simultaneamente com a assignatura daquelle Tratado, annuir a uma Medida, que ponha termo aos effeitos do acto do Parlamento a que S. S^a. allude.

Do Contexto dos novos Artigos do Tratado resulta, que este só pode vir á ter effeito depois de sancionada pelo Corpo Legislativo, e ainda que o Governo de Sua Magestade não perderá tempo algum em apresentar o mesmo Tratado ás Cortes para o sobredito fim, sempre medeará algum em quanto não tiver sido approvedo. N'este intervallo pois, se o Governo de Sua Magestade assignasse o Tratado sem fazer declaração alguma a respeito do Bill a que S. S^a. allude, veria o mesmo. Governo a submetter-se tacitamente aos effeitos daquelle Acto, a respeito do qual tem ja protestado, nem poderá deixar de protestar, em todos os casos de apresamento e condemnação de Navio Portuguez, em vista do mesmo Bill.

O decoro da Corõa de Sua Magestade Fidelissima exigiria pois, que simultaneamente com a assignatura de um novo Tratado se entrasse em alguma estipulação pela qual viesse a invalidarse o referido Bill. Este expediente seria sem duvida honravel e decoroso tambem ao Governo Britanico, pois com elle mostraria sem a menor duvida que tendo só, como tem, por objecto a repressão, não insistia em conseguile por certos e determinados meios, mas sim por aquelles que ambas as Nações melhor pudessem adoptar com tanto que fossem efficazes.

Não tendo sido denunciada formalmente a Convenção de 28 Julho, de 1817, por nenhuma das partes contractantes, não pode dar-se objecção alguma a que a mesma convenção seja declarada com vigor. O Artigo separado authorisa a applicação das suas estipulações tambem ao Sul da Linha. Espera pois o Governo de Sua Magestade Fidelissima, que o de Sua Magestade Britanica se prestará a que se declare, por uma troca de Notas, que a mesma Convenção fica subsistente em quanto o novo Tratado não fôr ratificado, e que se consideram sómente annullados todos os Artigos da mesma Convenção e dos seus Annexos, que se referem á continuação do Trafico ao Sul do Equador, e que o authorisaraõ.

Afim de se tomarem desde logo medidas para serem julgados os navios Negreiros, que forem apreçados na proximidade do Brazil, deverá accrescentar-se nas mesmas notas, que para esse fim o Governo Portuguez nomeará, debaixo dos principios estabelecidos na mesma Convenção, dous Commissarios, que tomem assento na Commissão Mixta Anglo-Brazileira estabelecida no Rio de Janeiro.

Tendo o Governo de sua Magestade certeza de que o Governo do Brazil consente em que se unão Commissarios Portuguezes á Commissão mixta Anglo-Brazileira, lisongeiase de que será aceita esta proposta pelo Governo de Sua Magestade Britanica, e que assim se porá termo decisivo a uma questaõ que tem influido tanto nas relações entre os seus Governos:—questaõ a que o Abaixo assignado, e toda a Administração de que fez parte, com toda a sinceridade desejam concluir, sentiendo amargamente que ella tinha tido principio.

O Abaixo, &c.

(Signed)

CONDE DE VILLA REAL.

(Translation.)

Office for Foreign Affairs, April 23, 1840.

HER Majesty's Government, having taken into due consideration the Note addressed to the Undersigned, &c., by Lord Howard de Walden, and in which his Lordship, in answer to the proposal made by the Undersigned to commence negotiations for the conclusion of a Treaty between Portugal and Great Britain, in order to render effective the suppression of the Slave Trade, states that he has received instructions from his Government to declare

to the Undersigned, that in consequence of the said proposal he is authorized to sign the Treaty, the project of which had been communicated to Viscount de Sá da Bandeira, on the 1st of August, 1838, if Her Majesty's Government desired it, with the addition of two Articles; by the first of which Her Majesty will bind herself to recommend to the Cortes to promulgate a law declaring Slave Trade piracy, and imposing the most severe punishment, after the one which is awarded, according to the law in force, to that crime; and by the second, stipulate that the above-mentioned Treaty shall have no effect until the said Law had passed the Chambers; his Lordship adding, that he trusts Her Majesty's Government will duly appreciate this proof of a desire of conciliation on the part of the British Government, in complying with his wishes, notwithstanding the said Government, by the Act passed in the British Parliament last year, is already furnished with all necessary powers to effect the suppression of the said trade.

The Undersigned having examined, with the most serious attention all the Articles of the Treaty proposed by Lord Howard de Walden, together with its annexes, it his duty to observe, that in the preamble of the said Treaty, as well as in several of its Articles, it is stated, that the object of it is to prevent the natives of Africa being transported across the sea for the purpose of their being made Slaves, Now the description of natives of Africa, including white men as well as men of colour, who are not Slaves, it would seem convenient to explain, that it only treats of Blacks, or men of colour, who are already considered Slaves in the African possessions. This explanation becomes the more necessary in consequence of the word *others* being added to the words natives of Africa in the 3rd § of the 2nd Article of the project of Treaty, as also in the several Articles of the annex.

In the 2nd Article of the annex C, it is stipulated, that the freed Slaves shall be delivered over to the Government, in whose dominions the Commission which has to decide upon the validity of the capture of the vessel is established. It would be preferable to fix that they should be delivered up to the Commission, which is to adjudge the said prize.

With regard to the two Articles transmitted by Lord Howard de Walden to the Undersigned, in order to be inserted in the Treaty, with the view to be able to declare the barbarous traffic in African negroes piracy, Her Majesty's Government embraces this doctrine with the intention of proposing it to the Cortes, with the best founded hope of its being adopted. He thinks, however, it would be preferable to establish the same doctrine in the Article which the Undersigned has the honour to offer, as being most explicit and conclusive.

It is also the duty of the Undersigned to propose to Lord Howard de Walden the insertion of the other Article, of which he encloses a copy, and in which a period is fixed for the duration of this Treaty. However desirous Her Majesty's Government may be that the Slave Traffic may never be renewed, still they cannot, nevertheless, admit the perpetuity of the mutual right of search. Whenever this traffic shall entirely cease, and when, through the effect of civilization and progress of industry, it shall be demonstrated that all danger of the renewal of this nefarious traffic has ceased, the exercise of the Right of Search will then no longer be necessary, and would only tend to prejudice commercial interests, owing to the embarrassment it would cause to licit trade, by the abuses to which it would soon give rise, and the disputes which ought to be avoided.

Her Majesty's Government persuades itself, that the British Government will have no objection to this Article being added to the Treaty. Her Majesty's Government giving such an evident proof of its conciliatory feelings towards the British Government, hopes that it will consent, by signing this Treaty, to the adoption of a measure which may put a stop to the effect of the Act of the British Parliament to which his Lordship alludes.

From the context of the new Articles of the Treaty it results, that the same can only come into effect, after its having been sanctioned by the legislative body, and although Her Majesty's Government will lose no time in laying the said Treaty before the Cortes to the end aforesaid, still some time must elapse before it is approved. In the mean time, therefore, if the Government of Her Majesty were to sign this Treaty, without making any declaration respecting the Bill to which his Lordship alludes, the said Government would then tacitly submit to the effects of the Act, against which it has already protested, and must continue to protest, in every case of capture and condemnation of Portuguese ships made in virtue of the said Bill.

The dignity of Her Most Faithful Majesty's Crown would require that, simul-

taneously with the signing of a new Treaty, some stipulation for the repeal of the Bill should be made. This measure would undoubtedly be equally honourable and decorous to the British Government, as it would, beyond all doubt, prove that the British Government having only in view, as it is really the case, the suppression of this traffic, did not insist on obtaining it by any given or determined means, but by such as both nations could most conveniently adopt, always provided that they were efficacious.

The Convention of the 28th July, 1817, not having been formally renounced by either of the contracting parties, there can be no objection to the said Convention being declared in force. The separate Article authorises the application of its stipulations also to south of the line. Her Most Faithful Majesty therefore hopes that the British Government will consent, that by an interchange of notes, it may be declared, that the said Convention remains in existence until the new Treaty be ratified, with the exception of all the Articles of the same Convention, and their annexes, which refer to the continuation of the traffic south of the line, or which authorized it, and that these only shall be considered as cancelled.

In order that measures may be taken at once for the trial of the slave-vessels that may be captured in the proximity of the Brazils, it ought to be added to the said Notes, that the Portuguese Government will appoint for this purpose, upon the principle established in the same Convention, two Commissioners, to take their seats in the Mixed British and Brazilian Commission now established at Rio de Janeiro.

Her Majesty's Government being certain that the Brazilian Government will consent that Portuguese Commissioners may be added to the Mixed Anglo-Brazilian Commission, flatters itself that this proposal will be accepted by the British Government, and thereby a decisive end put to a question which has so much influenced the relations between the two Governments: a question which both the Undersigned and all the Administration of which he is a member, most cordially desire to settle, regretting bitterly that it ever had a beginning.

The Undersigned, &c.
(Signed) CONDE DE VILLA REAL.

Sub-Enclosure 1 in No. 83.

ARTIGO.

SUA Magestade a Rainha declara pelo presente, que no principio da primeira Sessão do Corpo Legislativo os Seus Ministros propoerã uma Lei, para commutar a pena ultima, imposta pelas leis vigentes ao crime de pirataria, na pena immediata.

Logo que este Lei for sancionada, o Trafico da Escravatura será declarado pirataria, e o presente Tratado ficará em pleno vigor.

(Translation.)

ARTICLE.

HER Majesty the Queen declares by the present Article, that in the beginning of the first legislative session, her ministers shall propose the promulgation of a law for commuting the punishment of death, imposed by the existing laws to the crime of piracy, into the next secondary penalty.

As soon as this law is sanctioned, the Slave Trade shall be declared piracy, and the present Treaty will remain in full force.

Sub-Enclosure 2 in 83.

ARTIGO.

No fim de dez annos depois de ratificado o presente Tratado, e dentro do Espaço de cinco annos, qualquer das Altas Partes Contractantes poderá propôr a revisã do mesmo Tratado, para o effeito de alterar e modificar algum ou alguns dos Artigos delle, se entender que esta modificação poderá contribuir para mais facil e effectivamente se alcançar a completa cessação do Trafico, ou até para o dar por acabado uma vez que julgasse não dever temerse o perigo da renovação do mesmo Trafico.

(Translation.)

ARTICLE.

AT the end of ten years after the ratification of the present Treaty, and within the period of five years, either of the high contracting parties shall be allowed to propose the revision of the same Treaty, in order to alter and modify, one or more of its articles, on the understanding that such a modification is to contribute to render more easy and effectual the obtaining of a complete cessation of the said Traffic, or until, it being declared wholly at an end, it shall be deemed there is no longer any danger of its being renewed.

No. 84.

*The Baron Moncorvo to Viscount Palmerston.**London, March 8, 1840.**(Received March 9.)*

LE Soussigné Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Très Fidele près Sa Majesté Britannique, a l'honneur de faire part à Son Excellence Monsieur Le Vicomte Palmerston, Principal Secrétaire d'Etat au Département des Affaires Etrangères, que le Gouvernement Portugais, désirant fort sincèrement mettre une fin tant à la traite des nègres en exécution de l'ordonnance du 10 Decembre, 1836, comme également voir finir tant d'accusations injustes et mal fondées, qui lui sont souvent adressées par des journaux, dans ce pays plus particulièrement, toutefois qu'un bâtiment negrier est pris; car n'importe à quelle nation le bâtiment effectivement appartienne on est sûr de lire dans les journaux, que, à l'occasion de la saisie du vaisseau on y a trouvé des papiers accordés par des Autorités Portugaises, permettant au dit vaisseau de naviguir sous le pavillon Portugais, afin de passer comme s'il fût en vérité propriété Portugaise. En conséquence donc des accusations si répétées, quoique souvent mal fondées, le Gouvernement de Sa Majesté Très Fidèle ordonna au Soussigné de proposer à Son Excellence Milord Palmerston, que le Gouvernement Britannique veuille bien donner des ordres à ses batiments de Guerre croisant pour empêcher la traite des nègres, que toutefois qu'un bâtiment soit pris ses papiers soient à l'instant même examinés; et quand les papiers originaux ne puissent être dérêchef envoyés à l'Amirauté Britannique, que des copies conformes et certifiées en soient transmises; et que dans le cas que des documents accordés par des Consuls, ou quelque autre Autorité Portugaise, se trouvent parmi ces documents, qu'ils soient remis au Gouvernement Portugais, lequel est tout-à-fait décidé à faire punir avec toute le rigueur des loix ceux que auront abusés de leur autorité, et de la confiance que leur est accordée, en donnant des pareils papiers. En même tems le Gouvernement Portugais espère que le Gouvernement Britannique rétribuera loyalement le désir témoigné par le Gouvernement Portugais dans cette démarche, en faisant désavouer, aussi publiquement qu'il est possible, toute accusation injuste et mal fondée adressée, contre la nation Portugaise, quand la fausseté de l'accusation soit manifeste et évidente.

Le Soussigné, &c.

(Signed)

LE BARON DA TORRE DE MONCORVO.

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

&c.

&c.

&c.

(Translation.)

THE Undersigned, &c., has the honour to state to his Excellency Viscount Palmerston, &c., that the Portuguese Government, very sincerely desirous to put an end to the Slave Trade, in execution of the Decree of the 10th Decembre, 1836, and equally so to see the end of the numerous unjust and ill-founded accusations which are often made against it by the daily papers, more particularly in this country whenever a Slave-vessel is taken: for no matter to what nation the vessel really belongs, one is sure to read in the newspapers that when the vessel was seized, papers were found in her granted by Portuguese authorities, permitting the said vessel to navigate under the Portuguese flag, in order to pass as if she were really Portuguese property. In consequence then of accusations so repeated, though often unfounded, the Government of Her Most Faithful Majesty commanded the Under-

signed to propose to Lord Palmerston, that the British Government should have the goodness to give orders to its ships of war, cruising to prevent the Slave Trade, that on all occasions when a vessel may be taken her papers shall be examined at the very instant; and that when the original papers cannot be sent immediately to the British Admiralty, true and certified copies shall be sent there; and that in case there are found among these documents any documents granted by Consuls or any other Portuguese authority, they shall be sent to the Portuguese Government, which has positively determined to cause to be punished, with all the rigour of the laws, those who shall have abused their authority and the confidence reposed in them, by giving such papers.

At the same time the Portuguese Government hopes, that the British Government will make an appropriate Return to the desire manifested by the Portuguese Government in this step, by causing to be disavowed as publicly as possible every unjust and unfounded accusation made against the Portuguese nation, when the falsehood of the accusation is manifest and evident.

The Undersigned, &c.

(Signed) THE BARON DA TORRE DE MONCORVO.

PORTUGAL. (*Consular.*)

No. 85.

Mr. Rendall to Viscount Palmerston,

British Consulate, Boa Vista, Cape Verds,

November 23, 1839.

MY LORD,

(*Received February 12, 1840.*)

I HAVE the honour to transmit to your Lordship, Copy of a Letter which I addressed to Her Majesty's Commissioners at Sierra Leone, on the 14th instant.

It is gratifying to me to be able, at this further date, to report to your Lordship, that the harbours in these islands continue to be free from vessels engaged in the detestable Slave Trade.

I have, &c.

(Signed) JOHN RENDALL,
Her Britannic Majesty's Consul.

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

&c.

&c.

&c.

Enclosure in No. 85.

Mr. Rendall to Her Majesty's Commissioners.

British Consulate, Boa Vista, Cape Verds.

GENTLEMEN,

November 14, 1839.

AT my arrival here the 28th September last, I found in the harbour a Spanish and Portuguese schooner, both of which, I regret to say, had every appearance of being employed in the Slave Trade; the former sailed the 2nd, and the latter the 3rd ultimo.

A few hours after the departure of these vessels, another suspicious schooner, under Portuguese colours, came to anchor, and only remained for a few hours.

I have subsequently learnt that the destination of these vessels, in the first instance, was the islands of Mayo and Brava, and thence to proceed to the Bissagos and the rivers of that neighbourhood on the coast. I was not able to learn the names of the Portuguese vessels, but the Spanish schooner, was originally American, called the "*White Horse*," and a clipper of the first order.

It is gratifying to me to have to state, that since the departure of the vessels alluded to, this Port has been free from vessels of a suspicious kind; a circumstance quite novel in the records of the place, as I understand, from very good authority, that for years past, a week has seldom elapsed without an arrival of some kind, connected with the abominable Slave Trade.

I am induced to attribute this pleasing circumstance to the late energetic measures of Her Majesty's Government, for the suppression of Slavery, under Portuguese and piratical flags.

The intelligence of the passing of that measure has caused the utmost dismay among the Slave-dealing gentry of these islands, but who I understand still cling to the hope of being able to effect business, nothing having yet appeared to affect their liberty which a little bribery will not overcome. It appears to me, that their principal dread rests upon the active part which Great Britain may ultimately take

in bringing them to justice, and the probability of one English cruiser at least being detached to these islands.

The notorious Slave-paper-giving-Governor, Colonel Marinha, left Porto Praya the beginning of last month for Mosambique, with the prayers of most of the people of these islands that he may never return: his Secretary Senhor Vidal has accompanied him; and the iniquitous proceedings of master and servant are freely discussed by almost every one with whom you may converse.

A gentleman the other day promised to show me a list of the vessels which this Colonel Marinha and his Secretary had given false papers to, not one of which had paid less than two thousand dollars: he assured me that he could give the names of at least forty which had been granted by the Colonel; and his opinion was, that the Secretary had given papers to as many more; so that between them they must have divided something like 150,000 dollars. I shall not fail in endeavouring to get a copy of this document.

Report speaks highly of the new-appointed Governor-General, Captain de Mello, of the Navy, and of an expressed determination on his part to do everything to put an end to the export Slave Trade. He is now at the island of St. Vincent, engaged in making the necessary arrangements for the removal of the seat of Government from Porto Praya, to that island. I am daily expecting his Excellency here, whom I shall wait to see; when it is my intention to proceed to one of the other islands.

Something has already been commenced towards improvement in cultivation at these islands; and I hail the circumstance as one, which, if not crushed by the wily Slave Trader, will ultimately be the means of putting an end to the export traffic in Slaves at this district of the coast.

A company formed of Capitalists residing in London and Lisbon, having large grants of land from the Portuguese Government, have begun operations in cultivation at the island of St. Vincent; but I am sorry to hear reports unfavourable to the soil of the place; some of the inhabitants of this, and the other islands are said to be jealous of the Company alluded to, and these reports, may have emanated in malice.

At this, and the island of "Sal," it is said that cotton and ground nuts will be extensively cultivated during the next season, preparations being now made for the undertaking. These islands, including Mayo, produce about ten thousand moyas of salt, equal to 600,000 bushels, which the inhabitants sell at from four to six dollars a moya: the quantity of cattle is great, particularly goats: this circumstance, combined with Slave-trading transactions, has caused cultivation to be but little attended to; but present appearances are cheering in this respect, not only here but in all the other islands; and I hope the period is not far distant, when the natives of these isles will be able to appreciate and enjoy the blessings which are derived from honest industry, in the cultivation of the soil.

With the pleasing prospect in an alteration of the present state of things, I wish it were in my power to report a more general disposition to employ free labour than is now the case in these islands.

From the best information I have been able to obtain, no doubt exists of depôts of Slaves being established at this and other islands, from which they are taken as necessity requires, or favourable opportunities for shipment arise. These depôts have been formed principally from the Bissaôs, and in consequence of the activity of our cruisers having lately been felt in that neighbourhood, by a large seizure of Slaves, the receptacles alluded to are not so well supplied as formerly: considering the extent of panic that has lately been created among the inhabitants of these isles, I have no hesitation in stating, that I think the presence of a British man-of-war would bethe means of lessening the number and extent of these depôts of human flesh, and prove a check of very considerable extent to the Slave Trade, in all its shapes.

In addition to these circumstances, I must not conceal from you my belief, that the coast north of the Senegal is not free from the presence of Slave Traders, which, coupled with the notorious fact of large depôts of Slaves being at Senegal and the Island of Goree, are additional reasons for urging the presence of an English man-of-war at this part of the coast.

I must not conclude this letter without mentioning the arrival here, on the 16th ultimo, of the steam-vessel "*Taraensa*," bound to the coast of Brazils. This I understand is the sixth vessel of the kind that has called here from Liverpool for a supply of coals, belonging to the same company. Of the employment of these vessels, I can, of course, only speak from report, from which source I am led to understand, that they assist the landing of Slaves from vessels coming to the coast of Brazils from the coast of Africa.

If this report is founded in fact, it will be gratifying to the friends of humanity to learn that no more vessels of this kind are to be sent out, and that the agents here have orders to sell the remainder of the coals which they have on hand.

I have, &c.,

(Signed) JOHN RENDALL,

Her Britannic Majesty's Consul.

Her Britannic Majesty's Commissioners, Sierra Leone;

&c.

&c.

&c.

No. 86.

Mr. Rendall to Viscount Palmerston.

*British Consulate, Boa Vista, Cape Verds,
December 1, 1839.*

MY LORD,

(Received February 12, 1840.)

I HAVE the honour to transmit to your Lordship Copy of a Letter which I yesterday addressed to Her Majesty's Commissioners at Sierra Leone, in reference to some important information that has come to my knowledge connected with the Slave Trade.

Since that letter was written I have had a visit from a captain of a vessel just arrived from the Island of "Sal," who confirms all that I had previously heard respecting the vessels lying there under American colours, and of its being the intention of the Spaniards, to make these islands the rendezvous for the contemplated traffic in Slaves, between the Island of Cuba and the French Settlements on the Coast of Africa.

From accounts which I have received since my arrival here, by English vessels coming from the coast, I am informed that new-purchased Slaves, to a very considerable extent, are deposited at Senegal and Goree, and that the French traders continue to purchase Slaves in their traffic with the natives, particularly in the river Senegal, the coast between Goree and the Gambia, Albrede in the Gambia, the new French settlement in the Casamança, as also the Bissagos, and the rivers of that neighbourhood.

The Slaves so purchased are conveyed to St. Louis, in the Senegal, or to the Island of Goree, where they are held in depôt, no doubt, for exportation, as there is no occupation at either settlement that could employ them.

I am also assured that the apathy evinced by the French squadron at Goree, in all matters connected with the Slave Trade, is very apparent, which is much to be lamented, as I understand there has lately been made a great addition to the number of the Colonial craft at Senegal and Goree, by building upon the spot, and by purchases made from English merchants of the small craft condemned in the Mixed Court at Sierra Leone.

I have been assured repeatedly that there was a connexion between the French settlements, in Slave Trade matters, and the Havana; but my informants were unable to speak to any one particular fact. This circumstance, combined with the information already detailed, will afford strong evidence of the existence of the connexion in question; as it is not likely that a company would be formed to follow a particular plan, unless that plan had been previously tried with some success.

Whatever plans the piratical Slave-dealers may have in view in reference to these islands, I beg to assure your Lordship, as my firm belief, that the presence of a British man-of-war would at once oblige them to move to another quarter; and as respects their scheme of piracy, they may effect much mischief, the outward-bound ships invariably passing in about this degree of longitude.

Under these circumstances I would respectfully recommend to your Lordship, that an English cruiser be detached to those islands, and that she possess fast-sailing qualities.

I have, &c.

(Signed)

JOHN RENDALL.

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

&c.

&c.

&c.

Enclosure in No. 86.

*Mr. Rendall to Her Majesty's Commissioners.**British Consulate, Boa Vista, Cape Verds,
November 30, 1839.*

GENTLEMEN,

INFORMATION has just reached me of the arrival of two vessels, under American colours, at the Island of "Sal," originally from the Havana, but last from the Coast of Africa, where, it is reported, they have landed their cargoes.

They are both schooners, and American built,—one a Baltimore clipper, and the other a New York pilot-boat; they have American colours, and sailing captains, but the crews are principally Spanish and Portuguese.

The object in visiting "Sal" is said to be, to complete arrangements for taking in a cargo of Slaves upon the coast.

A most respectable inhabitant of these islands, who has seen the vessels in question, and been in conversation with the parties connected with them, informs me that he has learned of two companies about to be formed at the Havana,—one to carry on the Slave Trade by vessels, which will be ordered to keep at a certain distance from the coast, and there wait to receive their cargoes from small vessels, under the French Flag; and the other company, to equip a certain number of small fast-sailing vessels, to act as pirates upon the commerce of Great Britain.

My informant's belief is (and I have also heard the same opinion expressed from another quarter) that the vessels alluded to belong to these companies, and that the largest schooner looks for a cargo of Slaves from the neighbourhood of Senegal and Goree; and that it is the intention of the pilot-boat to try her luck as a pirate upon British commerce near to these islands. A period of two months is given before they intend returning to the Havana. It is supposed that these islands, from their neglected and unprotected state, will be made the rendezvous for the Slave-trading, piratical set of Cuba, who seem determined to use every art and exertion which money can command to counteract the recent measures of Great Britain for the suppression of Slavery.

I trust that these representations will induce Her Majesty's Government to order a man-of-war to these islands; and should there be one at disposal in your vicinity, I have earnestly to recommend her being sent, to look after the vessels here spoken of, calling at this port for information.

I have, &c.

(Signed)

JOHN RENDALL.

Her Majesty's Commissioners, Sierra Leone.

&c.

&c.

&c.

No. 87.

*Mr. Rendall to Viscount Palmerston.**Boa Vista, Cape Verds, December 1, 1839.*

MY LORD,

(Received Februry 12, 1840.)

I HAVE the honour to acknowledge the receipt of your Lordship's several Despatches, marked "Slave Trade," up to that of the 9th September, 1839, which, I beg to assure your Lordship, will have my strictest attention.

I have, &c.

(Signed)

JOHN RENDALL.

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

&c.

&c.

&c.

No. 88.

Viscount Palmerston to Her Majesty's Consuls at Lisbon and the Cape Verd Islands. Foreign Office, February 20, 1840.

[Circular sending Papal Brief against Slave Trade.]

(See No. 10, page 8.)

No. 89.

*Mr. Smith to Viscount Palmerston.**British Consulate, Lisbon, March 9, 1840.*

MY LORD,

(Received March 16.)

IN obedience to the instructions contained in your Lordship's Despatch of the 20th ultimo, marked "Slave Trade," I have obtained the insertion of the Apostolical Letter promulgated by His Holiness the Pope, on the subject of the Slave Trade, in the *Diario do Governo*, as your Lordship will perceive by the number of that Journal which I have the honour to transmit herewith; and I beg leave to assure your Lordship that I shall not fail to give all further publicity in my power to that document.

I have, &c.

(Signed)

WILLIAM SMITH.

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

&c.

&c.

&c.

Enclosure in No. 89.

No. 59, Diario do Governo, Lisbon, March 9, 1840.

No. 90.

Viscount Palmerston to Her Majesty's Consuls at Lisbon and the Cape Verd Islands. Foreign Office, April 23, 1840.

[Circular sending Treaty with Venezuela.]

(See No. 20, page 18.)

No. 91.

*Mr. Rendall to Viscount Palmerston.**British Consulate, Boa Vista, Cape Verds,
January 15, 1840.*

MY LORD,

(Received May 2.)

I HAVE the honour to transmit herewith Copy of a Letter, which I this day addressed to Her Majesty's Commissioners at Sierra Leone.

I have, &c.

(Signed)

JOHN RENDALL,
Consul.*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

Enclosure in No. 91.

*Mr. Rendall to Her Majesty's Commissioners.**British Consulate, Boa Vista, Cape Verds,
January 15, 1840.*

GENTLEMEN,

IN reference to my communication of the 30th November last, I beg to acquaint you, that the two schooners therein described, at the Island of Sal, have sailed from thence in the direction of the Coast of Africa: their names have been reported to me the "*Governor Leggatt*," and the "*Sarah and Ann*."

On board the small schooner of the two, the New York pilot-boat, an Englishman, named William Emerson, was seen at Sal; and it is stated, this person has an establishment in the Rio Pongos, and is in some way connected with the vessel in question. It may be that the schooner is consigned to his mother-in-law, as I learn that she loads the principal part of the Slave-vessels which frequent the Pongos.

On the 3rd ultimo, it being a few days after the arrival of the schooners that I have spoken of at Sal, a large barque, under Spanish colours, came there also,

ostensibly to take a cargo of salt. She was about 800 or 900 tons burthen, and had been an English East-Indiaman, but now owned by parties in the Havana.

I yesterday learned that this vessel was still at anchor in the harbour of Sal, although the custom of the place is, that vessels shall load in turn, according to the date of arrival; and that the turn of the barque had been passed—two or three vessels which arrived subsequently having loaded, and departed for their destination.

I am assured that the barque, and at least one of the schooners, are owned by the same parties in the Havana; that great requisitions have been made for water-casks; and some extraordinary exertion used to procure a good supply of water for the barque.

From these facts I am principally led to conclude that the barque is engaged in the nefarious trade in Slaves, and that she contemplates receiving a cargo of that description from the coast, through the aid of her companions the schooners, or other small craft. The water is no doubt secreted amongst the salt; and, with the assistance of mats, a good platform will be made, upon which the Slaves can rest.

Although I find it most difficult to obtain correct intelligence of the movements in Slave Trade transactions, I nevertheless have learned sufficient to enable me to assure you, that it is contemplated to make use of these islands for carrying on the abominable trade in Slaves, between the Havana and the opposite coast, to a very considerable extent. The unprotected state in which all these northern islands are left renders it utterly impossible for the authorities to interfere, even were they disposed to do so, as they are left without a single soldier, or a serviceable gun mounted. The Slave-dealers are well aware of this state of things, and too well know, from past experience, that no impediment will be thrown in the way of their lawless and shameful proceedings.

I see no remedy to change this state of matters, but in Her Majesty's Government continually keeping a cruiser upon this part of the coast.

I have, &c.

(Signed)

JOHN RENDALL,

*Her Majesty's Commissioners,
Sierra Leone.*

Her Britannic Majesty's Consul.

P. S. I have just learned that the Governor-General has seized and sent to Lisbon a vessel, under Spanish and American colours, which called at the Island of Brava, on her way to the coast, for a cargo of Slaves.

J. R.

No. 92.

Mr. Rendall to Viscount Palmerston.

Boa Vista, Cape Verds, April 1, 1840.

MY LORD,

(Received May 2.)

I TAKE leave to transmit herewith, for your Lordship's information, Copy of a Letter which I forwarded to Her Majesty's Commissioners at Sierra Leone, under date the 17th and 31st ultimo.

I have, &c.

(Signed)

JOHN RENDALL.

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

Enclosure in No. 92.

Mr. Rendall to Her Majesty's Commissioners.

*British Consulate, Boa Vista, Cape Verds,
March 17, 1840.*

GENTLEMEN,

SINCE the date of my last Letter, of the 15th January, there has been another Spanish barque at the Island of Sal, which only took on board, like the one

I before reported, a sufficient quantity of salt, to make a good platform, which, by the aid of some mats, would be found serviceable in carrying a cargo of Slaves, and which might also be used as a hiding-place for the water necessary in such a vile traffic.

A Spanish barque called at Villa da Praia, St. Jago, about three or four days previous to the bark I have alluded to arrived at Sal. She had communication with the shore, and visited those who are notoriously concerned in the Slave Trade. It was reported that she had come for Slave Trade information. A barque was seen from this island, coming from the southward, bound to Sal, about the time to make my supposition correct, that the two barques here spoken of were one and the same vessel.

A schooner, named the "*Gazelle*," under American colours, arrived at Porto Praya, the beginning of this month, from the United States, which is said to belong to, or in part owned by, Caetano, and to be bound to Bissao. This vessel, it is reported, brought Caetano information that a secret order had been issued, by Her Majesty's command, to all British cruisers, to take this person a prisoner wherever he might be met with.

Caetano is now at St. Jago, where he arrived the beginning of this year from Bissao. I learn he has transferred the ownership of his vessels to other hands, and is much alarmed for the consequences that may arise to him for the past.

He has kept himself very close at St. Jago; but I hear he contemplates a trip to this island, and that of Sal. I am happy to be able to report that the Governor-General of these islands, Captain de Mello, has evinced a laudable exertion to suppress the Slave Trade, under Foreign Flags. When at Brava, in December last, he seized a vessel under Spanish colours, on account of the equipment, which he sent to Lisbon; and I have just learned that the vessel in question has been released by the authorities of Lisbon. The instructions which he has given to the Governors of all the islands are, I understand, most strict and peremptory, to seize all vessels against which the charge of Slave Trade can be substantiated.

The Governor of Mayo seized, a few days since, a vessel, under American colours, suspected of Slave-trading; but I learn that sufficient proof was adduced to the Governor-General, that the vessel was employed in carrying black emigrants from the United States to the American colony of Liberia, and she has been released in consequence.

A brigantine, under Spanish colours, said to belong to Porto Rico, put into Sal the other day (where she still remains), reporting herself last from Teneriffe, being bound there, but was not permitted to have communication with the shore, in consequence of it being alledged that the yellow fever was on board. The vessel was put under quarantine, and at the expiration of three days was released. The Governor of Sal is said then to have made an inspection of the vessel, and found a large number of water-casks in the hold. To account for the necessity of these suspicious articles being on board, the captain produced papers, showing that he had liberty to carry emigrants from the Canary Isles to Cuba; with which the Governor was satisfied, and the vessel was permitted to remain without further molestation.

This brigantine was seen from this island, coming from the south; also, I am assured that emigration from the Canary Islands has been for some considerable time forbidden. I have, therefore, but little doubt that she is from the coast, where she has deposited her cargo; and that these islands are only to be made a convenience of, until the time arrives of her human cargo being ready for shipment.

Several vessels of a very suspicious nature have been reported to me to have arrived and sailed from St. Vincent, after repairing and watering; and I am informed, from very good authority, that it is the most noted place of all the islands as a rendezvous for the Slave Traders. The inhabitants upon this island do not amount to 400; and the coloured man, who is Governor, has no means at his command to seize a vessel, were he even disposed so to act.

I would beg to suggest that all men-of-war coming to these islands should have instructions to touch at St. Vincent, Sal, Buena Vista, and St. Jago; to those coming from the north, this arrangement would be of little or no delay. Slave-vessels know they are more secure at anchor in one of the northern islands, and it is to that quarter an English cruiser must come to meet with them.

I am about to proceed to Porto Praya, where the Governor-General now is, when

I shall proceed to Sal, and, if possible, to St. Vincent, to counteract, as far as I am able, the vile proceedings of the dealers in human flesh.

I have, &c.

(Signed)

JOHN RENDALL.

Her Majesty's Commissioners, &c. &c.

Sierra Leone.

Boa Vista, March 31, 1840.

P.S. The vessel that was to have taken this letter not having sailed, I beg further to report the arrival of a French barque, named the "*Daly*," in this harbour, on the 18th instant, said to be 21 days from Havre-de-Grace. This vessel has come for about 150 tons of salt, just enough to make a good platform; her tonnage being from 350 to 400 tons. The fact of her proceeding to the coast with an intention of engaging in the Slave Trade is quite notorious here; and she has, within the last few days, shipped a number of Portuguese sailors that came from Sierra Leone, where their vessels had been condemned for Slave-trading.

I need not, I am sure, inform you the Bona Vista salt is not suited for trade upon the African coast, with the exception of the Upper Gambia River, a point which this vessel would not be permitted to proceed to; and there is little doubt that the salt will be used to render plank unnecessary, and to hide the water, and other articles necessary to be used in the Slave Trade.

The captain speaks good Spanish, and the crew is a mixture of Spanish, Portuguese, Italian, and French.

If salt is taken from these islands for the purposes I have stated, no doubt it has or will be also taken from other places for like purposes. Mats will, no doubt, be used with the salt; and I perceive they are not enumerated in the Equipment Article in the Treaty with Spain.

I shall not fail to make known to Her Majesty's cruisers, as far as I am able, my suspicions of the use to which it is intended to apply the salt.

(Signed)

JOHN RENDALL.

BRAZIL.

No. 93.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, November 29, 1839.

(Received February 9, 1840.)

MY LORD,

I HAVE the honour to transmit a Copy of the Form of Contract that it seemed to me desirable to adopt, in order to fix the terms upon which the Africans from on board the "*Flor de Loanda*," are to be confided to the charge of such persons as may appear eligible for that trust.

I did not think myself authorised to propose this definitive arrangement, until I had received the sanction of the provisional measures taken on this matter, contained in your Lordship's Despatch of the 2nd July, 1839, upon the subject of the negroes in question.

I have, &c.,

(Signed)

W. G. OUSELEY.

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

&c.

&c.

&c.

Enclosure in No. 93.

Draft of Contract to be signed by Persons obtaining the Services of Liberated Africans from on board the "Flor de Loanda."

I [name] being desirous of obtaining the services of 1, 2, 3, &c. of the [male, female] Africans taken on board the Slave-schooner "*Flor de Loanda*," in May, 1838, have received from William G. Ouseley, Esq., Her Britannic Majesty's Chargé d'Affaires, acting for and on behalf of the captors of said vessel, and by the instructions of Her Britannic Majesty's Government, one [two, three, &c.] [male, female] Africans, known by the names of A. B. C. [names], and more particularly to be known by the marks [notify any particular marks or distinctive signs], and of the age of years [or thereabouts], of nation, on the conditions hereinafter specified; which conditions I hereby solemnly undertake to observe and fulfil.

1. The Africans [names], as all others from on board the "*Flor de Loanda*," being free persons, and under the protection of Her Britannic Majesty's Government, are to be considered as in deposit with me, and subject at any time to be given up to Her Britannic Majesty's minister or representative in Brazil, on his requisition, or to any person or persons, whom he may appoint to take charge of the said Africans.

2. The Africans are received by me as apprentices, and are to be treated and considered as such for the space of years from the date of the capture of the "*Flor de Loanda*."

3. I undertake to give the Africans [names] good and sufficient food and clothing, and, in case of need, medical attendance and medicines, and that they shall be treated with care and humanity; and as it is to be borne in mind that the chief object in view is to prepare as early and as fully as is possible the said persons for a state of complete freedom, I hereby engage that I will, by every means in my power, such as teaching them trades, handicrafts, or other useful occupations, and

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giving them industrious habits, and by teaching them as far as possible the principles of religion and morality, endeavour, during the period of their servitude, to fit them for gaining their livelihood, when the end of their apprenticeship shall arrive. And I hereby undertake to fulfil the above conditions, without claiming from Her Britannic Majesty's Government, or from any person whatever, any charge or indemnification, but solely at my own expense and risk.

3. I hereby also engage to employ the greatest vigilance and care in my power to prevent the said apprentices [names] from being seized, stolen, conveyed or inveigled away from me or my service, by any person or persons whatever, or otherwise to leave my service before the expiration of the term of years, as aforesaid. And these apprentices are not to be given over to the charge of other persons, nor out of my hands, nor are their services to be transferred or hired out to other persons, but are made over to me solely, and to my responsibility.

4. The said Africans are to be visited and inspected by Her Majesty's minister or representative, or by whomsoever he may appoint so to do, at any time; and care is to be taken to obtain the necessary evidence, in case of death, abduction, or flight, of the circumstances or causes of such events, as far as it is possible. Also, at the expiration of the term of apprenticeship, the said African apprentices are to be delivered into the hands of Her Majesty's minister or representative, or of such person as he may appoint.

5. I hereby engage to pay for the services of the said African apprentices the sum of one milrei monthly, and for every month that they remain in my service, to be reckoned from the day the said Africans are delivered into my care; the said sum to be paid without deduction on account of expenses, or for any causes whatever, whenever payment may be required or demanded by Her Majesty's minister or representative, or by any person appointed by him to receive and give a receipt for the same.

6. I do hereby solemnly, and in the presence of two witnesses, undertake and engage to fulfil and perform all the conditions and stipulations contained in the present contract, to the best of my power and ability; and in case of voluntary or blameable infraction of the above articles, or any of those of this contract, I engage to forfeit and pay into the hands of Her Britannic Majesty's agent or representative, or whomsoever he may appoint, the sum of 500 milreis for the (each) African herein contracted for, with respect to whom the conditions specified have not been fulfilled.

(Signed)

Rio de Janeiro, 1839.

No. 94.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, December 3rd, 1839.

MY LORD,

(Received February 9th, 1840.)

I HAVE the honour to enclose a Copy of a Letter from Mr. Hesketh, acting as Proctor for Commodore Sullivan, in the case of the "*Pompeo*," detained outward-bound Slave-vessel, together with an Enclosure, being copy of a survey held on that vessel, previous to its release by the Mixed British and Brazilian Commission Court.

The press of other business does not allow me to make any analysis of the contents of this letter, which was officially forwarded to me by Commodore Sullivan, requesting to communicate it to Her Majesty's Government, just before he left this capital for Monte Video.

I must therefore take the liberty of referring your Lordship to the contents of these documents, which hardly admit of abridgment, and throw light upon some details in the present system, by which vessels are adjudicated by the Mixed Commission, which certainly appear extremely defective, and unsuited to further the objects of Her Majesty's Government in the suppression of the Slave Trade.

I have, &c.,

(Signed)

W. G. OUSELEY.

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

&c.

&c.

&c.

Enclosure in No. 94.

Mr. Hesketh to Commodore Sullivan.

SIR,

Rio de Janeiro, November, 4th, 1839.

HAVING acted as Proctor in the case of the "*Pompeo*," detained under the Slave Trade Treaties by the "*Fawn*," tender to Her Majesty's ship "*Stag*," and the Mixed Commission Court having declared the restitution of the "*Pompeo*," notwithstanding the evident guilt of that vessel's intended voyage, as shown by the evidence, I have deemed it useful and proper to furnish you with the enclosed translation of the sentence on the case, adding at the same time the following remarks.

In the first paragraph, the allusion made to the circumstances of the detention at sea is, that Lieutenant Tyssen, in command of the tender, conceived himself justified in doing so, because according to his *opinion* there was on board a greater quantity of casks and provisions than were requisite for the crew; and that afterwards you, as senior officer, made a declaration in court that, in consequence of a search on board after the vessel's arrival in this harbour, the following articles were found on board, viz., some planking and also a boiler, and other articles, which were headed up in a leaguer or large cask in the hold; and that, for all such reasons, the captor sued for the condemnation of the "*Pompeo*," as engaged in the Slave Trade, adducing as proof of such accusation documents which had merely reference to previous voyages.

It is in this manner that the Commissary Judges have lightly alluded to facts which clearly establish the criminal nature of the "*Pompeo's*" voyage; and which important facts the court never attempted to verify, an object readily attained by ordering a trustworthy survey; because such a court must be presumed to be so organised as to obtain truth, by means of survey or inspection on board vessels under adjudication. Although neither in the case of the "*Pompeo*," nor in the two preceding ones, was a survey ever ordered; rejecting thus the readiest and most conclusive method of investigation, and lightly passing over, as documents relating to former voyages, the proof that the same vessel has been for some time engaged in Slave Trade.

In the second paragraph, the commissary judges agree, that the "*Pompeo*" has no legal title to the Portuguese flag, considering her therefore as belonging to Rio Janeiro, the port of her outfit, and the residence of her owners, for which reason they proceed to adjudge the case.

In arriving at this conclusion, the frauds and the perjury, of which the accused parties were guilty before the court, in this attempt to cover, with the Portuguese flag, a Brazilian Slave-trader, are circumstances which did not appear to weigh so much against the assertions and allegations of the accused parties, as the adjudged irregularities of the captors have done, in receiving and following up the result of their search on board the "*Pompeo*."

The third paragraph commences with a declaration, that the Brazilian commissary judge still considers unjustifiable the detention of vessels which, though prepared for the Slave Trade, have not had Slaves on board, stating after such declaration the manner in which the case is considered, viz., whether all the suspicious circumstances stated in evidence were sufficient to establish the presumption that the detention of the "*Pompeo*" was legal, and whether the tender was duly authorised to capture.

From this it would appear, that the Brazilian Commissary Judge considers the mixed Commission Court incompetent to entertain cases of vessels equipped for Slave Trade, although the Brazilian law declares illegal any attempts to carry on such trade.

And thus, with this declared conviction on the part of the Brazilian Commissary Judge, the evidence against the accused is investigated and considered, in conjunction with the totally distinct question—the authority of the tender; a question not affecting the innocence or guilt of the accused, but merely the competency of the Mixed Commission Court.

In the fourth and last paragraph, the irregularity of the search on board the "*Pompeo*" is alluded to; the shipment of the planks, provisions, and casks, are, on the part of the Brazilian Commissary Judge, considered to be satisfactorily proved by the manifest and Custom House bonds as made for legal purposes; while the British Commissary Judge deems, that the appearance of the boiler and other articles would have been to him conclusive proof of guilt, and prevented his coinciding with his colleague in that particular, had the search which led to the discovery of the boiler, &c., not been so irregularly made, but that, in consequence of that irregu-

larity, as well as others, such as delaying to bring the case of the "*Pompeo*" into court for some time after her arrival, unloading and reloading her; and also in consequence of the tender not being duly authorised to capture Slave-vessels, both Commissary Judges agreed, that the "*Pompeo*" and cargo should be restored to the owners, in virtue of the eighth Article of the Regulations for the Mixed Commission.

On this last part I have to remark, that in none of the three vessels detained on their voyage to Africa has it been possible to ascertain what evidence the court required in addition to the captor's declaration, nor how it was to be obtained: in the case of the "*Recuperador*," the evidence was declared insufficient; in the present case it is said to be irregularly obtained; but in no case has the court ordered a survey.

That a strict search was requisite in the case of the "*Pompeo*" is proved by its results, for no search by a Brazilian authority would have been so effective as to detect the boiler; and such a search could not be accomplished without putting into a lighter alongside some of the bulky articles, which was an expensive and laborious proceeding, undertaken with no other view than that of promoting the public service of both crowns, by enabling the Commissary Judges to become aware of the truth.

These observations will answer the imputation of irregularity as to the search, and the unfounded assertion as to unloading the vessel; and with regard to the delay in bringing the case before the court, it appears to me that there is no specified time; that cases are to be brought "as soon as possible;" and that in cases of vessels equipped for the Slave Trade, and ingeniously guarded against detection, the captain would be acting improperly not to use every means to furnish the court with proofs of fraud, which are much more easily concealed than in cases of a cargo of living beings, and which in fact were the cases in contemplation, when the term for bringing Slave-vessels into the Commission Courts was defined "as soon as possible;" so that, if it was presumed that circumstances might create some detention, even in cases where a cargo of Negroes affords ready proof of guilt, how much more in cases such as that of the "*Pompeo*"?

As for the absence of the master during the search, it was an oversight, consequent on the removal of the crew: at the same time the court possessed means of verifying the search; and, in fact, it was always expected that this search would be as liable to investigation, in case of doubt, as any part of the declaration of the captor. After these detailed observations on the evidence in the case of the "*Pompeo*," and the decision of the Commissary Judges, I have duly to declare my opinion that, if the mixed Commission Court continue under its present system, it will be found impossible to have a just investigation in cases of vessels equipped for the Slave Trade; because the forms of the court can be perverted into a means of concealing truth in the evidence before it, and it will prove difficult to obtain a just decision; because the Brazilian Commissary Judge maintains, that a detention under an equipment for Slave Trade is illegal; and because it is found, as in the case of the "*Pompeo*," that on the side of the accused perjury and fraud are practised with impunity, and that, notwithstanding such criminal practices, the allegations of the accused meet the same consideration as those on the side of the captor.

Therefore the evidence, brought by the accused in the case of the "*Pompeo*," not having been shaken or disqualified by its perceptible deceitful character, while, on the side of the captor, the well-intentioned exertions to bring out the true facts of the case having been rejected, because not strictly formal, the result has been that the Brazilian Slaver "*Pompeo*" was restored by the Commissary Judges to her owners, though evidently engaged in the Slave Trade, and guilty of an infraction of the treaties and of the laws of Brazil against that trade. I return enclosed the report of survey held on board the "*Pompeo*," which, though it has been rejected by the Commissary Judges, may have in other quarters more weight, as evidence of guilt.

I have, &c.,

(Signed) ROBERT HESKETH,
Her Britannic Majesty's Consul.

Commodore Sullivan, C.B.,
&c. &c. &c.

Sub-Enclosure in No. 94.

Report of Survey.

WE whose names are hereunto subscribed, William Preston, commander ; James Brown, master ; Lucius R. Curtis, mate ; and the undernamed seamen, of Her Majesty's ship "Stag," being present at the search made on board the detained brig "*Pompeo*," to ascertain if any articles could be found to prove her being engaged in the Slave Trade, declare to the following statement :—

That on clearing a great part of the hold, by removing the bale goods, and cases of muskets and swords, we found two large ladles, new, with handles about three feet long ; also a quantity of burnt bricks for a fire-place, some of them apparently having been already used for that purpose.

We declare to the circumstance of finding the hold, below the cargo, what is termed floored with full water-casks, the bung-holes covered with lead, pierced with holes to admit air, exactly the same as those found in vessels engaged in Slave Trading, and having in quantity ten times more than would be required for the crew found on board that vessel ; she having already sufficient water on deck for their consumption during her voyage to her destination. Nor is it customary for merchant vessels engaged in lawful commerce to carry water under their cargo, or usual to have casks (if on cargo) set up, as they evidently take so much more room than they would in shakes.

Neither do we consider the "*Pompeo*" would require these casks of water as ballast, as she was evidently loaded very deep, and would have been sufficiently so without them.

On the examination of these casks they were all found to contain water, except the foremost cask on the larboard side, it being found (on putting a stick into the bung-hole) to contain something hard, which proved (on staving the cask) to be a newly tinned copper boiler, with a new ladle and strainer ; also a bag of forelocks for irons, precisely the same as those found on board vessels engaged in the Slave Trade.

We particularly beg to draw your attention to the following articles, in addition to the above, also found in the hold of the "*Pompeo*," and which are evidences of her being intended to receive Slaves, viz., the great quantity of deck plank and beams for rafters, certainly sufficient to lay a slave-deck fore and aft ; also the circumstance of the water casks being just high enough to allow of a deck being so placed, and cleats nailed to the vessel's sides, in a line with the upper part of the water casks, to receive the ends of the beams or rafters.

And further, that it is not customary in merchant vessels of her size to carry more than from ten to twenty such planks, nor do we know any purpose for which burnt bricks are used in vessels engaged in lawful commerce, but in all Slave vessels they are used to protect the wood-work from the fire. Moreover, the great number of tubs, large and small, with suckers, similar to those used in Slavers, are such as could not be required in a merchant vessel.

There is also a great quantity of farinha and jerked beef, which are not probable to be intended as marketable articles, but as food for the Negroes during the intended voyage from the coast.

There are also found a number of short pieces of chain, with a bag of forelocks for irons, similar to those used in chaining Slaves together.

A great part of the cargo is such as is generally used in bartering for Slaves, viz., muskets, swords, trumpets, beads, and brass pots,—besides the general cargo of bale goods.

The farinha was stowed in bulk, under the cabin floor, which is a proof it was intended to be used from that place, and not in freight.

And we are not aware of anything deficient in the equipment and furniture of the "*Pompeo*," that could be further necessary to prove her being engaged in the illicit traffic in Slaves.

And we further declare we are ready, if required, to make oath to the impartiality and correctness of our proceedings, and of this statement.

Given under our hands on board the detained brig, "*Pompeo*,"
in Rio de Janeiro Harbour, this 5th day of September, 1839.

(Signed) W. PRESTON, Commander,
J. BROWN, Master,
ROGER L. CURTIS, Mate ;

Also by twenty-one Petty Officers and Seamen belonging to Her Majesty's ship "Stag."

No. 95.

Mr. Ouseley to Viscount Palmerston.

(Extract.)

*Rio de Janeiro, December 9, 1839.**(Received February 9, 1840.)*

THE note, a copy of which I have the honour to enclose, was sent with a protest from the owner of the "*Pompeo*," by Senhor Figanière, the Portuguese minister, in order to be officially communicated to Commodore Sullivan. I considered this document rather as a legal than a diplomatic paper, and that, moreover, receiving it would probably entail on Her Majesty's Legation, the transmission of many other similar protests: and also, as it is doubtful whether such a protest should not be addressed to Her Majesty's Government through the Government of Portugal, either from Lisbon or London, rather than here, supposing it to be supported by the Portuguese ministry, it appeared advisable not to receive it.

Enclosure No. 2, is a copy of the answer which I wrote to Senhor Figanière, on returning the above cited document.

The Enclosure No. 3, is a general protest against the proceedings of the Mixed Commission, and those generally of the Agents of Her Majesty's Government, in respect to the Slave-vessels under the Portuguese flag captured, and, in many instances, condemned, under the instructions received from England at different times, but particularly of late.

First Enclosure in 95.

(Translation.)

*M. Figanière to Mr. Ouseley.**Rio de Janeiro, October 1, 1839.*

THE proctor for the master of the Portuguese brig "*Pompeo*" having requested, that through the channel of Her Most Faithful Majesty's Legation, the protest made by the said master, ratified and verified in the Portuguese Consulate, should be communicated to the commander of the British naval forces in this harbour, to which the brigantine "*Fawn*" belongs, which captured the said brig; the undersigned, &c., has the honour to forward to Mr. Ouseley, &c., an authenticated copy of the said protest, in order that he may take cognizance of it, and transmit it officially to the above-mentioned commander of the said naval forces.

And he avails, &c., &c.

(Signed) J. C. de FIGANIERE, e MORAO.

W. G. Ouseley, Esq.

&c. &c. &c.

Second Enclosure in No. 95.

*Mr. Ouseley to M. Figanière.**British Legation, Rio de Janeiro, Nov. 19, 1839.*

THE Undersigned, &c., has had the honour to receive the note which Senhor J. C. Figanière de Moraõ, Her Most Faithful Majesty's Minister, &c. did him the honour to address to him last month, forwarding a document, stated to contain a protest from the master of the Slave brig "*Pompeo*," against the detention of that vessel, by the Commodore commanding Her Majesty's naval forces on this station.

The undersigned returns herewith, the abovementioned paper, and is under the necessity of declining to communicate that document to Commodore Sullivan, as it does not, in his opinion, belong to Her Majesty's Legation to be the organ for making such communications to that officer.

The Undersigned, &c.

(Signed)

W. G. OUSELEY.

To Senhor J. C. Figanière e Moraõ.

&c.

&c.

&c.

Third Enclosure in No. 95.

(Translation.)

*M. Figanière to Mr. Ouseley.**Rio de Janeiro, November 9th, 1839.*

THE Undersigned, &c., received the reply which Mr. Ouseley addressed to him on the 28th of October last, relative to the explanations requested by the undersigned, respecting the detention of the brig "*D. João de Castro*," and, in order not to repeat what he has in various previous notes remarked to Mr. Ouseley on similar cases, the said undersigned limits himself, in this communication, to reiterating to Mr. Ouseley the declarations, that he does not recognise any right in the British Navy to decide upon the legality of the documents on board of Portuguese vessels, as indicative of the nationality of these vessels; nor to make prizes of the said vessels, unless in the cases stipulated for in the Treaties between the Governments of Portugal, and of Great Britain and Ireland; and in like manner he does not recognise in the British and Brazilian Commission established in this capital, any authority to judge Portuguese vessels, on the ground of their being employed in the traffic of slaves, or for any other motive; and lastly, he does not recognise in the said Commission, any authority to decide on the legality or illegality of the Documents on board Portuguese vessels, as relates to the Portuguese laws which determine their nationality. And, having made these declarations, the undersigned, in the fulfilment of his duty, protests against the acts of the British Navy, and of the above Commission, and likewise against the orders and instructions of the Government of Her Britannic Majesty to its Commissioners, members of the said Commission, in opposition to what he has just stated, and to the ground that he has taken up, in conformity with the general law of nations, and the stipulations between the said Governments of Portugal and England; and this as much in respect of the question of the vessel "*D. João de Castro*," as of all other previous cases, and of those which may in future occur; and he claims indemnification for the losses caused by the acts referred to, from those whose legal obligation it may be to make it good; the which the undersigned trusts, that Mr. Ouseley will lay before his Government, as the undersigned now proceeds to communicate it to that of Her Most Faithful Majesty.

The Undersigned, &c.

(Signed)

J. C. DE FIGANIERE e MORAO.

To *W. Ouseley, Esq.*
&c. &c.

No. 96.

*Viscount Palmerston to Mr. Ouseley.**Foreign Office, February 20th, 1840.*

[CIRCULAR sending Papal Brief against the Slave Trade.]

(See No. 10, page 8.)

No. 97.

*Viscount Palmerston to Mr. Ouseley.**Foreign Office, February 21, 1840.*

SIR,

I HAVE received your Despatch, Slave Trade, of the 29th November, 1839, transmitting a copy of a form of contract, specifying the terms on which it is proposed that the Africans from on board the "*Flor de Loanda*," shall be confined to the charge of proper persons at Rio. That paper appears to me to be drawn up with care, and to contain provisions which are well adapted to secure to the negroes the good treatment and the eventual and entire liberty, which it is the object of Her Majesty's Government to obtain for them: and I therefore approve the purport of the contract.

I am, &c.

(Signed)

PALMERSTON.

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

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, February 29, 1840.

I HAVE received your Despatch, Slave Trade, of the 9th December 1839. enclosing copies of several protests, which M. Figanière, Portuguese Minister at Rio de Janeiro, addressed to you against the conduct of Her Majesty's cruisers in detaining, south of the Line, vessels found trading in Slaves under the Portuguese flag, and against the proceedings of the British and Brazilian Commission at Rio de Janeiro, in inquiring into the nationality of such vessels.

The circumstance that the present Portuguese Minister at Rio de Janeiro has not imitated the misconduct of his predecessors with respect to Slave Trade, must dispose this Government to give every consideration possible to the representations of M. Figanière.

But M. Figanière, in his zeal for the cause which his Government has given him orders to support, has, by endeavouring to engage in discussions with you, departed inconveniently from the usual practice, according to which the officers of different Governments, employed in the territory of a third power, do not engage in diplomatic discussions as to questions pending between their respective Governments. You will read this Despatch to M. Figanière, and you may if he wishes it, leave with him, privately, a copy of it, as containing a statement of the reasons why it is impossible for this Government to take official notice of those representations, which were addressed to you by M. Figanière, and enclosed to me in your Despatch before mentioned.

The course which, according to correct practice, should be pursued by a minister situated as M. Figanière is, would be, to transmit to the Portuguese Government a statement of the facts, and to leave that Government to make the proper representations thereupon to the Government of Great Britain, either through the Portuguese minister at this Court, or through Her Majesty's representative at the Court of Lisbon.

I am, &c.

(Signed) PALMERSTON.

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

No. 99.

*Mr. Ouseley to Viscount Palmerston.**Rio de Janeiro, January 9, 1840.*

MY LORD,

(Received March 7.)

I HAVE the honour to enclose a copy of a note that I addressed to Senhor Lopes Gama, in consequence of attempts made to impede or prevent the sale of the condemned outward-bound Slave Vessel "*Maria Carlota*."

I do not trouble your Lordship with the different letters and papers that have passed on this subject; as the perusal of the enclosed note will sufficiently explain the nature of the difficulties interposed in carrying into effect the condemnatory decisions of the Mixed Court, and the vexations and obstacles, which continually arise in the course of the legal proceedings for the suppression of the Slave Trade.

I have, &c.

(Signed) W. G. OUSELEY.

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

Enclosure in No. 99.

Mr. Ouseley to M. Lopes Gama.

SIR,

British Legation, December 23, 1839.

I HAVE the honour to transmit to your Excellency copies of some communications that have passed between Her Majesty's Consul and the Municipal Judge,

as well as between the British Judge Conservator *ad interim* and Mr. Hesketh, on the subject of the sale and claim for damages of the brig "*Pompeio*."

Mr. Hesketh has also received a communication from the Juiz Municipal, stating that an embargo has been laid upon the sale of the "*Maria Carlota*," and that that officer has taken upon himself to admit such a proceeding.

Subsequently to these communications, I also have received an official notification from H. M. Commissioners, to the effect that the Juiz Municipal has announced to the Mixed British and Brazilian Commission, that the sale of the "*Maria Carlota*" could not be completed, on account of the embargo granted by the Minister of Justice preventing that sale, at the private suit of an individual named João Perreira de Andrade, who pretends to have a claim upon the said vessel.

The pretension thus put forward, of staying proceedings in execution of the sentences of the Mixed Commission, is so utterly untenable and extraordinary, that it could scarcely be supposed that it was seriously made, had not the ultimate sale of the vessel and appurtenances been most improperly delayed by Municipal officers, in consequence of this absurd claim.

It becomes necessary, however, to trouble your Excellency on this subject, in order to request your immediate intervention to prevent, either in this or any future instances, that so highly unbecoming a proceeding as this, by which an attempt is made to impede the action of a Court, holding authority under a treaty between the two Governments, and wholly independent of the jurisdiction, which an individual has presumed to interpose between a sentence of the Mixed Commission and its execution, be persisted in.

With respect to the citation from the same Juiz Municipal of Mr. Hesketh, as agent for the captors of the "*Pompeio*," it will be sufficient to remark that Mr. Hesketh can only act as agent before the Mixed Court, and that it does not belong to the Municipal Judge to assess or estimate any damages that may be awarded by the Mixed Commission, but to that court alone, as will appear by reference to the III. and VIII. Articles of the Regulations for the guidance of the Mixed Commission.

All proceedings therefore of the Juiz Municipal, or of any other officers or court excepting the Mixed Commission, for estimating, assessing, or awarding damages, must be considered as invalid; and I now take this opportunity of mentioning, that a protest is prepared on the part of the captors against such a course, should it be persisted in, and that I only abstain from protesting, on the part of H. M. Government, against such an unwarrantable course as that now assumed by the Slave Dealers and those who assist them, as I feel convinced that your Excellency will speedily and effectually take such measures as will put a stop to the present proceedings, and prevent a recurrence of them on any future similar occasion.

M. Lopes Gama,
&c. &c. &c.

I avail, &c.
(Signed) W. G. OUSELEY.

No. 100.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, January 17, 1840.

MY LORD,

(Received April 9.)

I HAVE the honour to inform your Lordship, that Her Majesty's brig of war "*Wizard*" detained on the 17th ultimo, a few miles from the mouth of this harbour, the Portuguese Slave-vessel "*Congresso*," under Portuguese colours, bound for the western coast of Africa, and subsequently that vessel was sent, under the instructions lately received by Her Majesty's cruisers, to the Cape of Good Hope, for adjudication by a Vice-Admiralty Court.

The immediate departure of the packet scarcely leaves time for copying and translating the various notes and communications to which the capture of the "*Congresso*" has given rise: and I am under the necessity of referring your Lordship to the enclosed correspondence for the details of this case; the first that has occurred on this station, under the late bill and instructions for the more effectual suppression of the Slave Trade.

CLASS B.—FURTHER SERIES.

Enclosure No. 1 is the letter, dated 18th January, in which Captain Freemantle, of the "Clio," senior officer at the moment, announced to me the detention of the "Congresso," mentioning the chief motives that authorised the capture of that vessel, and the wish of the Commander of the "Wizard" to send her to the nearest Vice-Admiralty Court, under the late instructions, and asking my opinion is to the expediency of the proposed course.

No. 2 is my answer to Captain Freemantle, stating that I agreed with him and Lieutenant Birch, as to the advantage of sending the "Congresso" to the Cape.

No. 3 is a copy of a Despatch to Admiral Elliot, Commander-in-Chief of Her Majesty's naval forces at the Cape of Good Hope, mentioning generally the circumstances of the capture of the "Congresso."

The 4th Enclosure is copy and translation of a note from the Brazilian Minister of Foreign Affairs, dated 28th January, with a Sub-Enclosure; copy and translation of an official note from the Portuguese minister to Senhor Lopes Gama, complaining in strong language of the capture and detention of the "Congresso," and asking explanation and satisfaction for an alleged violation of the law of nations, and an outrage upon the Portuguese flag.

Enclosure No. 5 is a copy and translation of a note from M. Figanière to me, also dated 28th January, asking explanation, information, and satisfaction, for the alleged outrage on the Portuguese flag, and infraction of the laws and regulations of civilized nations, by the Commander of Her Majesty's cruiser "Wizard."

My answer to Senhor Lopes Gama's note forms the Enclosure No. 6, dated 30th January, in which I explain the real circumstances of the case, of which so distorted an account was forwarded by Senhor de Figanière e Morao; and take the opportunity of remarking upon the undisguised support given by the press in this capital to the Portuguese Slave Traders, and the violent attacks upon Her Majesty's Government, and officers, on account of their efforts in the suppression of the Slave Trade, mentioning also different points connected with the subject of M. Figanière's note.

Enclosure No. 7 is a copy of a reply to M. Figanière's note, in which I took occasion to remark upon the language used by the Portuguese Minister, and saying that I abstained from answering officially his note, in order to avoid useless and disagreeable discussion.

No. 8 is an answer which the Portuguese Minister sent me written in English, in which language he writes, as he says I had misunderstood the scope of his meaning in Portuguese.

The case of the "Congresso" gave rise to many violent and abusive articles in the papers of this capital, nearly all under the influence of the Slave Traders, and it was at first intended to publish all the correspondence between the Imperial Government and myself, in order to calm the effervescence that was very general; but the subsequent capture of another vessel, the "Sandade," has so completely occupied the public mind, that I believe the Brazilian Minister has abandoned the intention, at least for the present.

I have, &c.,
(Signed) W. G. OUSELEY.

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

First Enclosure in No. 100.

Captain Freemantle to Mr. Ouseley.

SIR,

Rio de Janeiro, January 18, 1840.

I HAVE the honour to acquaint you, that Her Majesty's sloop, "Wizard" anchored last evening outside this harbour, with a detained vessel called the "Congresso," under Portuguese colours, but not showing any legal title to that flag, and having sufficient proof in other respects to condemn her as engaged in the Slave Trade.

It is the wish of Lieutenant Birch, the Commander of the "Wizard," to send her for adjudication to the nearest British Colony, the Cape of Good Hope, in which measure I entirely concur, and have therefore ordered her equipment to

be immediately completed; and sanctioned her being so despatched as soon as ever she can be got ready, which will be to-morrow.

In consequence of her having (including the master) a crew of fifteen besides three passengers, one of whom is evidently interested in the expedition, it would reduce the complement of the "Wizard" too much to send a party strong enough to guard the whole.

I have therefore given directions to Lieutenant Birch to transfer twelve of them to the "*Nova Piedade*" prison-ship, keeping the Captain of the "*Congresso*," the boatswain, the cook, the passenger specified above, and two negro boys, to give evidence at the Court of Admiralty at the Cape of Good Hope.

Should you, however, see any illegality or irregularity in these proceedings, or be of opinion that a judgment could be more easily or fairly obtained by bringing the "*Congresso*" before the Mixed Commission here, I request you will have the kindness to acquaint me, that I may meet your wishes.

I have, &c.,
(Signed) STEPHEN G. FREEMANTLE,
Commander.

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

Second Enclosure in No. 100.

Mr. Ouseley to Captain Freemantle.

SIR,

British Legation, January 18, 1840.

IN reply to your letter of this date, mentioning the detention of the "*Congresso*" by Her Majesty's brig "Wizard," and requesting to know whether there appears in my opinion any legal objection to sending the captured vessel to the Cape of Good Hope for adjudication, I think it my duty to state, that I cannot but entirely agree with you respecting the expediency of the course which you have authorized and enabled Lieutenant Birch to adopt; not only from having already received intimation, that the "*Congresso*," is engaged in Slave Trading transactions, but as the illegal nature of her voyage is sufficiently apparent from circumstances ascertained since her capture.

That a judgment will probably be more promptly and fairly obtained before a British Admiralty Court than before the Mixed Commission in this capital, there can be little doubt; as the delays and subterfuges to which the interested parties resort in this country, where they are surrounded by their accomplices and abettors, have become sufficiently notorious during the course of late proceedings before the Mixed Commission Court.

Although deferring entirely to your better judgment, as to the number of the crew and passengers that it may be advisable to send with the vessel, I take the liberty of suggesting, that as many as can safely be trusted on board the "*Congresso*" be sent away with that vessel; although it is of course highly inconvenient to detach a numerous prize-crew from the small force under your command.

I have, &c.

(Signed) W. G. OUSELEY.

Captain Freemantle, R.N.,
&c. &c. &c.

Third Enclosure in No. 100.

Mr. Ouseley to Admiral Elliot.

SIR,

British Legation, Rio de Janeiro, January 19, 1840.

HER Majesty's brig-of-war "Wizard" having captured, off this coast, a vessel under Portuguese colours, called the "*Congresso*," well known here to be engaged in the Slave Trade, it has been deemed advisable by Lieutenant Birch, commanding the "Wizard," to send her for adjudication before the British Vice-Admiralty Court at the Cape of Good Hope, under the late Bill for the Suppression of the Portuguese Slave Trade, rather than submit the "*Congresso*" to the vexatious and very doubtful mode of proceeding in the Mixed Courts of Commission at this capital.

Captain Freemantle, senior officer at present in this port, having addressed me officially to know whether, in my opinion, it was expedient or legal to send this vessel, now detained, to the Cape, I have thought it my duty to express to that gentleman my entire concurrence in the course he is about to pursue.

It may, perhaps, be not irrelevant to mention to you, Sir, some of the reasons that appear to me to render the proposed measure extremely advisable at this moment, particularly if the "*Congresso*" be promptly condemned in the Vice-Admiralty Court, of which there can be little doubt.

The late proceedings of the Mixed Commission Court at this place have subjected the captors to most troublesome and vexatious delays, as well as considerable expense; and in more than one instance notorious Slave-vessels have been, either from strict adherence to legal technicalities in favour of Slave-traders, or other circumstances, released; in some instances, with damages awarded. The extreme difficulty of detecting at this capital the various modes of disguising the nationality of the vessels, or the illegal nature of their voyages, the facility with which false testimony is procured, and the ultimate impunity with which the guilty parties escape, so as immediately to embark in fresh Slave-trading speculations, together with other circumstances, combine to render it most advisable, whenever possible, to remove for trial out of this country every Slave-vessel that is taken.

The discouragement which very naturally has been felt by Her Majesty's naval officers, at the result of late cases brought before the Mixed Commission, will be completely obviated by affording them a fair and immediate trial; for the delay caused by the voyage to the Cape of Good Hope is by no means to be compared to that, often of several months' duration, arising out of the proceedings of the Mixed Commission.

An advantageous result, to be anticipated from putting in force the enactments of the new Bill, will doubtless be the inutility of future attempts to cover Brazilian Slave-trading transactions with the Portuguese flag; hitherto one of the chief difficulties attending the adjudication of vessels before the Mixed Commission at Rio de Janeiro having been the detection of fictitious Portuguese papers and protections. The very circumstance of being under the flag of Portugal will now enable Her Majesty's cruisers to send the Slave-vessels at once to Vice-Admiralty Courts, and force them to resort to some other subterfuge, and organise another system, in order to carry on this traffic. Some check will necessarily thus be given to the Slave Trade, and in the mean time the squadron on this station may be strengthened, and armed steamers may be attached to it, by means of which the traffic, as now carried on, might in a few months be completely suppressed. Coal, and all machinery for the use of steam-engines, are now admitted duty free in Brazil, so that depôts may be established at any of the ports.

There are at this moment about 40 Slave-vessels fitting out in this harbour alone, all under the Portuguese flag, and there have arrived about 20 within a short time. The great Slave-dealers are making every effort to extend and renew their operations, lately discouraged for a time by the measures of Her Majesty's Government. It is on this coast, and chiefly in the neighbourhood of this capital, that the Slave Trade is carried on with the greatest vigour. The large capitalists reside here, and the Slave-vessels are fitted out, manned, and supplied from hence with papers, certificates, money, &c. Unfortunately, at a moment when it is more particularly requisite to have a sufficient force for acting efficiently against the Slave Trade, in accordance with the wish of Her Majesty's Government and the British nation, so emphatically and forcibly manifested, this station has but one small brig-of-war to be used against the Slave Trade.

The aspect of political affairs in the Rio de la Plata, where the presence of Commodore Sullivan, with the "*Stag*," "*Calliope*," "*Actæon*," "*Curaçoa*," "*Grecian*," &c., has been deemed necessary, in consequence of the late demonstrations and large force of the French, has caused this capital and coast to be left for the moment almost unprovided. Of the few small vessels of war on this station, the presence of one has been required at Bahia, and one has been asked for at Maranham, as well as at Rio Grande and St. Catherine's, from the disturbed state of those provinces.

After mentioning the state of Her Majesty's naval service on this station I venture to take the liberty of recommending, that the officers and prize-crew in charge of the "*Congresso*" be sent back by the first opportunity. As merchant-vessels now frequently go from hence with coffee to the Cape, there will probably be an early opportunity of restoring the men now detached, and whose absence materially affects the efficiency of a small vessel like the "*Wizard*."

With respect to the prisoners, I have found that the most effectual mode of keeping them from again, for some time, engaging in the Slave Trade, is to send them to England, to be placed at the disposal of Her Majesty's Government, with such official documents as may be requisite to prove their criminality.

*The negroes on board, although sometimes designated as freemen, and employed as seamen or cooks, stewards, &c., are not unfrequently employed against their will, and are often claimed as the property of individuals on their return hither. It may, therefore, be but just to allow them to remain beyond the jurisdiction of Brazilian or Portuguese law if so inclined, either by taking service on board our cruisers, where their services are often most useful as interpreters with negroes, guides, &c., or to remain at the colony.

I have to apologise for offering these remarks, which must by no means be interpreted as intended to suggest measures, which your better judgment and knowledge of the subject would render superfluous, but I take the liberty of making these observations as the result of some experience in Slave-trading matters as carried on in Brazil, with which country, I believe, this is the first instance in which the station under your command has had any direct communication of this nature.

I have, &c.

(Sinned) W. G. OUSELEY.

Admiral Elliot,
&c. &c.

* This was written before the Instructions issued to Her Majesty's Cruisers on the point, had come to the knowledge of Her Majesty's Legation.

Fourth Enclosure in No. 100.

M. Lopes Gama to Mr. Ouseley.

Rio de Janeiro, January 28, 1840.

THE Undersigned, &c., has the honour to communicate to Mr. Ouseley, &c., copy of a Note which the Minister Resident of Portugal at this port addressed to him on the 22nd instant, relating to the detention and disappearance of the Portuguese brig-schooner "*Congresso*," which had been met with by the brig "*Wizard*," of the British navy.

The Undersigned, flattering himself with the belief that Senhor Figanière e Moiraõ has been misinformed, has already sought the necessary information on the subject, from the commandants of the respective fortresses, who are so gravely compromised in the denunciation made to the above Minister Resident: and he trusts Mr. Ouseley will afford all the information in his power, in order that the Imperial Government may thereupon be enabled to form an accurate opinion of this proceeding.

The Undersigned avails, &c.

(Signed) CAETANO MARIA LOPES GAMA.

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

Sub-Enclosure in Fourth Enclosure in No. 100.

(Translation.)

M. Figanière to M. Lopes Gama.

Rio de Janeiro, January 22, 1840.

SINCE the evening of the 17th instant it was reported in the city that a dismasted vessel, endeavouring to enter this port, was met by a brig of the British navy near the Raza Island: it was afterwards ascertained that this vessel was the Portuguese brig-schooner "*Congresso*," which sailed from Rio de Janeiro on the 13th instant, legally cleared out by the Custom-house of this city and the Portuguese Consulate, and it was supposed that the brig-of-war, which proved to be the "*Wizard*," had approached for the purpose of rendering assistance; but what was the surprise of the Undersigned, &c., as well as of the owners and freighters of the said vessel, when it appeared that, so far from the said brig-of-war's assisting the

“*Congresso*,” as had been anticipated, and was reasonably to be supposed, seeing the state of the latter vessel, she detained her, and in the very waters of the empire,—within sight of this city of Rio de Janeiro, and in reach of its fortresses,—proceeded to disembark the crew of the “*Congresso*,” who were, as prisoners, taken by the English on board the vessel the “*Piedade*,” which serves them as a floating prison within this port,—repaired the damages sustained by the “*Congresso*,” and, putting on board an English crew, sailed for a destination unknown to the Undersigned and the parties interested in her.

It being notorious that these violent and illegal acts, which are of a nature to be considered piratical, were perpetrated within the waters, dominion, and jurisdiction of the empire of Brazil, in sight and within range of its fortresses, as above observed, thus allowing communication between the interior and exterior of the harbour, the embarkation and disembarkation of men and articles, without any interruption on the part of the authorities of the empire, it becomes the duty of the Minister of Portugal, while requesting, in the name of his Government, that His Excellency Senhor Lopes Gama, &c., will be pleased to give him ample explanation of such an unheard-of proceeding, to apply, as in effect he now does apply, to the Imperial Government for due reparation for the insult offered to the flag of his nation; and in order to recover the losses and damages which, from such an act, become due to the owners, shippers, and others interested in the Portuguese sloop “*Congresso* ;” inasmuch as, in consequence of what has taken place, the said Government has become responsible for both the one and the other, and therefore he requires the liberation of the individuals illegally brought back to this port and detained on board the aforementioned vessel “*Piedade*,” anchored in this harbour.

The Minister of Portugal, addressing this communication to His Excellency the Minister of Foreign Affairs, renews, &c.

(Signed) J. C. DE FIGANIERE E MOIRAO.

Copy certified by the Under-Secretary of State.

(Signed) BENTO DA SILVA LISBOA.

M. Lopes Gama,
&c. &c. &c.

Fifth Enclosure in No. 100.

(Translation.)

M. Figanière to Mr. Ouseley.

Rio de Janeiro, January 28, 1840.

ALTHOUGH the Undersigned. &c., in consequence of repeated violent and illegal actions committed against Portuguese vessels and property by the British naval forces, has been obliged to protest solemnly against such proceedings, past and future, nevertheless he cannot refrain from addressing Mr. W. G. Ouseley, &c., for the purpose of obtaining ample explanation of the most violent of the above-mentioned acts, which has as yet been perpetrated, and which seems rather to be of the nature of those practised by the individuals called *freebooters*, than that of officers of the navy of a civilised nation, and one which is not at war with the Portuguese.

It has been represented to the Undersigned that, after being legally cleared out by the authorities of the country and the Portuguese Consulate, the Portuguese brig-schooner “*Congresso*” sailed on the 13th instant for the Portuguese possessions on the western coast of Africa. She was met by the English frigate “*Actæon*,” which, after visiting her, allowed her to proceed on her voyage, noting her visit on one of the principal documents on board. It appears that she was subsequently visited by the brig of war “*Wizard*,” also of the English navy, which also allowed her freely to continue her voyage. It happened, however, that the said sloop “*Congresso*,” in consequence of losing a mast, having to return, was seen on the 17th instant making for the port of this city, and the said brig “*Wizard*” was observed to approach her: from the shore it was supposed that she was going to her assistance, which was reasonably surmised, seeing the condition of the said sloop. It was, however, proved that such benevolent intention did not actuate the commander of the same brig “*Wizard*,” inasmuch as, after frequent consultation on

shore in this city, where the said commander landed, as the Undersigned is informed, the sloop was seized, they proceeded to disembark several of her Portuguese crew, who were replaced by Englishmen, who then made sail in the said sloop for some destination, which the Undersigned and those interested in her do not know.

The Undersigned, again protesting against this illegal as well as unheard-of proceeding on the part of the Commander of Her Britannic Majesty's brig "Wizard," hopes that the Chargé d'Affaires of England will communicate to him all that has come to his knowledge relating to this extraordinary event, which certainly can neither be authorised nor allowed to go unpunished by the British Government.

The Undersigned, &c.

(Signed)

J. C. DE FIGANIERE E MOIRAO.

W. G. Ouseley, Esq.

&c. &c. &c.

Sixth Enclosure in No. 100.

Mr. Ouseley to M. Lopes Gama.

British Legation, January 30, 1840.

THE Undersigned, &c., had the honour of receiving the note which his Excellency Senhor Lopes Gama, &c., addressed to him, dated the 28th instant, and enclosing copy of one from the Minister Resident of Her Most Faithful Majesty, representing to the Imperial Government that a Portuguese vessel, the "*Congresso*," had been illegally detained by Her Majesty's brig-of-war "Wizard."

Senhor Lopes Gama adds that he wishes the undersigned to furnish such explanations as are in his power as to the circumstances of the alleged capture, hoping that the Minister Resident of Her Most Faithful Majesty has been misinformed as to their nature.

Immediately after the receipt of his Excellency's note the Undersigned hastened to request from the senior officer, at present in command of Her Majesty's naval forces in this harbour, exact information as to all the points in question, and it is with pleasure that he now has the honour of transmitting to his Excellency the result of his inquiries, it being such as to prove that, as might have been supposed, the representations made by Senhor Figanière, although grounded doubtless on assertions made to that minister, are totally destitute of foundation.

In the first place, of the charges brought forward by Senhor Figanière, the most important, as relates to the Imperial Government, is that of the commission of an act derogatory to the sovereignty and jurisdiction of this empire, by the detention of the Portuguese brig-schooner "*Congresso*," as is asserted, within the range of the guns of the forts of the harbour of this capital, by a British man-of-war.

So far from this having been the case, the "*Congresso*" (a well-known vessel, notoriously employed in the Slave Trade) was captured not only beyond the range of the batteries, but at a distance many times greater than could possibly be reached by any battery, and in fact several miles from the mouth of the harbour.

Another point mentioned incidentally, but with a degree of marked intention that can scarcely be otherwise characterised than as an invidious misrepresentation, (taking its origin probably from the same authority that has misled the Portuguese Minister throughout in this affair), is that which relates to the alleged transfer of part of the crew of the captured vessel to a "floating prison" in this port, &c.

The hulk to which M. Figanière alludes is attached temporarily to Her Majesty's squadron, until the arrival of a large man-of-war daily expected from England, for many purposes of convenience and utility, that have been found indispensable to carrying on the duties, which devolve upon British officers and seamen in this harbour.

Slave-vessels are frequently brought in containing hundreds of unfortunate victims to the barbarous and piratical trade carried on under the Portuguese flag, in violation of the laws of this empire, and of the Treaties with Great Britain, and it becomes necessary to disembark the sick Africans, as also in some cases the crews of those vessels attacked with disorders contracted on the coast of Africa and on the voyage; and, as their examination and trial often occupy several months, it is found necessary to take them out of the small, filthy, and crowded slave-vessels, and place them on board the hulks, as being entirely appropriated to the accom-

modation of the persons placed on board of her, and much more roomy and airy than a man-of-war with all its company and equipment.

With respect to the prisoners in question, some of them are I believe, in fact, actually on board the brig-of-war the "Clio," but it is of no importance, as to the question brought forward by M. Figanière, what vessel of the squadron they may be consigned to, although their accommodation and comfort might be better consulted on board the "*Nova Piedade*" than on board a cruiser filled with men and the usual implements of war.

The Undersigned might have fulfilled his duty by merely answering, in a few words of positive denial, the loose and general statements brought forward by M. Figanière on such vague authority as the reports circulated in this capital, and the suppositions and assertions of anonymous persons, doubtless interested in the illegal voyage of the captured vessel; but in whatever touches the dignity and rights of the Imperial Government, particularly in connexion with its relations with Her Majesty's Government, or with those who have the honour of serving it, it is the earnest wish of the Undersigned to evince the greatest delicacy and most scrupulous attention; he has therefore entered at greater length than may be thought necessary into such of the charges brought forward by M. Figanière, as involve the possible imputation of any want of respect to the rights and sovereignty of the Imperial Government, on the part of the captors of the "*Congresso*."

The Undersigned has much gratification in being enabled thus to afford a complete and satisfactory explanation of the points of Senhor Figanière's note relating to the Imperial Government, and he will avail himself of this opportunity of making some general remarks upon the note of the Portuguese Minister, and the questions to which it refers.

The Undersigned purposely abstains from commenting in this place upon the very unbecoming and violent language used by M. Figanière, which seems copied from the low and scurrilous prints established lately in this capital, by the agents and under the auspices of the Slave-dealers and their protectors; and is at all events utterly unsuitable to diplomatic correspondence.

It is, however, singularly ill-judged in the Portuguese Minister to make use of the term "*piratical*," in relation to the captors of a vessel notoriously employed in a piratical voyage to and from the Coast of Africa, like so many others, almost exclusively manned by the subjects of Her Most Faithful Majesty, whose flag they daily and hourly disgrace to cover the worst of piracy, viz., the traffic in human creatures. Yet the Portuguese Minister does not hesitate to employ the strongest language, and to put forward the most unqualified assertions, in a formal and official note, based upon the most vague and suspicious authority.

With respect to the motives of the captors of the "*Congresso*," although the Undersigned is by no means called upon to account for proceedings such as those complained of which take place at sea, yet, in order to furnish all the information in his power, he will state the circumstances that have reached him on the subject.

The Undersigned is informed that the "*Congresso*" was found not only to have irregular papers, but to have on board many articles proving the illegal purpose of her voyage, and was doubtless captured in virtue of the late resolutions of Her Majesty's Government, and the British Parliament, which are sufficiently known to his Excellency Senhor Lopes Gama, and have been made public for some time.

The Undersigned cannot avoid on this occasion, referring with regret to the notorious fact, that has frequently given rise to the representations from Her Majesty's Legation, that Slave-vessels under the flag of Portugal continue not only daily to enter this port, after landing Africans on the Coast, almost without inquiry, at any rate with perfect impunity, although with clear evidences of the illegality of their voyages, but that vessels under the same flag are fitted out for their criminal voyages in this port, as if Brazil were a colony of Portugal, with little or no interference from the local subaltern authorities; nor is it possible to be blind to the circumstance, that those authorities do not, in respect to the Slave Trade, duly and vigilantly enforce the laws and regulations of the Imperial Government, nor act in conformity with its wishes so frequently declared, of carrying into strict execution its honourable engagements with that of the Queen.

It might almost be thought that the Portuguese Minister and subjects in this country are of opinion, that the late acts and resolutions of the British Parliament and Government are not intended to be carried into effect. For the sake of deterring such of the subjects of His Imperial Majesty as unfortunately are but too frequently liable to be induced to take a part in the illegal and piratical

speculations, carried on so shamefully under the Portuguese flag, from risking themselves and their property in the Slave Trade, it is desirable that it should be publicly known, that Her Majesty's cruisers are empowered to seize and convey to the nearest British Admiralty Court, all Portuguese vessels engaged in the Slave Trade, and that the Act under which their instructions are made out will be vigorously carried into execution.

In fact the determination of Her Majesty's Government really and effectualy to extinguish the Slave Trade would have been sufficiently known in this Empire long ago, had the public press performed its duty, and been more free from undue influence than it now is. The journals of this capital, that publish daily the mis-statements and arguments of the Portuguese Slave-trading party, avoid, from well or ill-founded apprehensions or direct influence, publishing the documents and correspondence, that show the real state of the question at issue between Great Britain and Portugal, and thus passively cause much error and practical evil.

It does not belong to the Undersigned to remark upon the extraordinary claim upon the Imperial Government brought forward by the Portuguese Minister, for compensation for an imaginary outrage upon the flag of Portugal; it has been sufficiently shown how untenable is such a pretension. But Senhor Figanière further appears to be ignorant or regardless of the rights and privileges awarded to all men-of-war in the ports of any civilised nation, when he affects to demand, not only satisfaction, &c., but the delivery of that part of the Portuguese crew of the "*Congresso*" Slave-vessel, that it has been found necessary to remove on board Her Majesty's vessels of war, until the occurrence of the first opportunity of forwarding them to their destination. It is needless to remark that any interference with the free and unlimited exercise of their duties, as men-of-war, by Her Majesty's cruisers, whether in the capture of piratical vessels, or the safe custody and disposal of the criminals found on board such vessels at sea, cannot for a moment be tolerated; indeed the Undersigned cannot but be surprised that Senhor Figanière should have thought proper so far to trespass upon the forbearance and courtesy of the Imperial Government, as seriously to mention such a pretension in an official communication.

The Undersigned, having thus fully replied to the allegations erroneously made by Senhor Figanière, trusts that the Imperial Government will find that on this, as on all other occasions, the Undersigned is actuated by a sincere desire of preventing the slightest cause of dissatisfaction being occasioned, directly or indirectly, in the course of the relations of Her Majesty's Legation with the Imperial Government, he doubts not that a similar disposition will be found to actuate his Excellency Senhor Lopes Gama, whom the undersigned requests to accept, &c.

(Signed) W. G. OUSELEY.

To M. Lopes Gama,
&c. &c. &c.

Seventh Enclosure in No. 100.

(Confidential.)

Mr. Ouseley to M. Figanière.

SIR,

British Legation, January 31, 1840.

Your official note of the 28th instant, I received on the 29th, and my first intention was to have merely answered, that I did not think it expedient to reply officially to a note couched in language, which I will only characterise as unusual in diplomatic correspondence, and wholly founded upon unofficial and vague reports of the most doubtful nature.

Respect, however, for your person, as well as official character, and the reflection that however the false and interested representations of the Slave-dealers might have misled you, Sir, yet, that it was not possible that a gentleman of your reputation could wish to render himself, as I regret to say other Portuguese Functionaries did not scruple systematically to do, the champion and abettor of the Portuguese subjects engaged in the piratical and odious traffic that they so pertinaciously carry on in this country: these reflections, as well as a desire to show every attention in my power to your representations, induce me now to furnish, in a confidential manner, such information as I have obtained relative to the capture of the "*Congresso*."

The commander of the "*Wizard*" came on shore and announced to the com-

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manding officer in this port, that he had detained the "*Congresso*," on the 17th, at some miles' distance from the coast; and that although he had not thoroughly examined that vessel or its papers, yet he had found sufficient indications of her being engaged in a Slave-trading voyage to the Coast of Africa, to authorise her detention. That if on subsequent search he found proofs of the criminality of the vessel, he should, under the instructions lately received, capture and send the "*Congresso*," to the nearest British Vice Admiralty Court, for adjudication.

The commander went on board, and I conjecture, (not having received any further communication from that officer,) that, on examination, articles were found plainly showing the illegal nature of the voyage undertaken by the "*Congresso*," as that vessel and the "*Wizard*" put to sea.

The "*Congresso*" might be sent either to Sierra Leone, or the Cape of Good Hope, according as the wind or other circumstances should prove favourable to either voyage.

With respect to the legality of the papers and voyage of the "*Congresso*," it would be superfluous for me to enter into any argument, or furnish proofs on the subject; but as in your note the most general and unfounded surmises are made the subject of warm remonstrance, I may be justified in mentioning my own opinions, and the current reports as well as circumstances, that although universally known, it may not perhaps be easy legally to prove.

It must doubtless be as well known to you, Sir, as it is to myself, and nearly all the inhabitants of Rio de Janeiro, that the "*Congresso*" is a notorious Slave-vessel, employed by persons long infamous for being actively concerned in the Slave Trade. With respect to the legal clearances by the Portuguese and Brazilian Authorities, it is unfortunately but too well known, that the officers employed to examine vessels, whether leaving or entering the ports of Brazil, are almost invariably ready to lend their assistance to conceal and further the illegal purposes of the Slave-trading interest.

This has become so much matter of notoriety that it is unnecessary to make any further remark upon it. But I may perhaps be permitted to express my opinion, that Her Majesty's Government cannot and will not allow the laws of both Great Britain and Brazil, as well as those of Portugal, and the engagements respectively of those powers by solemn Treaty, to be any longer set at nought with impunity; and the mode of proceeding hitherto followed having been found inefficacious in suppressing the Slave Trade, more summary and active measures have been, in conformity with the wishes of the Queen's Government and the nation, decidedly adopted.

I think it my duty to mention this (although the fact ought to be sufficiently well known, in order that the criminals engaged in the abominable traffic in question may be deterred from engaging in it. The repeated assurances which I have received from you, Sir, that the Government of Her Most Faithful Majesty is desirous of extinguishing this odious and impolitic traffic, and the frequent and positive declarations of the Portuguese Government to that of Great Britain, to the same effect, as well as the decrees published by late administrations in Portugal, prove that it is but a faction of the Portuguese population that thus disgrace their flag and Government. It is, therefore, with some surprise, that I perceive the apparent resentment with which the only measures by which the Slave Trade can be effectually crushed, are regarded by the agents of a Government that ought rather to see in the praiseworthy exertions of Her Majesty's Government and navy, a co-operation with their own, that enables the repeated declarations of their Government to be carried into effect.

I purposely abstain from commenting upon the language employed in your note of the 28th January, for the same reason that induces me not to reply to it officially, viz., in order to avoid useless discussion on the employment of terms that might be felt as unpleasant or irritating, however necessary, in order to repel the imputations cast upon the acts of Her Majesty's Government or Officers.

I may, however be permitted to observe on the singular inapplicability of an allusion to acts of "Freebooters," when speaking of the efforts of Her Majesty's cruisers, to suppress the worst part of piracy, and to put down a trade carried on at the expense of humanity and of every good principle, productive solely of evil, and branded with infamy by the laws and feelings of every civilised nation.

I avail, &c.

Señor J. C. de Figanière e Moraõ.
&c. &c. &c.

(Signed)

W. G. OUSELEY.

Eighth Enclosure in No. 100.

M. Figanière to Mr. Ouseley.

Her Most Faithful Majesty's Legation, Rio de Janeiro,

SIR,

February 4, 1840.

I FIND myself compelled to waive the right and the advantage, for this once, of addressing you in my own language, and avail myself of the slight knowledge which I have acquired of yours, to reply to the answer which you addressed to me on the 31st January last, and which I received on the 2nd instant, and thus to endeavour to be better understood, and to avoid all misinterpretation on your part, Sir, as I perceive has been the case, unintentionally no doubt, in the late correspondence on the subject of the capture of the "*Congresso*."

In replying to that part of my communication of the 28th ultimo, wherein, not finding adequate language wherewith to designate the violent attack and insult against the flag of Portugal and capture of Portuguese property by the Commanding Officer of the brig "*Wizard*," I said that the occurrence, proceeding from the unrighteous conduct of that officer, might rather be classed among those formerly practised by freebooters, than corresponding to that of officers of a nation not at war with Portugal, &c., which observation you, Sir, make me apply to acts of your Government, without considering that I explicitly declare, in that same communication, my conviction that the act referred to could not be authorised by the British Government, nor would it be left unpunished by it. As this is the only part of my note to which I am led to suppose you allude as unusual in Diplomacy,—which I admit, if taken in the sense you inadvertently applied to it,—I shall here rest this part of my reply.

I think it unnecessary, after repeated protests which I have been compelled to address to you, in consequence of illegal captures of Portuguese vessels by British Cruisers, to renew arguments which have remained unanswered, showing and most clearly proving, that the captures aforesaid, far from being made in accordance with engagements and Treaties, as you, Sir, are pleased to say, are, on the contrary, in direct opposition to those subsisting between Portugal and Great Britain; and the summary and active measures, to which you allude as having been adopted by your Government, the consent of Portugal not having first been obtained, must be viewed, so far as respects their effect on Portuguese vessels and property, as arbitrary, unwarrantable, and contrary to every principle of the law of nations and maritime law. You should not, therefore, be surprised at my not acquiescing in measures of this nature, against which, on the contrary, it is my bounded duty to protest most solemnly, notwithstanding all my desire, in accordance with the well-known wishes of the Queen's Government, effectually to put a stop to the odious traffic in Slaves, as is evinced by the laws which have been enacted in Portugal, which, however, can be executed only by its own officers, when not otherwise authorised by Treaty; and it is an extraordinary circumstance which deserves to be noted, that while you, Sir, are endeavouring to show, that the measures already referred to are but a co-operation in the praiseworthy exertions of Her Majesty's Government, the British Government has rejected, as I have been made to understand, the late Convention signed by the Governor-General of Angola and William Tucker, Commander of the British Naval Forces on the Western Coast of Africa, wherein that co-operation was stipulated, and which Convention was ratified by the Queen's Government in Lisbon.

The statement which I addressed to you, Sir, of the event in relation to the "*Congresso*," was not made upon vague reports as you advanced, of which I am not in the habit to use in such instances, much less in an official form; it was drawn out from a formal representation, addressed to me as Minister of Portugal, and signed by six commercial firms of this city; and what further proof could I have required of the outrage of the Commander of the "*Wizard*," against that vessel and Portuguese property, than its having been committed in full view of the inhabitants of this city, as is notorious!

You, Sir, from your longer residence in the country and other circumstances are, no doubt, better informed than I can be of who are Slave-dealers in this city, and the vessels they have been in the habit to employ: in the instance of the "*Congresso*," and the persons concerned in that vessel, you give me information of which, I can safely aver, I was thoroughly ignorant; but which statement being of so serious a nature, I cannot admit without proof; nor, do I conceive, should it have been advanced without it; and you will permit me to say that, even if undoubted, it could in nowise justify the illegal capture of the vessel, as I have shown.

I have no hesitation in affirming that your surmises, Sir, in respect to the Portuguese authorities in this country being ready to lend their assistance to conceal and further the illegal purposes of the Slave-trading interests, are wholly unfounded, and unjustifiable towards Her Majesty's Vice-Consul and his Delegates in this city, to whom I am led to suppose you refer, and whose character for probity and faithfulness in the discharge of their duties is notorious and above suspicion.

I shall purposely abstain, to avoid unpleasant correspondence, from commenting upon what you are pleased further to state, respecting myself and other Portuguese functionaries, in relation to the Slave Trade, and will merely observe that the Queen's Government can investigate, when it deems necessary, the conduct of its agents, and will ever act as justice may demand without foreign interference.

You are no doubt aware, Sir, that another unwarrantable and similar act to that of the "*Congresso*" has very recently been perpetrated by the Commanding Officer of the British schooner "*Fawn*," belonging to Her Britannic Majesty's Naval Forces on this station, by capturing the Portuguese brig "*Sandade*," on the 30th ultimo, while entering this port. In the name of my Government, and in behalf of the owners and persons interested in the said brig and her cargo, I protest against the illegal and forcible detention and capture of the "*Sandade*," and likewise against the detention and capture of the "*Congresso*," and for all losses, damages, and expenses which may accrue therefrom, as also against the outrageous imprisonment in this port of Her Majesty's subjects, who composed all or part of the crews of the said captured vessels, and who are justly entitled to compensation for so violent a measure.

I have, &c.
(Signed) J. C. DE FIGANIERE E MOIRAO.

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

No. 101.

(Extract.)

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, February 17, 1840.

(Received April 9.)

THE irritation and excitement caused in this capital by the capture of the "*Congresso*," which forms the subject of my preceding Number, was still very great, when the seizure of the "*Sandade*" Slave-vessel, under Portuguese colours, on the 30th ultimo, not many miles from the entrance of the harbour, raised the exasperation of the Slave-dealers and the Portuguese inhabitants of Rio de Janeiro to the highest pitch.

The most virulent articles, abounding in mis-statements and abuse, appeared in the public prints, and almost at the same moment that I received the intimation from the senior officer in this harbour of the capture of the "*Sandade*," by Her Majesty's brigantine "*Fawn*" (See Enclosure No. 1), I heard that in consequence of the misconduct of the Commandant of the Fortress of Santa Cruz, in "not making use of the means at his disposal," in order to repel an "outrage upon the flag and sovereignty of the empire, he, as well as the Commanders of two Brazilian men-of-war," reported by the Commandant to have been close to the "*Fawn*" at the time, were deprived of their commands, and a Court Martial called upon their conduct.

On receiving the letter (Enclosure No. 1.) from Captain Freemantle, I forwarded the Answer No. 2, entirely coinciding with that officer and the Commander of the "*Fawn*," in their wish to send the "*Sandade*," to the Cape of Good Hope for adjudication, and at the same time forwarded a private Note, Enclosure No. 3, to Admiral Elliot, mentioning generally the circumstances of the case.

Subsequently the official correspondence of the Commandant of Santa Cruz and the reply of the Minister of War, together with the order for depriving the officers accused of non-performance of their duty of their respective commands, appeared in the papers, and I immediately addressed a semi-official Note, dated 3rd February to the Brazilian Minister, entering into and explaining the circumstances of the capture of the "*Sandade*," and requesting that publicity should be given to the true statement of the facts, purposely misrepresented by the Slave-trading interest.

After having sent my note I received the official communication (Enclosure

No. 5.) transmitting copies of the correspondence with the Commandant of the Fortress of Santa Cruz—and asking for explanations of the occurrence, and satisfaction for the alleged outrage, I replied by the Note, (Enclosure No. 6.) in which I recapitulated the real circumstances of the capture of the “*Sandade*,” and remarked on several points connected with the subject.

Since the above correspondence took place, I have received from Senhor Lopes Gama a second note inclosing copy of one from the Portuguese Minister, complaining in strong terms of the alleged outrage upon the flag of Her Most Faithful Majesty, and demanding satisfaction at the hands of the Imperial Government.

I am forced to defer to another opportunity forwarding copies of the last-mentioned notes, and of my reply to them, as well as the original Portuguese of some notes, translations of which are now sent, relating to the capture of the “*Sandade*,” taking the liberty of referring your Lordship to the enclosed correspondence for the details of this case.

I have, &c.

(Signed) W. G. OUSELEY.

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

First Enclosure in No. 101.

Captain Freemantle to Mr. Ouseley.

SIR,

*Her Majesty's Sloop “Clio,” Rio Janeiro,
January, 31, 1840.*

I HAVE the honour to inform you, that Her Majesty's brigantine “*Fawn*,” has this day returned to this harbour, having detained a brig called the “*Sandade*,” under Portuguese colours, which she has left outside in charge of an officer and a party, ready to take her to the Cape of Good Hope, which is according to the spirit of the instructions, which accompany the late Acts of Parliament relating to these vessels.

I enclose a Copy of Lieutenant Foote's Letter, that you may be in full possession of the circumstances, and perhaps favour me with your opinion as to the propriety of the step proposed.

I have further to acquaint you, that the absence of so many of the crew from this Station is just now most inconvenient, and therefore I would avoid, if possible, weakening the force of the cruisers; at the same time I consider that the condemnation of this vessel, the evidence for which appears so clear and palpable, is of paramount importance.

I have, &c.

(Signed) STEPHEN G. FREEMANTLE.

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

Sub Enclosure in No. 101.

Lieutenant Foote to Captain Freemantle.

SIR,

*Her Majesty's Brig “Fawn,” Rio de Janeiro,
January 31, 1840.*

I BEG leave to acquaint you that in compliance with your order, I sailed from Rio de Janeiro yesterday morning, and have detained a brig under Portuguese colours, called the “*Sandade*,” under the following circumstances.

When I got outside Santa Cruz Fort, I observed a brig coming in; she was then three or four miles from the “*Fawn*,” and I despatched a boat to examine her. This boat she tried to run down; but the officer, Mr. Boothby, and the men caught hold of the forechains and took possession. She was then between four and five miles distant from the fort, and having sixteen men on board, all of whom instantly ceased to work, Mr. Boothby thought it prudent to close the “*Fawn*,” having satisfied himself that she was a vessel unlawfully navigated. In doing so he ran out of the breeze, and I observed that the swell was setting him towards Santa Cruz so fast that I immediately sent another boat to tow him off: when at a convenient distance I anchored her, and the “*Fawn*” as well.

Here I searched her more carefully, and I found her papers very imperfect and irregular; she has no manifest whatever; she is in every respect fitted for the sole and express purpose of trafficking in Slaves.

She has fourteen leaguers on board, eight of which are unusually large; several Slave-irons, large hatchways; fitting for Slave-deck, brick-work erected for large boilers; tubs such as are only used in Slave-vessels, and scuttles along the deck fitted with padlocks.

Her track chart shows her to have sailed from the Moçambique towards St. Sebastian; moreover, a bill for 3,000,000 reis, dated at St. Sebastian, January 22, 1840, for goods received, proves that she landed her cargo there; she has a quantity of sand perfectly clean and fresh, and some of the leaguers are filled with salt water and some with fresh.

I have in all respects prepared her to go to the Cape of Good Hope for adjudication, and have given her in charge of Mr. S. J. Palmer, Midshipman (sent from the "Stag"), by your order, and put eight seamen on board, a list of whom I enclose. I have left on board the master of the "*Sandade*," the pilot, and two of her crew, to give evidence before the Vice-Admiralty Court, and I have taken out the remainder, twelve in number, whom I have not the means of securing.

Having, under these arrangements, and finding that the vessels were not riding very easy, I got the "*Sandade*" under weigh, and ordered Mr. Palmer to remain within sight of Raga Island until I came to him; and I have returned here to obtain your sanction to my proceedings, to replenish provisions, to dispose of the prisoners, and to request you to order an addition of seamen, in lieu of those I have sent in the prize, so as to render the "Fawn" efficient.

To Captain Freemantle, R.N.
&c. &c. &c.

I have, &c.
(Signed) JOHN FOOTE.
Lieutenant and Commander.

Second Enclosure in No. 101.

Mr. Ouseley to Captain Freemantle.

SIR,

British Legation, February 1, 1840.

I THIS day received your letter of the 31st ultimo, mentioning the detention by Her Majesty's brigantine "Fawn" of the "*Sandade*," Portuguese Slave-vessel; and asking my opinion as to the propriety of sending that vessel to the Cape of Good Hope for adjudication, under the late Act for the suppression of the Slave Trade under the Portuguese flag.

Having examined such of the papers of the "*Sandade*," as were brought on shore, and taken the opinion of those who are best qualified to judge of the probable difficulty of ultimately condemning in the Mixed Court, Slave-vessels, however certain the illegal nature of their voyages, under the circumstances of the "*Sandade*," and giving full weight to your extremely just observations, as to the disadvantage of weakening the force of the cruisers, I cannot but think that Mr. Foote is quite justified in preferring to send that Slave-vessel before any British Vice-Admiralty Court, rather than abide by the dilatory and uncertain proceedings that appear inseparable from the Mixed Court in this capital, where every assistance and facility that false swearing and partiality can afford, are to be found among the Brazilian authorities and population.

To Captain Freemantle, R.N.
&c. &c. &c.

I have, &c.
(Signed) W. G. OUSELEY.

Third Enclosure in No. 101.

Mr. Ouseley to Admiral Elliot.

British Legation, February 1, 1840.

MR. OUSELEY presents his compliments to Admiral Elliott, and transmits a Despatch which was to have been forwarded by the "*Congresso*," outward-bound

Portuguese slaver, captured by the "Wizard," and which sailed on the 19th instant; but by some misunderstanding, occasioned by the circumstance of that vessel not having entered this harbour in order to avoid possible collision with the Brazilian authorities, the "*Congresso*" sailed without the Despatch.

The capture of the "*Sandade*," Portuguese Slaver, from Moçambique, by the "Fawn," affords an opportunity of sending this Despatch; and Mr. Ouseley has only time to write these lines by the "*Sandade*," it having been deemed advisable to send that vessel without delay,—a question having arisen as to her detention having taken place within gun-shot of the forts at the entrance of this harbour, although she was four or five miles distant at the moment of capture.

The "*Sandade*" might have been brought before the Mixed Court here, and, there is no doubt, ought speedily to have been condemned. But such is the doubtful and dilatory nature of the proceedings of that Court, in the opinion of the captors and their advisers, that it has been thought better to send her at once to the Cape of Good Hope.

Mr. Ouseley takes the liberty of remarking, that if the "*Sandade*" be a vessel fit for being armed and employed as a cruiser, it would be extremely desirable that she or any other captured Slaver, in case of condemnation, should be made use of for Her Majesty's Service. The "Fawn" was the "*Carolina*" Slaver, which Mr. Ouseley purchased here on account of Her Majesty's Government, which purchase has been approved; and her services have been most useful in the present very weak state of Her Majesty's squadron in this port.

Admiral Elliot,
&c. &c. &c.

It would be advisable to caution all the officers and men of prize-crews, on board Slavers, that the wine and spirits on board may be poisoned by the captured crew, as a correspondence, which was intercepted, proved such a plan to be adopted by the Slave-dealers.

Fourth Enclosure in No. 101.

Mr. Ouseley to M. Lopes Gama.

SIR,

British Legation, February 3, 1840.

HAVING seen, in the *Journal do Commercio* of this morning, an official correspondence, by which it appears that the Imperial Government has been erroneously informed, by the officer commanding the fort of Santa Cruz, that a Portuguese vessel was captured under the guns of that fortress, as well as within the range of the guns of two Brazilian men-of-war, I hasten to place before your Excellency the true facts of the case, as I lost no time in ascertaining them from the naval officer commanding Her Majesty's force in this harbour.

The "*Sandade*," Portuguese vessel, was boarded with some difficulty by a boat from Her Majesty's schooner "Fawn," about five miles from the fort of Santa Cruz, after an attempt, on the part of the crew of the "*Sandade*," to run down the small boat sent by the "Fawn."

The crew of the "*Sandade*" (which vessel being found, by the officer sent with the boat, to be, without the smallest doubt, equipped as a Slaver, and as such taken possession of) refused to work the vessel the moment she was seized by the English boat; consequently she was directed towards the entrance of the harbour, when the wind falling light, the vessel began to approach too near the shore, upon which the Commander of the "Fawn" sent a second boat to assist the "*Sandade*" in hauling off.

It was apparently this second boat which was seen by the Commandant of the fort, who, by his own statement, evidently was not aware that the "*Sandade*" was already in possession of an English boat, when the occurrence of which he speaks took place.

The press of this capital has put forth on this, as on many previous occasions, the most false and virulent statements, evidently at the instigation of the Portuguese Slave-trading interest of this country, with the premeditated purpose of treating misunderstanding and irritation between the Governments of Great

Britain and Brazil, or at least between the inhabitants of the two countries; and I am therefore induced to request, that your Excellency will be pleased to give publicity to this statement of the real facts of this case.

This step on the part of the Imperial Government becomes the more necessary, as, from the decided partiality and mis-statements of the public prints, which seem to consider Brazil as still being a colony of Portugal in all matters relating to the Slave-Trade, and in their arguments appear to regard the laws and treaties of this empire, decidedly putting an end to that traffic, as null and void, the statements made public remain uncontradicted; and it might even be represented, that the Imperial Government may be so far deceived, as to suppose that a breach of national law, or of the respect and courtesy which Great Britain is ever desirous of showing to the Imperial Government and Flag, has been committed. The marked and mischievous object, which the Portuguese Slave-dealers have in view, is to create irritation and bad feeling towards Her Majesty's Government and British subjects, and that feeling may be productive of much evil; and I therefore now have the honour of addressing your Excellency, to request that the explanations which I have now furnished may be made public without delay.

I avail, &c.

(Signed)

W. G. OUSELEY.

His Excellency C. M. Lopes Gama,
&c. &c. &c.

Fifth Enclosure in No. 101.

M. Lopes Gama to Mr. Ouseley.

(Translation.)

Rio de Janeiro, February 3, 1840.

THE Undersigned, &c., communicating to Mr. Ouseley the annexed document, does not think it necessary to express the surprise and profound regret, which the facts mentioned in it have caused to the Government of His Imperial Majesty. Conscious of having been scrupulously faithful to the engagements contracted with Great Britain,—sparing no exertions in securing their punctual execution,—receiving in generous confidence the Naval forces of Her Britannic Majesty in the ports of Brazil, without any of the restrictions usual even among the most friendly nations,—the Imperial Government did not anticipate an attempt upon the dignity and sovereignty of this empire, on the part of an officer of the English navy. By one of the explicitly-declared conditions in the Treaty subsisting between Brazil and Great Britain, no merchant-vessel can be visited or detained, under any pretence or motive whatsoever, whilst within a port or roadstead belonging to either of the High Contracting Parties, or within range of the guns of the batteries on shore. The 2nd Article of Instructions to Men-of-War employed in preventing the Slave Trade expressly applies this condition to vessels employed in the Slave Trade; adding that, should suspicious vessels be met with in such situations, the necessary representations should be made to the authorities of the country, begging that efficacious means be taken to prevent such abuses. In the absence of such authorities, the 3rd Article of the same Instructions makes an exception, which, however, applies, and can only apply, to the Coast of Africa north of the Equator. In truth, these stipulations were almost superfluous. The universal law of nations,—the rights and obligations inseparable from amicable intercourse between sovereign and independent States,—and general and immemorial usage,—enjoin an inviolable respect to territorial jurisdiction, rendering supremely culpable, not only towards the offended State, but also in the eyes of his own sovereign, the foreigner rash enough to violate it. However, from the enclosed statement of the Commandant of the fortress of Santa Cruz, it appears that “in sight, or rather under the very guns, of that fort, as well as of the brig of war ‘Imperial Pedro,’ and brig-schooner ‘Calliope,’ the Portuguese brig ‘Sandade,’ was captured by the English schooner ‘Fawn.’” This statement is the less doubtful, inasmuch as it brought upon the Brazilian officer from whom it proceeds a weighty responsibility. But if the Imperial Government has reason greatly to regret that the Commandant did not prevent, or instantly repress, with the means which he had at his disposal, so revolting a violation of the rights of his country, it is not for this reason the less entitled, by every principle of the law of nations, as well as by the letter of existing Treaties, to demand and insist upon the prompt chastisement of

the English officer, the delivery of the Portuguese crew, and full reparation on the part of the British Government.

The Undersigned, confiding in the justice of that enlightened Government, and convinced of the solicitude of Her Britannic Majesty's Chargé d'Affaires for the maintenance of the harmony and good friendship subsisting between Brazil and Great Britain, does not doubt but that Mr. Ouseley will use every means in his power to satisfy the just expectations of the Imperial Government. All uncertainty on this point appears the less reasonable, inasmuch as the attempt in question not only wounds the dignity of Brazil, but also that of Great Britain, whose laws and conventions are equally trampled under foot by an individual who cannot adduce the plea of ignorance, and who has behaved within a port, and in sight of the capital of a nation allied with his own sovereign, as only a declared enemy and adventurer would have done in the height of hostilities; and who, so far from serving the noble cause in which Brazil and England are united, has thus cast upon it a stain, upon which its blind adversaries will triumph, should it not promptly be removed.

The Undersigned, believing himself sufficiently acquainted with the sentiments with which Mr. Ouseley is animated in the exercise of his honourable functions, and having in him a witness of the efforts of the Imperial Government to cultivate the friendly relations which subsist between Brazil and Great Britain, awaits with confidence a prompt and satisfactory reply to the present note; and avails himself with the greatest satisfaction, &c.

I have, &c.

(Signed) C. M. LOPES GAMA.

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

First Sub-Enclosure in Fifth Enclosure in No. 101.

The Minister of War to the Minister of Foreign Affairs.

(Translation.)

Palace, February 1, 1840.

MOST ILLUSTRIOUS AND MOST EXCELLENT SIR,

I TRANSMIT to your Excellency, for your information, the enclosed Copies of the Report from the Commandant of the fort of Santa Cruz, and of the Letter of the Commandant of the Troops, relative to the occurrence which took place on the 30th January last, namely, the capture of a Portuguese brig by an English schooner-of-war, within the range of the guns of the fort in question.

God preserve your Excellency.

(Signed) CONDE DE SAGES.

His Excellency M. C. M. Lopes Gama.
&c. &c. &c.

Second Sub-Enclosure in Fifth Enclosure in No. 101.

The Military Commander to the Minister of War.

(Translation.)

Head Quarters, January 31, 1840.

MOST ILLUSTRIOUS AND MOST EXCELLENT SIR,

I HAVE the honour to enclose to your Excellency a Report which I have just received from the Colonel Commandant of the fort of Santa Cruz, from which your Excellency will find, that this morning an English war-schooner, having gone out of port, met a Portuguese brig that was making for the bar, and had the audacity to capture the brig. As this capture took place while the said brig was still within the reach of the guns of that fort, and also those of the two national men-of-war, the "Imperial Pedro" and the "Calliope," it seems to be a violation of the law of nations, which is respected by all civilized countries.

God preserve your Excellency.

(Signed) F. DE PAULA E VASCONCELLOS,
Military Commander.

His Excellency Condé de Sages,
&c. &c. &c.

Third Sub-Enclosure in Fifth Enclosure in No. 101.

The Colonel Commandant to the Minister of War.

(Translation.)

Quarters of Santa Cruz, January 31, 1840.

MOST ILLUSTRIOUS AND MOST EXCELLENT SIR,

THIS morning an English schooner went out of port just when a Portuguese brig was entering, and when the latter was still outside the bar, but within sight of, or, more correctly speaking, under the guns of this fort, well as those of the brig-of-war "Imperial Pedro," and the schooner-brig-of-war "Calliope," the Portuguese brig was taken by the English schooner, which put some armed men on board of her. The moment that I received this report I repaired to the battery of the Igreja, as the occurrence happened in the deepest part of the Praia de Fora, and the two ships were already standing out to sea. The brig being hailed in one of her tacks towards the bar, made answer that she came from Quillimane, and had been out 57 days, and meant to come to anchor two miles, more or less, off the bar.

In consideration of this extraordinary occurrence, I deem it my duty to inform your Excellency of it, having already, early in the morning, by means of the telegraph, communicated it to the Castle.

God preserve your Excellency.

(Signed)

J. E. P. C. AMADO.

Colonel Commandant.

His Excellency Condé de Sages,
 &c. &c. &c.

Sixth Enclosure in No. 101.

Mr. Ouseley to M. Lopes Gama.

British Legation, February 4, 1838.

THE Undersigned, &c., hastens to answer the note which he had the honour to receive last evening from His Excellency Senhor Lopes Gama, &c., enclosing a representation from the Commandant of the fort of Santa Cruz, and other documents, relative to an alleged violation of the Law of Nations, in the capture of the Portuguese-brig "Sandade," under the guns of the batteries at the entrance of this harbour.

The Undersigned having been made aware by the public prints of the 2nd instant, in which the documents enclosed in Senhor Lopes Gama's note, were printed, that the abovementioned official complaint had been made by the Commandant of the fort of Santa Cruz, lost no time in obtaining an exact account of the real circumstances attending the capture of the "Sandade" Slave-vessel, from the officer temporarily in command of Her Majesty's naval forces in this harbour; and in order to place the facts in their true light before the Minister for Foreign Affairs, addressed a semi-official note to His Excellency, which has doubtless been received by His Excellency since his own was written.

The Undersigned loses no time, however, in now officially replying to His Excellency's communication, and recapitulating the facts of this occurrence, which will afford complete satisfaction as to the asserted disrespect to the Imperial jurisdiction and sovereignty, which the Undersigned only regrets that the Imperial Government could for a moment suppose in reality to have been shown by any British authority.

The "Sandade" was boarded, after an attempt by the crew of that vessel to run down the boat, by a boat's crew from the "Fawn," about five miles from Santa Cruz, and being found to have evidently recently landed Africans on the Brazilian coast, possession of her was taken, from which moment the crew of the "Sandade" refused to work the vessel.

The "Sandade" was afterwards steered for the "Fawn," but the wind falling light, and the tide and swell setting into the bay, outside the harbour, the Commander of the "Fawn" sent another boat in order to assist the "Sandade," and prevent her driving too near the shore.

The second boat, in consequence, boarded the "Sandade," and succeeded in bringing her off, and getting her safely anchored.

This plain statement of the circumstances of the capture renders it unnecessary for the Undersigned to reply to those parts of Senhor Lopes Gama's note, in which His Excellency, in somewhat strong language, actuated doubtless by a praiseworthy and an honourable feeling, excited by completely erroneous information on the facts of the case, asks satisfaction for a supposed wrong on the part of the British officer in command of the "Fawn."

The Undersigned cannot, however, but regret the precipitancy of the Commandant of the fortress, of Santa Cruz, in sending a strong official representation to his Government, upon information so inexact as that which induced him to make the communication enclosed in Senhor Lopes Gama's note.

In the first place the Undersigned begs leave to remark, that so serious a charge should only have been the result of personal observation, or the most accurate reports from a responsible officer; the report of the Commandant of the fortress appears, at first sight, to be that of an eye-witness; however, it is proved by the second paragraph of that officer's letter, "*logo que recebi esta parte, fui á "Bateria," &c.,* (on receiving this report I proceeded to the battery, &c.) that the reported capture must have been made long before the commandant proceeded to that distant part of the outworks of the fortress, where the occurrence could alone be visible, and that the vessels in question were tacking at some distance when he first saw them.

It is, however, matter of sincere congratulation to the Undersigned, that the Commandant did not feel sufficiently convinced of the accuracy of the report, to act hastily upon it, otherwise than by transmitting it to his superior officer: the possible grave consequences of an error of this nature might have been such, as to be deeply deplored both by Her Majesty's Government and that of this empire.

The account of the Commandant so far corroborates that of the Commander of the "Fawn," that it is evident that the capture of the "*Sandade*" took place at such a distance from the fortress, that it could not be seen from thence.

The same observation probably applies to the two Brazilian men-of-war, unless, as is probable, the Commanders of those vessels, aware that the capture had been made at a distance which, by the usages of the naval service, completely justified the English officer, very properly did not interfere.

There is only one point in which the Commanders of the Brazilian vessels of war, may justly incur censure. The "*Sandade*" and another Slaver, the "*Duas Irmaas*" under the Portuguese flag, were coming in, and must have been seen by those officers: it was their duty as naval Commanders in the Imperial service to have examined those vessels, whose appearance was so suspicious, and to have captured them for an infraction on the laws of this empire. Nay, by the letter of the Convention between Her Majesty's Government and that of Brazil, had the Commander of the "Fawn" not been enabled to capture the "*Sandade*," he was entitled to the assistance not only of those officers, but also of the Commandant of the fortress, as the foreign vessels in question were to be regarded as a common enemy, employed in evading the laws of this empire—in violating the principles of every human right, morally and legally, and in fact committing an act of piracy both according to Brazilian and British law,

So far from an insult having been offered by any English officer, to the sovereignty and dignity of the Brazilian empire, it is that foreign flag which so notoriously abuses the hospitality and forbearance of an independent nation, by carrying on a piratical trade, almost openly, in defiance of its laws and the wishes of its Government, that continually and grossly insults the Imperial Government by defying its laws and regulations, and systematically forcing upon the Brazilian nation, for the gain of a few Colonists on the Coast of Africa, and other foreigners settled in this country, all the evils of a commerce reprobated alike by humanity, law, and policy.

It must be remembered also, that the Portuguese subjects who so pertinaciously carry on the Slave Trade between Brazil and the Colonies of Portugal on the Coast of Africa do so against the express law of their own country, and in violation of the engagements of their own Government; placing themselves, like the sharers in all other piratical practices, out of the pale of the law, and forfeiting the protection of every civilised Government.

The Undersigned has the honour to enclose an extract from the official letter from the Commander of the "Fawn" to the officer Commanding Her Majesty's naval forces in this harbour, and to refer His Excellency Senhor Lopes Gama, to the Second Article of Instructions to Her Majesty's cruisers under the Slave Trade Con-

vention, in which the distance specified at which captures are not to be made is "within cannon shot of the batteries on shore," in confirmation of some parts of the note which he has now the honour to address to him,

And avails, &c.
(Signed) W. G. OUSELEY.

His Excellency Senhor Lopes Gama,
&c. &c. &c.

No. 102.

Mr. Ouseley to Viscount Palmerston.

Rio Janeiro, February 17, 1840.

MY LORD,

(Received April 9.)

I HAVE the honour to inform your Lordship, that I have received from Her Majesty's Commissioners an official communication of the condemnation, on the 28th January last, in the Mixed Court of Commission, of the "*Dom Joao de Castro*," slayer, captured under Portuguese colours off this coast by Her Majesty's brig "*Grecian*."

I have, &c.,
(Signed) W. G. OUSELEY.

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

No. 103.

(Extract.)

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, February 17, 1840.

(Received April 9.)

WITH reference to the subjects of my two Despatches, marked "Slave Trade," of this day's date, the enclosed Letter to Captain Freemantle, temporarily in command in this harbour, will perhaps assist in forming a judgment of the case of the "*Congresso*," and afford some information on the subject of the Slave Trade generally as carried on here.

With respect to that part of the Portuguese Minister's note (*see* Enclosure No. 5, in Despatch of 17th February, relative to the "*Congresso*"), in which he states that the "*Congresso*" had been boarded and released by Her Majesty's frigate "*Actæon*" (on its way to Buenos Ayres), and one of the ship's papers endorsed as a certificate or pass given to that effect, I wrote a letter to Commodore Sullivan, requesting him to inquire into the circumstance affirmed, very possibly, without foundation, but suggesting that officers should be instructed not to furnish vessels, particularly if suspicious, and under the Portuguese flag, with any such certificates or endorsements, which the masters are always exceedingly anxious to obtain.

Although useless in preventing condemnation, when other condemnatory circumstances exist, such papers or endorsements are looked upon as passports, and give rise to supposed claims, and might deter cruisers, unacquainted with the peculiar difficulties of the Suppressive Service, from making the very strict search necessary to detect the illegal character of vessels.

In some late instances, when very severe scrutiny had been exercised by examining a vessel down, as it was supposed, to the ballast, upwards of 100 Africans were concealed under a false flooring, and in casks; and the vessel entered a small harbour in this neighbourhood with impunity, some of the negroes having perished by the means employed to conceal them.

I thought it my duty, also, to write the Official Letter to Commodore Sullivan, a Copy of which I have the honour to enclose, on perceiving the extreme

excitement occasioned by the capture of the "*Sandade*," and on ascertaining that an association of above 200 individuals, almost entirely Portuguese Slave-dealers, had been formed for the purpose of arming vessels, and, as I was assured, of making an attempt to cut out the hulk.

I enclosed this note, under flying seal, to Captain Christie, of Her Majesty's corvette "*Rose*," whose opportune arrival prevented, I have reason to believe, the meditated attack on the hulk from having been attempted, as was intended, the very night of his arrival; and it was sent to Commodore Sullivan by the last Buenos Ayres packet.

I have, &c.
(Signed) W. G. OUSELEY.

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

First Enclosure in No. 103.

Mr. Ouseley to Captain Freemantle.

SIR,

Rio de Janeiro, January, 1840.

I HAVE been informed that the "*Bellona*," Portuguese Slave-schooner, that recently sailed from this port for Angola, *viâ* Benguela, has on board a very great quantity of provisions, sufficient alone to condemn her under the new bill for the suppression of the Portuguese Slave Trade; besides being provided with other articles which render her employment in the traffic in Africans evident.

The "*Congresso*" also lately sailed from hence, and among other articles specified in the manifest is an "alembics" or still, which circumstance fully confirms information that I lately received, to the effect, that in order to evade the clause condemning vessels with large coppers on board, Slavers ship these boilers under the denomination of "alembics" or stills, the upper parts of which are easily removable, so as to reconvert them into ordinary boilers. The "*Congresso*" contains likewise other articles condemnatory of its voyage.

It appears necessary also to mention, that the circumstance of females as passengers, or as wives of masters or others, being on board, is by no means a proof, or even a presumption, of the legal nature of a voyage to, or from, the coast of Africa, nor a reason for dispensing with the usual search and examination, as has, I learn, been supposed by some officers.

The person lately named by the Government of Her Most Faithful Majesty as Portuguese Vice Consul at this capital, Senhor Pestana, has for many years employed a woman, a Spaniard by birth, as his agent for Slave-trading concerns; and this female continues to act in his service, and other instances of similar arrangements are known.

I am informed that two Portuguese Slave-vessels are expected on or about the 20th instant, between Ponte Negra and Macahé, and that their owners have just left Rio to meet them. The names of the vessels are "*Dois Amigos*," and "*Animo Grande*;" one of them is to land negroes at a little Island off Macahé.

I have, &c.
(Signed) W. G. OUSELEY.

To Captain Freemantle.
&c. &c.

Second Enclosure in No. 103.

Mr. Ouseley to Commodore Sullivan.

SIR,

British Legation, Rio de Janeiro, February 3, 1840.

IT is my duty to call your attention to the extremely weak state of Her Majesty's naval forces in this harbour. The brig of war "*Clio*," being in fact, the only man-of-war now here, while late captures of Slavers have placed under the charge of her commander Captain Freemantle, a considerable number of

prisoners, whose connexions on shore are extremely active, daring, and troublesome, in their attempts to liberate them.

There are other points of the service also for which the presence of a greater force would be desirable; but without taking the liberty of intruding my opinion upon subjects of which you, Sir, are so much better qualified to judge than I am, it is imperative upon me to lay before you some late occurrences, in order that, if possible, such men-of-war as can be spared, may be sent hither with as little delay as possible.

In consequence of the late capture of two Portuguese Slave-vessels, by Her Majesty's cruisers, (the circumstances of which have been doubtless duly reported to you from the proper quarter), not far from the mouth of the harbour, it has been asserted, that the flag and sovereignty of Brazil have been violated, and strong remonstrances on the alleged capture "*within gun-shot*," have given rise to much irritation and some strong, although unfounded representations from the Portuguese Minister, and an unpleasant correspondence between the Imperial Government and Her Majesty's Legation.

But the point to which I wish more particularly to call your attention is, that the commandant of the fortress of Santa Cruz, and the commanders of two Brazilian men-of-war, have been deprived of their command for not having "used the means at their disposal," to prevent these captures, in other words for not having fired at Her Majesty's cruisers; and as Slavers are daily coming in and leaving this port, and may, at any time, be detained by Her Majesty's cruisers, which detention, although perfectly justifiable, may in the present temper of the inhabitants and Government, give rise to disputes, it appears to me my duty strongly to recommend, that for the present, all vessels that can be spared from other services, should be sent to this capital, so that the duty of cruising for the suppression of the Slave Trade may not be impeded, and at the same time, a sufficient force be stationary in the harbour, to prevent any disrespect being shown to Her Majesty's flag.

I am more particularly induced to make this representation at the present moment, as I learn that an association of above 200 individuals, interested in the Slave Trade, nearly all Portuguese, have subscribed and united for the purpose of fitting out, and arming vessels to act as privateers, should war with Portugal be proclaimed, or in Slave-trading, or other piratical practices, as circumstances may decide.

This club or association intends also, as I am informed, to employ large boats filled with men, for the purpose of making an attack at night upon the hulk "*Nova Piedade*," and liberating the prisoners.

I send this Despatch by the "*Marion*," American corvette, which sails tomorrow, as the packet may not come in for some days.

I have, &c.

(Signed) W. G. OUSELEY.

To Commodore Sullivan.

&c. &c.

P. S. Since the above was written, the packet from Falmouth has arrived, and I therefore shall forward this by the "*Spider*." The "*Rose*," has also come in, but still I think it advisable to allow my letter to remain unaltered.

(Signed) W. G. O.

No. 104.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, April 18, 1840.

I HAVE received your Despatch, Slave Trade, of the 17th February, 1840, enclosing Copies of your Correspondence with Her Majesty's Naval Officers, and with the Brazilian Government, upon the subject of the capture of the "*Sandade*" Slave-vessel, under Portuguese colours, at a short distance from the harbour of Rio de Janeiro; and I have the satisfaction to acquaint you, that Her Majesty's Government approve the steps which you took on this occasion.

I have, &c.

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

(Signed) PALMERSTON.

No. 105.

*Viscount Palmerston to Mr. Ouseley.**Foreign Office, April 23, 1840.*

[Circular sending Treaty with Venezuela].

(See No. 20, page 18.)

No. 106.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, April 27, 1840.

I HAVE received your Despatch, marked, Slave Trade, of the 17th of February, 1840, reporting to me the capture of the Portuguese Slave-vessel, "*Congresso*," and enclosing Copies of Correspondence on the subject of that capture.

Among other Papers enclosed by you in that Despatch, enclosed, I observe Copies of a Correspondence between yourself and M. Figanière, the Portuguese Minister accredited to the Court of Brazil; and it becomes my duty to state to you, that I disapprove of your having permitted M. Figanière to depart from the accustomed and established international usages by addressing a note to you, and of your having answered that note.

M. Figanière and yourself are accredited by your respective Governments to the Government of Brazil; but you have no official relations with each other that can entitle you to correspond upon matters connected with the relations between your respective Governments, and neither of you can be furnished with any instructions necessary to enable you so to correspond.

All questions between Portugal and Great Britain must be discussed either at Lisbon between the Portuguese Government and the British Minister, or in London between the Portuguese Minister and Her Majesty's Government; but it is quite impossible to allow such discussions to be carried on between Portuguese and British diplomatic agents at other Courts.

You ought therefore to have returned to Mr. Figanière the note which he addressed to you; explaining to him at the same time why you did so; and I have to instruct you to return in that manner any future note which M. Figanière may address to you; informing M. Figanière that you have powers and instructions to be the organ of communication between the British Government and the Government of Brazil, but that you have no powers and instructions to be the organ of communication between the British Government and the Government of Portugal.

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

I am, &c.
(Signed) PALMERSTON.

No. 107.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, April 30, 1840.

I ENCLOSE to you herewith Copies of three Despatches, which have been addressed to me by Her Majesty's Commissioners at Rio de Janeiro, respecting an Embargo laid upon the proceeds of the Slave-vessel, the "*Maria Carlota*" by Joaõ Pereira de Andrade, on account of a mortgage held by him on that vessel.

Having referred these papers to the Queen's advocate for his consideration, and for his report on the question to which they relate, I have now to acquaint you, that it is his opinion, that no party who has a mortgage on a vessel condemned for being illegally engaged in the Slave Trade, can acquire by such mortgage any title to payment out of the proceeds of such condemned vessel; and consequently that no

such party has any right to lay an Embargo upon the vessel. I have accordingly to instruct you to protest, in the name of Her Majesty's Government, against any contrary decision which may be given at the Court at Rio de Janeiro, to which the case of the Maria Carlota is said to have been referred.

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

I am, &c.
(Signed) PALMERSTON.

Enclosures in No. 107.

1. *Her Majesty's Commissioners to Viscount Palmerston. Rio de Janeiro, September 23, 1839.*
(See Class A.—First Series, No. 165, p. 258.)
2. *Her Majesty's Commissioners to Viscount Palmerston. Rio de Janeiro, December 20, 1839.*
3. *Her Majesty's Commissioners to Viscount Palmerston. Rio de Janeiro, January 18, 1840.*
(See $\frac{1}{2}$ Class A.—Further Series, Nos. 54 and 66.)

BRAZIL. (*Consular.*)

No. 108.

Viscount Palmerston to Her Majesty's Consuls at Rio de Janeiro, Bahia, Pernambuco, Maranham, and Para.

Foreign Office, February 20, 1849.

Circulars sending Papal Brief against the Slave Trade.

(See No. 10 page 8)

No. 109.

Mr. Hesketh to Viscount Palmerston.

Consul's Office, Rio de Janeiro, December 28, 1839.

MY LORD,

(Received March 16, 1840.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked Slave Trade, dated the 12th October, 1839, transmitting one copy of the Lisbon newspaper, the "Correio," in which is published in the Portuguese language, the two notes dated the 20th and 27th of last April, which Lord Howard de Walden was instructed to present to the Portuguese Government, and directing me to have the two notes reprinted and circulated as extensive y as possible.

The influence of the Slave-dealers is so general and so powerful, that the editors of al the newspapers in this place have refused to publish these notes, declaring that their interests would be seriously injured by allowing their newspapers to become the means of such a publication; and one editor even going so far as to declare that he conceived his life would be endangered by acceding to my request.

I shall, in conjunction with Her Majesty's Chargé d'Affaires and the British Commissioners, take steps to have several copies of the notes reprinted, and I shall use every exertion to circulate them as extensively as possible.

I have, &c.

(Signed) **ROBERT HESKETH,**
Her Britannic Majesty's Consul.

To the Right Hon. Viscount Palmerston, G.C.B.,

&c.

&c.

&c.

No. 110.

Mr. Hesketh to Viscount Palmerston.

Consul's Office, Rio Janeiro, December 28, 1839.

MY LORD,

(Received March 16, 1840.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked Slave Trade, dated 12th October, 1839, transmitting copies of the Baron Moncorvo's Note to your Lordship, respecting the Circular Note 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; and of your Lordship's Note to the Ministers accredited to Her Majesty's Court by the powers who were parties to the above Treaties.

I have, &c.

(Signed) **ROBERT HESKETH,**
Her Britannic Majesty's Consul.

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

&c.

&c.

&c.

No. 111.

*Mr. Hesketh to Viscount Palmerston.**Consul's Office, Rio de Janeiro, January 9, 1840.*

MY LORD,

(Received March 16.)

I HAD yesterday the honour to receive the Circular, marked Slave Trade, dated 2nd November, 1839, by which your Lordship makes known the nature of the orders the Queen has been pleased to command should be given to the commanders of Her Majesty's cruisers, as well as to other officers in Her Majesty's civil and military services, in regard of all the proceedings authorised and required by the Act of Parliament, dated 24th August, 1839, for the suppression of Slave Trade.

I have the honour to return my humble thanks for this information.

I have, &c.

(Signed) ROBERT HESKETH.

*Her Britannic Majesty's Consul.**The Right Hon. Viscount Palmerston, G.C.B.,*

&c.

&c.

&c.

No. 112.

*Mr. Hesketh to Viscount Palmerston.**Consul's Office, Rio de Janeiro, January 10, 1840.*

MY LORD,

(Received April 9.)

I HAVE the honour to enclose a List of the Vessels which have arrived from Africa, during the quarter ending 31st December, 1839, consisting of 17 Portuguese, and one American, vessel; of the former there is no doubt that all were more or less implicated in Slave Trade: with regard to the American vessel, I have no certain information, but the general report is that she was also engaged in the illicit trade.

I also enclose a list (No. 2) of the departures from hence to Africa, during the above period, being 4 Portuguese and 1 Brazilian vessel: it is probable that many of the vessels engaged in Slave Trade now clear out under false destinations.

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. 112.

Arrivals at Rio de Janeiro from the Coast of Africa, during the Quarter ending December 31, 1839.

Date.	Description.	NAME.	MASTER.	Nation.	Tonnage.	Number of Crew.	Where from.	Passage.	Reported Nature of Cargo.	REMARKS.
Oct. 10	Brig	Novo Destino	Joao Anto. da Costa	Portuguese	229	12	Quillimane	Days. 72	Ballast	Detained by Police
Nov. 6	"	Generozo Feliz	Jm. Je. Nunes	"	200	13	"	55	"	In Quarantine
8	Brigantine	Rosalina	M. J. F. Carneiro	"	192	11	"	48	"	Detained by Police
" 17	"	Deposit	C. Foster	American	124	9	Angola	24	"	"
23	Brig	Flor de Loanda	L. J. dos Passos	Portuguese	160	15	"	28	Ivory and Oil	"
Dec. 5	Schooner	Mariana	J. G. da Cunha	"	85	13	Benguela	20	Wax and Ivory	"
6	Brigantine	Flor de Loanda	J. J. Lopes	"	180	9	Zaire	38	Ballast	In Quarantine
" 8	"	Idalia	Jero. Romeiro	"	90	13	Angola	97	"	"
11	Barque	Quatro de Março	Francisco Pereira	"	260	15	Quillimane	60	"	"
13	Brigantine	Umbelina	Anto. J. Pereira	"	139	12	Benguela	39	"	"
16	Brig	Fortuna d'Africa	J. A. Passagem	"	139	11	Quillimane	63	"	"
17	Schooner	Felicidade	Jm. de Almeida	"	110	13	Angola	31	"	Detained by Police
22	Brig	General Cabreira	J. P. de A. Kansia	"	163	12	"	26	"	"
24	Brigantine	Doze de Outubro	J. J. da Cruz	"	188	12	"	31	"	"
25	Brig	Sociedade	J. F. Barboza	"	240	15	Benguela	24	Wax and Ivory	In Quarantine
29	Smack	Tres de Junho	José da Lomba	"	108	14	"	25	"	Detained by Police
30	Brigantine	Andorinha	J. F. da Silveira	"	81	11	Angola	31	Ballast	"
	Brig	Animo Grande	Franco. Silveira	"	170	16	Quillimane	51	"	"

(Signed) ROBERT HESKETH,
Her Britannic Majesty's Consul.

BRAZIL. (*Consular*).

Second Enclosure in No. 112.

Departures from Rio de Janeiro for the Coast of Africa, during the Quarter ending December 31, 1840.

Date.	Description.	NAME.	MASTER.	Nation.	Tonnage.	Number of Crew.	Where Bound.	Reported Nature of Cargo.
Oct. 12	Brig.	Jehova. . . .	Alo. Jm. de Mielo.	Portuguese.	214	19	Goa and Mozambique.	General.
14	Barque.	Esperança. . . .	Manoel Dias . . .	,,	236	21	Angola and Benguela.	Oil & Goods.
22	,,	Constança. . . .	Fco. M. Guimaraes	,,	237	19	,,	General.
Nov. 26	Brig	Tejo	J. P. G. Roza . . .	Brazilian.	268	16	Cape Verds and Angola.	,,
Dec. 4	Brigantine.	Dous de Abril. .	P. J de Azevedo .	Portuguese.	142	14	,,	Ballast.

(Signed)

ROBERT HESKETH,
Her Britannic Majesty's Consul.

No. 113.

*Viscount Palmerston to Her Majesty's Consuls at Rio de Janeiro,
Bahia, Bernambua, Maranhun, and Pará.**Foreign Office, April 23, 1840.*

[Circulars sending Treaty with Venezuela.]

(See No. 20, page 18.)

BRAZIL. (Consular)—BAHIA.

No. 114.

Mr. Whateley to Viscount Palmerston.

British Consulate, Bahia, October 24, 1839.

MY LORD,

(Received, February 11, 1840.)

I HAVE the honour herewith to transmit to your Lordship (Document No. 1) a Return of the Vessels which have departed from this port for the Coast of Africa, for the three months ending the 30th September; as also a similar Return for the arrivals from same quarter (Document No. 2), extracted from the Registry of the port. The Slave Trade has no doubt considerably diminished in this province lately; and the arrivals of vessels are by no means so numerous as the departures, which I attribute to many being fitted out here, which proceed with their Slaves to Havana and other ports. The falling off of the import of Slaves in this province is to be attributed to the increased vigilance on the part of Her Majesty's cruisers on the Coast of Africa, and also to the great losses sustained by many interested in the Trade, by the burning down of the factories situated at Onim, containing property to a large amount, which has damped speculation for the present.

I have, &c.

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

JOHN WHATELEY,
Vice-Consul.

First Enclosure in No. 114.

Last of Vessels which have cleared out from Bahia for the Coast of Africa, from July 1 to September 30, 1839.

No.	Date.	Nation.	Rig.	NAME OF VESSEL.	NAME OF MASTER.	Cargo as reported.	No. of Crew.	For whence.	Tonnage.
1	July 5	Portuguese	Brig	Intrepido	Joao Ramos	Tobacco and Rum	33	Angola	251
2	5	French	Barque	Claudina	P. Clavier	General Cargo	12	Coast of Africa	263
3	11	Brazilian	''	Augusta	Bernardo Yer.	''	24	''	120
4	22	Portuguese	Schooner	Maria	Gonçalo Affanco	''	13	Onim	89
5	29	Brazilian	Brig	Nova Aurora	Mel. Feliciano	Tobacco and Rum	23	Coast of Africa	190
6	August 17	''	Schooner	Golphinho	Daniel Thomas	General Cargo	17	''	137
7	18	Portuguese	''	Destinada	Mel. Francisco	''	21	''	152
8	20	Brazilian	Polacca	D. Clara	Jo. Joaquim	Tobacco and Rum	19	St. Thomé Island	112
9	Sept. 15	''	Schooner	Calliopa	Silverio José	General Cargo	24	Coast of Africa	181
10	29	Portuguese	Brig	Vigilante	Joso Alves	''	20	Loanda	328

Bahia, October 1, 1839.

(Signed)

JOHN WHATELEY,
Vice-Consul.

Second Enclosure in No. 114.

List of Vessels which have entered Bahia from the Coast of Africa, from July 1 to September 30, 1839.

No.	Date.	Nation.	Rig.	NAME OF VESSEL.	NAME OF MASTER.	Reported Cargo.	From whence.	No. of Crew.	No. of Days.	Tonnage.
1	July 3	Portuguese	Schooner	Nova Magdalena	Jo. Miguel	Ballast	St. Thome Island	9	30	25
2	Sept. 6	''	''	Conceicao	Joao Antonio	General Cargo	''	11	30	106
3	' 7	Brazilian	Polacca	St. Anto. Victoioza	Jo. Barboza	Ballast	Onim	20	44	100

Bahia, October 1, 1839.

(Signed)

JOHN WHATELEY,
Vice-Consul.

No. 115.

*Mr. Whateley to Viscount Palmerston.**British Consulate, Bahia, October 31, 1839.*

MY LORD,

(Received February 11, 1840.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked Slave Trade, of the 29th June, transmitting 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) JOHN WHATELEY,
Vice-Consul.

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

No. 116.

*Mr. Whateley to Viscount Palmerston.**British Consulate, Bahia, November 7, 1839.*

MY LORD,

(Received February 11, 1840.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked Slave Trade, and dated 25th August last, containing two copies of an Address upon the Slave Trade from the House of Peers to Her Majesty, and Her Majesty's most gracious Answer thereto.

I have, &c.

(Signed) JOHN WHATELEY,
Vice-Consul.

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

No. 117,

*Mr. Whateley to Viscount Palmerston.**British Consulate, Bahia, November 8, 1839.*

MY LORD,

(Received February 11, 1840.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked Slave Trade, dated the 3rd of September, transmitting a copy of an Act of Parliament which had recently passed for the suppression of the Slave Trade dated on the 24th of August in the present year.

I have, &c.

(Signed) JOHN WHATELEY,
Vice-Consul.

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

No. 118.

*Mr. Whateley to Viscount Palmerston.**British Consulate, Bahia, December 21, 1839.*

MY LORD,

(Received April 10, 1840.)

YOUR Lordship's Circular, marked Slave Trade, and dated 12th October, I have the honour to acknowledge, enclosing the "*Correio*," of Lisbon, of the 16th September, containing a copy of two notes which Lord Howard de Walden was

instructed to present to the Portuguese Government, on the subject of the African Slave Trade, carried on under the flag of Portugal, and directing me to cause the said two Notes to be printed and circulated as extensively as possible, which shall be done without delay.

I have, &c.
J. W. WHATELEY,
Vice-Consul.

(Signed)

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

No. 119.

Mr. Whateley to Viscount Palmerston.

British Consulate, Bahia, December 21, 1839.

MY LORD,

(*Received, April 10, 1840.*)

I HAVE the honour to acknowledge the receipt of your Lordship's Circular Despatch, marked Slave Trade, and dated the 12th October last, transmitting Copies of Papers relative to the negotiation between Great Britain and Portugal on the subject of the Slave Trade.

I have, &c.
J. W. WHATELEY,
Vice-Consul.

(Signed)

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

No. 120.

Mr. Whateley to Viscount Palmerston.

British Consulate, Bahia, December 31, 1839

MY LORD,

(*Received, April 10, 1840.*)

THE enclosed documents relative to the Slave Trade I have the honour to transmit to your Lordship: No. 1 being a List of all Vessels that have departed from this Port for the Coast of Africa since the 1st of October to the present day, and No. 2 the arrivals from same quarter during the same period, by which your Lordship will perceive that this traffic is still on the decline.

I have, &c.
J. W. WHATELEY,
Vice-Consul.

(Signed)

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

First Enclosure in No. 120.

List of Vessels which have cleared out from Bahia for the Coast of Africa, from October 1 to December 31, 1839.

No.	Date.	Nation.	Class.	NAME OF VESSEL.	NAME OF MASTER.	Cargo as reported.	No. of Crew.	For whence.	Tonnage.
1	Oct. 9	Portuguese	Schooner	Nova Magdalena	Simao Soares	General Cargo	9	St. Thomé Island	25
2	22	Brazilian	, ,	Sociedade Felis.	Joao de Souza	Tobacco and Rum	15	Coast of Africa	131
3	Dce. 1	Hamburguese	Brig	Margareth	Peter Blohum	, ,	15	Adjudá	338
4	2	Portuguese	Sumaca	Conceição	Germano Jozé	General Cargo	12	St. Thomé Island	47

Bahia, January 1, 1840.

(Signed)

J. WHATELEY,
Vice-Consul.

Second Enclosure in No. 120.

List of Vessels which have entered this Port from the Coast of Africa, from October 1 to December 31, 1840.

No.	Date.	Nation.	Class.	NAME OF VESSEL.	NAME OF MASTER.	Reported Cargo.	From whence.	No. of Days.	No. of Crew.	Tonnage.
1	Oct. 7	Hamburguese	Brig	Margareth	Pedro Breu	Ballast	Ajudá	29	11	70
2	Nov. 1	American	Barque	Louisa	Champion	General Cargo	Onim	38	10	275
3	6	Brazilian	Schooner-Brig	Duarte Felicidade	Angelo Custodio	, ,	Ajudá	29	16	170
4	6	Portuguese	Schooner	Maria	Gongalo Affonço	Ballast	Onim	33	14	94
5	27	Brazilian	, ,	Yisto	Jozé Ribeiro	, ,	, ,	47	7	46
6	Dec. 21	American	Brig	Dido	Phillips	, ,	, ,	29	9	200

Bahia, January 1, 1840.

(Signed)

J. WHATELEY,
Vice-Consul.

BRAZIL (*Consular.*)—PERNAMBUCO.

No. 121.

Mr. Watts to Viscount Palmerston.

British Consulate, Pernambuco, January 29, 1840.

MY LORD,

(Received, April 6.)

I HAVE the honour to acknowledge the receipt on the 16th of last December of your Lordship's Despatch of the 12th of October past, marked Slave Trade, transmitting to me a Copy of the "*Correio*," de Lisboa, containing two notes in the Portuguese language, which Lord Howard de Walden presented some months ago to the Government of Portugal, on the subject of the African Trade in Slaves, carried on under the Flag of that nation, desiring me to cause these two notes to be reprinted, and circulated as extensively as possible.

Solicitous to have your Lordship's commands carried into full execution, I have directed the editors of the "*Diario de Pernambuco*" to have 800 copies of those notes struck off, of which 600 to accompany their "*Diario*" to all their subscribers, and to reserve 200 copies of the same, to be circulated throughout the Northern Provinces of Alagoas, Parahiba, and Ceará. The reprint of the Copy in question has involved an expense of about 50 milreis, which I assure myself will be sanctioned on the public account.

I have, &c.

(Signed)

EDWARD WATTS,

Her Britannic Majesty's Consul.

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

&c.

&c.

&c.

No. 122.

Mr. Watts to Viscount Palmerston.

British Consulate, Pernambuco, January 30, 1840.

MY LORD,

(Received, April 6.)

I HAVE the honour to acknowledge the receipt on the 16th of last December of your Lordship's Despatch of the 12th of October past, marked Slave Trade, transmitting to me a copy of the note in print (six impressions) of the Minister of Her Most Faithful Majesty in London, Baron de Moncorvo, directed to your Lordship, enclosing copy of the Circular Note which had been addressed by the Portuguese Minister for Foreign Affairs to the Courts of the Sovereigns, parties to the Treaties, concluded in 1815 at the Congress of Vienna, the object of which circular is to complain of the measures to which the Government of Great Britain has had recourse, in the view to put down the Slave Trade hitherto carried on under the Flag of Portugal; together with copy of the communication which Her Majesty's Government have deemed it expedient to make to the respective Courts to which the

Portuguese Government have preferred that complaint, which embraces the series of correspondence reviewing the substance of the negotiations entered into between Great Britain and Portugal on the subject of the African Slave Trade.

The high importance of that document has led me to place it in the hands of the most influential persons in this Province; and I have distributed copies of it to the President, to the ex-President, Senhor Manoel de Carvalho, to the ex-Bishop of this Diocese, to the Prefect, and others.

I have, &c.

(Signed) EDWARD WATTS,
Her Britannic Majesty's Consul

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

No. 123.

Mr. Watts to Viscount Palmerston.

British Consulate, Pernambuco, February 1, 1840.

MY LORD,

(Received, April 6.)

I HAVE the honour to acknowledge the receipt on the 20th of last month of your Lordship's Despatch of the 2nd of November of last year, marked Slave Trade, making me acquainted with the several measures pursued by Her Majesty's Government, in furtherance of the suppression of Slave Trade, carried on under the Flag of Portugal consequent to the Address from the House of Peers on that subject, with Her Majesty's most gracious Answer thereto, and the Act of Parliament recently passed for the effectual suppression of that Trade in African Slaves, which were transmitted to this Consulate in your Lordship's Despatches of the 25th of August, and of the 3rd of September of last year, marked Slave Trade.

The knowledge of the actual enforcement of these efficient measures has made a strong impression among the Slave-dealers in this province, who are evidently becoming more seriously apprehensive of the dangers which now menace their future enterprises in the prosecution of the African Slave Trade, particularly since they have heard of the increased vigilance of British cruisers on the African Coast.

I have, &c.

(Signed) EDWARD WATTS,
Her Britannic Majesty's Consul.

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

No. 124.

Mr. Watts to Viscount Palmerston.

British Consulate, Pernambuco, February 3, 1840.

MY LORD,

(Received April 6.)

I HAVE the honour to transmit to your Lordship the following Lists of Vessels under the Portuguese Flag, which have been engaged in the African Slave Trade at this port, during the quarter of this year terminated on the 31st of December last, on the correctness of which I have cause to believe much reliance may be placed.

No. 1.—List of Vessels under the Portuguese Flag, which have sailed from the Port of Pernambuco bound to the Coast of Africa, during the quarter from the 1st October to 31st December last.

No. 2.—List of Vessels under the Flag of Portugal employed in the conveyance of Slaves between the Coasts of Africa and this province, from which were actually landed within its limits the number of 1004 Slaves, during the period in question.

No. 3.—List of Vessels, five in number, under the Portuguese Flag now in

the harbour, which have hitherto been employed in the African Slave Trade, which are waiting for ulterior orders from their owners.

The last arrival from Angola brought intelligence, that the further prosecution of the Slave Trade on the Coast of Africa must be attended with accumulated risk in every direction.

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. 124.

List of those Vessels under the Portuguese Flag which have sailed from Pernambuco for the Coast of Africa, employed in the Traffic of Slaves, for the Quarter between October 1 and December 31, 1839.

Date of Clearance.	Class of Vessel.	NAME OF VESSEL.	Tonnage.	No. of Crew.	NAME OF THE MASTER.	NAME OF THE OWNER.	For what part of the Coast cleared.	CARGO.						Sundries to the value of			
								Sugar.	Rum.	Molasses	Rice.	Sugar.	Pipes.		Brls.	Canadas.	Arrobas.	lbs.
Nov. 6	Schooner	Cospe Fogo	64	12	A. Gomes da Silva	Gabriel Antonio	Loanda	53	10	21	9	4,880	..	..	..	..	860,260 Reis.
"	Brig	Novo Abismo	240½	22	F. José Correia	J. F. de A. Lisboa	Ditto	279	13	152	0	27,420	100	..	..	..	407,421 ,,
"	Pataxo	San Jozé	87½	16	..	Ditto	Ditto	230	13	148	17	7,132	680	..	..	..	695,230 ,,

British Consulate, Pernambuco,
December 31, 1839.

(Signed) EDWARD WATTS,
Her Britannic Majesty's Consul.

Second Enclosure in No. 124.

List of those Vessels under the Portuguese Flag which have arrived in the Port of Pernambuco from the Coast of Africa, with Particulars of their Cargoes as reported at the Custom-House, other Remarks, &c., during the Quarter between October 1 and December 31, 1839.

Date of Arrival.	Class of Vessel.	NAME OF VESSEL.	Tonnage.	No. of Crew.	NAME OF THE MASTER.	NAME OF THE OWNER.	From what part of the Coast arrived.	Description of the Cargo Reported.	REMARKS.
October	Schooner	Esperança	268	13	J. S. de Castro . . .	J. R. d'Oliviera . .	Angola	Palm Oil, Wax, Mats	Pulse, &c., and twenty-one Passengers.
November	Brig	Esperança	180	22	Luiz Anto. d'Abreu .	J. S. de Regados . .	Ditto	Wax, Mats, & Orchilla Weed	Landed on this coast the number of 264 Slaves.
" 14	"	Josefa	220	15	Mariano J. Nunes . .	. . . . .	Ditto	Wax and Mats . . .	Information obtained from the Master that he was robbed by a Pirate, two days after leaving Angola, who took out 400 Slaves.
December	"	Conceição de Maria	200	19	Manl. J. Philippe de Costa	João Vaz d'Oliveira .	Ditto	Ballast	Loaded at Angola 440 Slaves, landed on this coast 420—20 died on the passage.

Some time between the 1st and 15th November, the Portuguese vessel "*Nova Despiques*," landed a cargo of Slaves to the southward of this port of Pernambuco: as the vessel did not appear afterwards at this port it is presumed she proceeded to Bahia, or some port to the south.

"The correctness of the report of robbery committed by the Pirate on the '*Jozefer*,' is much doubted, as a vessel of a similar class is known to have landed 320 Slaves to the southward about the same period, say the 1st to 15th of November."

N.B.—The Master of the Brazilian brig "*Aracate*," João Francisco Carneira, of 161 tons, and fifteen men, in ballast, wax, and mats (not a Slave), from Angola, arrived on the 4th December instant, in this port: the Master reports, that through the vigilance of the British Cruisers on the African coast, the Slave Trade has now become hazardous in the extreme, nay, almost annihilated, as these Cruisers search every vessel, and take possession— "even," he reports, "if a vessel has on board a few deals and planks."

British Consulate, Pernambuco, December 31, 1839.

(Signed)

EDWARD WATTS,
Her Britannic Majesty's Consul.

Third Enclosure in No. 124.

List of those Vessels under the Portuguese Flag, now in the Port of Pernambuco, which have been employed in the Slave Trade to the Coast of Africa, and now waiting orders for their final destination. December 31, 1839.

Date of Arrival.	Class of Vessel.	NAME OF VESSEL.	Tonnage.	NAME OF MASTER.	NAME OF OWNER.	From what part of the Coast last arrived.
Oct. 5	Schooner	Quendal . . .	80	A. G. de Silva . .	Jm. de Sa. Regadas	Angola
„	Brig	Triumphante . .	„	„	M. M. de Oliveira Bastos	Ditto
Nov. 6	„	Esperança . . .	180	Luig Anto. d'Abreu	J. de J. Regadas . .	Benguela
„ 14	„	Jozefa	220	M. J. Nunes . .	Master	Angola
December	„	Conceição de Maria	200	M. J. Felipe de Costa	Joaõ Vaz d'Oliveira .	Ditto

*British Consulate, Pernambuco,
December 31, 1839.*

(Signed)

EDWARD WATTS,
Her Britannic Majesty's Consul.

No. 125.

Mr. Watts to Viscount Palmerston.

British Consulate, Pernambuco, February 11, 1840.

MY LORD,

(Received April 6.)

IN reference to my Despatch of the 29th of last month, marked Slave Trade, I have to inform your Lordship that 1200 impressions of the two notes addressed by Lord Howard de Walden to the Portuguese Government and to the Viscount de Sá da Bandeira, referred to therein, have been completed, of which 1000 are now distributed with the "*Diario de Pernambuco*" to the subscribers to that journal, and 200 are transmitted to the northern ports of Maceo, Parahiba, and Ceará, to be circulated in those provinces.

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. 126.

Mr. Wilson to Viscount Palmerston.

Consul's Office, Maranham, December 6, 1839.

MY LORD,

(*Received, January 23, 1840.*)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches of this series dated August 23rd and September 3, 1839, the former enclosing two copies of an Address from the House of Peers to Her Majesty, praying for such measures to be adopted as will effectually put a stop to the traffic in Slaves, and of Her Majesty's most gracious Answer thereto; and the latter enclosing copy of an Act of Parliament recently passed for the suppression of the Slave Trade.

(Signed)

I have, &c.

WILLIAM WILSON.

Vice-Consul.

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

&c.

&c.

&c.

BRAZIL. (Consular.)—PARA.

No. 127.

Mr. Cowper to Viscount Palmerston.

British Consulate, Pará, December 28, 1839.

MY LORD,

(Received, March 31, 1840.)

OWING to the recent Act of the Legislature, dated the 24th August, 1839, for the more effectual Abolition of the Slave Trade, I have the honour, with much submission, to suggest to your Lordship, that in addition to this a most effectual bar would be opposed to that infamous traffic in this part of the world, by the establishment of a Slave Commission, either at Pará or Maranham.

My reasons for venturing to make this proposal to your Lordship are as follows:—

Although from physical causes, I mean the fact of the country being impassable to strangers from the denseness of the vast forests which cover its surface, it is impossible to obtain anything like a correct account of the number of Slaves which are imported into the northern provinces of Brazil, it is undoubted that half of the whole quantity smuggled into the empire are brought to them: this arises from sundry causes—first, the want of population, which, secondly, renders them the best markets for Slaves (I have known 1000 dollars in silver asked for a good workman); and lastly, from the great facilities offered to the smugglers, by the many tributaries of the Amazon, which all run into (except to them) impenetrable forests: the Portuguese had a great advantage until the passing of this Act, namely, the contiguity of these provinces to the Equator; and although that advantage has now ceased, it is highly probable that they will still frequent their old markets. I therefore conceive that it would be most advantageous to station one or more of Her Majesty's cruisers upon this part of the coast, with a Court at one of the before-mentioned ports, in which their prizes might be condemned; for at present, supposing a capture to be made between Pará and Maranham, the man-of-war is obliged to proceed with her prize either to Sierra Leone, the Havana, or to Rio de Janeiro, and cannot return to her cruising ground from either of these places under three months, and I humbly imagine that the expenses Her Majesty's Government would thus incur would be greater than those of the Commission, which latter would unquestionably give increased effect to the recent Act of the Imperial Parliament.

I have many apologies to offer to your Lordship for venturing to proffer the above remarks, but I have done so solely from a zeal for that service, to which your Lordship did me the honour of recommending me to Her Majesty.

I have, &c.

(Signed) H. AUGUSTUS COWPER,
Consul.

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

No. 128.

*Mr. Cowper to Viscount Palmerston.**British Consulate, Pará, January 24, 1840.*

MY LORD,

(Received, May 2.)

I HAD the honour to address your Lordship on the 16th November, 1839, in my Despatch, marked Slave Trade, respecting the Brazilian Slave Brigantine, "*Amalia*."

She has returned from Africa, and is now at Maranham, after having landed, between that place and Pará, 250 Slaves out of 350, which she received at Angola; the rest died upon the passage.

The Brazilian Coasting Brigantine, "*Emulação*," arrived here from Maranham upon the 14th instant, bringing up seven of the newly-imported Slaves; and although there could be no question of the fact, my remonstrance to the President was met by the production of a passport from the Governor of Maranham, declaring these negroes to be old ones, whereas the men could neither speak nor understand one word of Portuguese, and were well known by all to be seven of the "*Amalia's*" cargo.

The passport of the President of Maranham of course silences me here; but I shall represent this gross breach of the Convention to Her Majesty's Minister at Rio de Janeiro, that he may take such measures as he deems best for effectually stopping these illegal proceedings.

I have, &c.

(Signed) H. AUGUSTUS COWPER,

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

No. 129.

*Mr. Cowper to Viscount Palmerston.**British Consulate, Pará, February 19, 1840.*

MY LORD,

(Received, May 2.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches, marked Slave Trade, two of the 12th October, and one of the 2nd November, 1839;

In accordance with your Lordship's commands, contained in the first of these Despatches, and as the best means of most effectually accomplishing your desires, I have ordered the editor of the newspaper to reprint 100 copies of Lord Howard de Walden's Notes, 20 of which I intend distributing amongst the authorities, consuls, and public societies of the place; and the remainder I have desired the editor to forward with his newspaper to his different subscribers.

The papers contained in your Lordship's second Despatch, of the 12th October, I have read with the greatest interest and attention, and I shall thereby be enabled to refute the many scandalous reports which have been set afloat in this place, with the view of bringing Her Majesty's Government and subjects into distrust and disrepute.

Notwithstanding the energetic measures adopted by Her Majesty's Government for the suppression of this shocking traffic, those engaged in it are apparently nothing daunted. A Brig, at present called the "*Great Western*," carrying Danish colours, and of about 190 tons burthen, has lately arrived from St. Thomas's, under most suspicious circumstances; the owner, an American, named Eldridge, came in her, bringing a letter of introduction to me from a highly respectable gentleman of St. Thomas's; but notwithstanding I can obtain no information from him regarding the object of his voyage: he admits that the Brig was once a Slaver, and that she was captured, and sold to him, but he pretends to say that he does not even know what name she then bore; she arrived here with a crew of 19 men, composed of Spaniards, Portuguese, and Americans, and grounded by accident or design 10 miles below Pará, where she remained for four days: she is said to be armed.

This morning, to my astonishment, I have been informed that she has been privately sold for the purpose of proceeding to Africa; her new owners are re-

ported to be an American merchant, named Upton, and a notorious Brazilian Slave-trader, named Machado : she has not yet hoisted her new colours.

I hope shortly to be enabled to give your Lordship correct information respecting her ; thus far I have collected, but I cannot vouch for its accuracy, that she was a Portuguese Slave Brig called the "*Felicidade*," and that her crew mutinied on a voyage to or from Cuba, and sold her at St. Thomas's : if this is the case, it is probable that she was brought here for the specific purpose of being sold ; as the sale made by the crew being unquestionably illegal, Mr. Eldridge would no doubt feel anxious to speedily rid himself of so critical a purchase.

I shall keep my eye upon the Brig's proceedings, and transmit such particulars to your Lordship as I can obtain.

I have, &c.
(Signed) H. AUGUSTUS COWPER,
Consul.

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

No. 130.

Mr. Cowper to Viscount Palmerston.

British Consulate, Pará, February 27, 1840.

MY LORD,

(*Received, May 8.*)

I HAVE the honour to inform you, that my surmises respecting the "*Great Western*," which I made known to your Lordship in my Despatch, Slave Trade, of the 19th instant, have proved substantially correct.

I have had a confirmation of her former name and traffic, together with the manner in which she was purchased.

She has been sold to Messrs. Upton and Machado, and has hoisted Brazilian colours under the name of the "*Angela*," and, notwithstanding the efforts made to deceive me with regard to her destination, I believe I am correct in stating, that she will leave here for Lisbon in about a fortnight, where it is said she will obtain Portuguese colours and Papers ; from thence she is to proceed to the Cape Verd Islands, and finally to Ambris, to take in a cargo of Slaves.

Her description is as follows :—She is a long black Brig of 200 tons, with moderately raking masts, an ornamented cutwater, but no figure-head, 111 feet from her taffrail to her stern over all, and 25 feet in beam : Machado boasts that no vessel in Her Majesty's service will be enabled to catch her.

There is a current report that the Slave Brigantine, "*Amalia*," respecting which I had the honour to address your Lordship in my Despatches, dated 16th November 1839, and 24th January 1840, has been captured by one of Her Majesty's ships.

I have, &c.
(Signed) H. AUGUSTUS COWPER,
Consul.

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

NETHERLANDS,

No. 131.

Sir E. C. Disbrowe to Viscount Palmerston.

The Hague, December 31, 1839.

MY LORD,

(Received, January 2, 1840.)

I HAVE the honour to enclose the copy of a note which, in obedience to your Lordship's commands, I addressed to Baron Verstolk on the subject of the ship "*Baron Van Heeckeren*," supposed to be destined for the Slave Trade; and I at the same time, forward his Excellency's reply, by which you will perceive that no time has been lost in referring that question to the Colonial Department.

I have, &c.

(Signed)

E. C. DISBROWE.

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

&c.

&c.

&c.

First Enclosure in No. 131.

Sir E. C. Disbrowe to Baron Verstolk.

MONSIEUR LE BARON,

The Hague, December 23, 1839.

I HEREWITH enclose, for the information of the Netherland Government, the copy of a Despatch which Mr. Samo, the British Commissary Judge at Surinam has addressed to Viscount Palmerston, relative to the sale of a vessel, the "*Baron Van Heeckeren*," built in America, but furnished with Dutch Colonial sailing papers, and which it is very strongly suspected is sold to a merchant at Porto Rico, to be engaged in the Slave Trade on its arrival at that port.

Being fully persuaded that every step will be taken by the Netherland Government, which the circumstances of the case require, I do not think it necessary to add another word on this atrocious proceeding, and,

I avail, &c.

(Signed)

E. C. DISBROWE.

To Baron Verstolk,

&c. &c.

Second Enclosure in No. 131.

Baron Verstolk to Sir E. C. Disbrowe.

MONSIEUR LE CHEVALIER,

La Haye, le 27 Décembre, 1839.

J'AI l'honneur de porter à votre connaissance, que je me suis empressé de communiquer au Département des Colonies la lettre que vous avez bien voulu m'adresser le 23 de ce mois, ainsi que la pièce qui l'accompagnait, relatives a la

vente à Curaçao du navire "*Baron von Heeckeren*," que l'on soupçonne être destiné pour le Traite d'Esclaves.

Ayant en même tems prié le susdit Département de prendre des informations sur cette affaire, je ne manquerai pas de vous communiquer le résultat, dès qu'il sera parvenu à ma connaissance.

Agréez, Monsieur le Chevalier, &c.

(Signed)

VERSTOLK DE SOELEN.

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

(Translation.)

M. LE CHEVALIER,

The Hague, December 27, 1839.

I HAVE the honour to inform you, that I hastened to communicate to the Department of the Colonies the letter which you had the kindness to address to me on the 23rd of this month, as also the document which accompanied it, relative to the sale at Curaçoa, of the ship, "*Baron von Heeckeren*," which is suspected to be destined for the Slave Trade.

Having at the same time begged the said Department to obtain information as to this affair, I will not fail to communicate to you the result, as soon as it shall have come to my knowledge.

Accept, &c.

(Signed)

VERSTOLK DE SOELEN.

No. 132.

Viscount Palmerston to Sir E. Disbrowe.

SIR,

Foreign Office, February 17, 1840.

I HEREWITH transmit to you, for communication to the Government of the King of the Netherlands, a Copy of a Letter and of its Enclosures, received at this Office from the Admiralty, reporting the refusal of the Governor of the Dutch Fort of St. George d'Elmina to permit vessels to be searched, at anchor in the Roads of that fort, and suspected of Slave Trade.

In communicating these Papers to the Netherlands' Government, you will state, that Her Majesty's Government are aware that the Slave Trade Treaty between Great Britain and the Netherlands does not give to British Cruisers any right to search vessels under the Netherland flag, while lying in a Dutch port; but it seems to Her Majesty's Government, that under the special circumstances of the case the Governor of Elmina might have given his permission for such search, and that his refusal to do so, notwithstanding the very suspicious appearance of the vessels, did not indicate any zealous desire to give effect to the spirit of the Treaty, and to put down that Trade for the suppression of which the Treaty was concluded.

I am, &c.

(Signed)

PALMERSTON.

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

Enclosure in No. 132.

Sir John Barrow to Mr. Backhouse.

SIR,

Admiralty, February 5, 1840.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of Viscount Palmerston, Copies of a Correspondence which took place between Commander Tucker, of Her Majesty's sloop "*Wolve-*

rene," and senior officer on the Coast of Africa, and the Governor of the Dutch Fort St. George d'Elmina, relative to some vessels suspected of being engaged in the Slave Trade, which were at anchor in the Roads of His Majesty the King of the Netherlands, and to the refusal of the Governor to permit them to be searched.

I have, &c.

(Signed) JOHN BARROW.

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

First Sub-Enclosure in No. 132.

Commander Tucker to Mr. Wood.

Her Majesty's Sloop "Wolverene," at Sea, Lat. — —, Long. 1° 0' E.

SIR,

October 31, 1839.

I BEG to transmit for the information of my Lords Commissioners of the Admiralty a Copy of my Letter of the 30th instant, No. 63, (with the three Letters annexed) to the Commander-in-Chief, transmitting to him a Copy of my Correspondence with the Governor of the Netherlands Fort St. George d'Elmina, and his answer thereto.

I have, &c.

(Signed) WILLIAM TUCKER,
Commander and Senior Officer.

To C. Wood, Esq.,
&c. &c. &c.

Second Sub-Enclosure in No. 132.

Commander Tucker to Admiral Elliot.

Her Majesty's Sloop "Wolverene," at Sea, Lat. 3° 44' N., Long. 1° 27' W.

SIR,

October 30, 1839.

I HAVE the honour to transmit herewith a Copy of my Correspondence with the Governor of the Netherlands or Dutch Fort of St. George d'Elmina, which will of themselves explain the reasons of my addressing him, and I also transmit annexed to it the answer of the Governor, which I regret to say I have not been able to get translated; but I beg to inform you, as soon as I can obtain a Translation, I will take such steps for the prevention of the Slave Trade being carried on in the waters of the Netherlands Fort St. George d'Elmina, as the Treaties, International Laws, and the consideration of what is due to the Sovereign Prince of the Netherlands, in friendly alliance with my own Sovereign, will allow me.

I have, &c.

(Signed) WILLIAM TUCKER,
Commander and Senior Officer.

To Admiral Elliot, R.N.

Third Sub-Enclosure in No. 132.

Commander Tucker to Governor Bosch.

Her Britannic Majesty's Sloop "Wolverene," Cape Coast Castle,

EXCELLENT SIR,

October 28, 1839, 10 P.M.

THE vessel just arrived at Elmina (and now at anchor in your Roads,) being suspected of being engaged in the Slave Trade, I have to request you will be pleased to allow me to board and search her.

I have, &c.

(Signed) WILLIAM TUCKER,
Commander and Senior Officer.

To Governor Bosch,
&c. &c.

Fourth Sub-Enclosure in No. 132.

Commander Tucker to Governor Bosch.

Her Britannic Majesty's Sloop, "Wolverene," Cape Coast Castle

EXCELLENT SIR,

October 28, 1839.

HAVING despatched an officer to wait upon you to request permission to board and examine the vessel at anchor off your Fort, suspected of being engaged in the Slave Trade, and having received through him your refusal to permit him to do so, because an officer or officers of Her Britannic Majesty's service had boarded some vessels at Dutch Accra, without having applied to the proper authority for permission to do so, I have the honour, as senior officer of Her Majesty's ships and vessels on the Western Coast of Africa for the suppression of the Slave Trade, to inform you that the officers who acted so uncourtously shall be reported to the Commander-in-Chief, if you will inform me of their names, or of the names of the vessels they command; at the same time it will be my duty, also to represent that it was not until very lately known, that His Majesty the King of the Netherlands had a Representative at the Fort of Accra; having visited that place in July, I went to Netherlands, or Dutch Accra to wait upon the Governor, had there been one, but I was informed that there was no officer or other person authorised by His Majesty the King of the Netherlands residing there; nor did I see, during the seven or eight days I remained at Accra, the Flag of His Majesty the King of the Netherlands hoisted at his fort or possession at Accra; that on my visiting the same place again this month, I heard by accident that an officer was residing there in charge of the fort or possession, and as I wished to board and examine a Brazilian vessel there at anchor in the Netherland Roads, I sent an officer to wait upon him, and to request permission, which he very courteously granted, but at the same time even the flag of His Majesty the King of the Netherlands was not displayed at the fort or possession.

With respect to your refusal to the officers I sent to you for permission to board the vessel, now at anchor in your Roads, which was suspected of being engaged in the Slave Trade, I beg to call your Excellency's attention to the Second Article of the Decree of the Sovereign Prince of the Netherlands prohibiting the Slave Trade, given at the Hague on the 15th June, 1814, which states, "That it shall be signified to the General Government of the coast of Guinea, that in none of the forts, offices, or possessions, within the limits of that command, any ships or vessels, destined or equipped for the Slave Trade shall be admitted, and also that no inhabitants of that country, or any other persons in the vicinity of those ports or offices shall be sold or exported as Slaves, and to such ships or vessels, in case they navigate under foreign colours, notice shall be given of the existing prohibition, and they shall forthwith be ordered to put back to sea, whilst such vessels belonging to the inhabitants of the Netherlands shall be seized, and a report thereof made to the Commercial and Colonial Departments," in consequence of which I have to inform your Excellency, that whenever I see a vessel at anchor in your Roads, of which I have information or suspicion that she is a vessel engaged in the Slave Trade, I shall request you to order that vessel to put to sea, agreeably to the orders of your Sovereign.

I regret that your refusal of this morning obliges me to represent it to the Commander-in-Chief, for the information of my own Government, and that I have received several reports from the officers under my orders, that vessels engaged in the Slave Trade are constantly or always permitted to anchor in your Roads, and allowed to purchase canoes for the landing of their outward-bound cargoes, and for the embarkation of their Slaves.

I have, &c.

(Signed)

WILLIAM TUCKER,

Commander and Senior Officer.

To Governor Bosch,

&c. &c. &c.

Fifth Sub-Enclosure in No. 132.

Governor Bosch to Commander Tucker.

(Translation.)

SIR,

St. George d'Elmina, October 29, 1839.

IN return to your two Letters of yesterday's date, I have to inform you, with reference to the Second Article of the Instruction of the 15th June, 1814, No. 8, that neither of the two vessels which have arrived in these Roads, the American on the 26th, and the French on the 28th instant, appear to me to fall under the suspicion of being engaged in the Slave Trade, and that I cannot therefore order them to remove from the Roads, and much less give my sanction to their being visited whilst under the protection of the Dutch flag.

I must further inform you, that I am under the necessity of transmitting to my Government a Copy of your Letter, as I neither can nor ought to pass under silence your unjust observation in regard to the supplying of canoes.

I have, &c.

(Signed)

P. J. BOSCH,

Lieut.-Colonel and Governor of His Netherland Majesty's Possessions on the Coast of Guinea.

To Commander Tucker, R.N.

&c. &c. &c.

No. 133.

*Viscount Palmerston to Sir E. C. Disbrowe.**Foreign Office, February 20, 1840.*

[CIRCULAR sending Papal Brief against the Slave Trade.]

(See No. 10, page 8.)

No. 134.

*Sir E. C. Disbrowe to Viscount Palmerston.**The Hague, February 28, 1840.*

MY LORD,

(Received March 8.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches, marked Slave Trade, of the 17th and 20th instant.

I have delivered to Baron Verstolk a Note on the subject of the conduct of the Governor of St. George d'Elmina, the counterpart of your Lordship's Despatch, of the 17th.

I beg also to state, that in obedience to your Lordship's instructions I have directed the Papal Bull enclosed in your Lordship's Despatch of the 20th instant, to be translated and inserted in the Dutch newspapers, and as Monsignor Antronucci, the Papal Chargé d'Affaires, had communicated that Letter to me previously, I shall lose no time in informing him that the Apostolical Letter is duly appreciated by Her Majesty's Government; and that, in obedience to your Lordship's commands, I have taken measures to render its contents as public as possible.

I have, &c.

(Signed)

E. C. DISBROWE.

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

&c. &c. &c.

No. 135.

*Sir E. C. Disbrowe to Viscount Palmerston.**The Hague March 30, 1840.*

MY LORD,

(Received, April 2.)

IN obedience to your commands, I addressed on the 24th of February the enclosed Note to Baron Verstolk, on the subject of the conduct of the Netherland

Governor of St. George d'Elmina, in refusing to allow Captain Tucker, commanding the British ships of war on the Coast of Africa, to search certain vessels, which had taken refuge in the Roadsted of that fortress under suspicious circumstances.

I have the honour to enclose a Copy of a very satisfactory reply, which I have received from Baron Verstolk, from which it will appear, that even before my note had reached his hand, the Colonial Office had prepared a Despatch, directing the Netherland Officer, in Authority on that Coast, to act with the utmost cordiality with the British Authorities in their efforts for the suppression of the Slave Trade; and "que les fonctionnaires Neerlandais ne pésent pas trop scrupuleusement par la lettre des Traités le droit des Commandans des navires Britanniques," when engaged in the execution of measures for the accomplishment of this object.

At the same time His Excellency expresses the hope, that the British officers will be directed not to make their visits "qu'avec l'assentiment des autorités Neerlandaises de la Côte, et de les exécuter avec circonspection et discretion."

In my conversations with this Government since the 24th of February, I was induced to draw the attention of Baron Verstolk to the complaints which Captain Tucker made of the conduct of the Boatmen of that Coast in furnishing provisions, and other assistance to the Traders, because it had previously been a subject of discussion; *vide* "The Despatch" of the 7th February 1838, and its enclosure; and also Baron Verstolk's note of the 20th of May, enclosed in the Despatch of 1838, which shows the full extent of the instructions given to General Verveer.

In furtherance of this object, I had a conversation with the late General Verveer, the day before he embarked for Africa. I put him in possession verbally of the opinions of Mr. Maclean on several points; and the General promised to discuss the question with the Governors of our possessions, and to adopt such measures as should effectually put an end to this abuse, if he found it really to exist.

I have therefore made further inquiries on the subject, and learn that General Verveer expired on the third day of his passage homeward, and has left no despatch or other document to which to refer: I am therefore unable to state what measures, if any, were concerted in Africa.

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

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

First Enclosure in No 134.

Sir E. C. Disbrowe to Baron Verstolk.

M. LE BARON,

The Hague, February 24, 1840.

I HAVE received instructions to communicate to your Excellency, for the information of the Netherland Government, a Copy of a Letter and its enclosures containing a correspondence between Captain William Tucker, commanding Her Britannic Majesty's Squadron on the Coast of Africa, charged with repression of the Slave Trade, and the Netherland Governor of the Fortress of St. George d'Elmina.

In transmitting this correspondence to your Excellency, I beg more particularly to draw your attention to the letter of the Officer commanding the British Squadron, dated October the 28th. That Officer complains of a refusal on the part of the Governor of Elmina to allow him to search vessels which, under very suspicious circumstances, had taken refuge in the Roadsted.

Your Excellency will observe, that the Governor grounds his refusal on the irregularity, which is reported to have been committed by certain British Officers at the Port of Accra.

Captain Tucker, in his reply, points out the scrupulousness with which he had himself at all times respected the Netherland Authorities, and particularly at Accra, and he offers to report to the Commander in Chief, any Officer against whom the Governor may have any cause of complaint; thus doing away at once with any reason for refusing, under this plea, the permission which had been asked.

Her Britannic Majesty's Government are aware that the Slave Trade Treaty

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between Great Britain and the Netherlands, does not give to British Cruisers any right to search vessels under the Netherlands Flag, while lying in a Dutch Port; but it seems that, under the special circumstances of the case, the Governor of Elmina might have given his permission for such a search; and that his refusal to do so, notwithstanding the very suspicious appearance of the vessels, did not indicate any zealous desire to give effect to the spirit of the Treaty, and to put down that Trade for the suppression of which the Treaty was concluded.

In transmitting these remarks, I avail myself, &c.

(Signed)

E. C. DISBROWE.

The Baron Verstolk,
&c. &c.

Second Enclosure in No. 135.

Baron Verstolk to Sir E. C. Disbrowe.

M. LE CHEVALIER,

L'OFFICE que vous m'avez fait l'honneur de m'adresser le 24 du mois dernier, relativement à une correspondance, qui a eu lieu au mois d'Octobre de l'année dernière entre M. le Lieutenant-Colonel Bosch, alors Gouverneur des possessions Neerlandaises sur la côte de Guinée à St. George d'Elmina, et M. William Tucker, Capitaine Commandant l'Escadre de Sa Majesté Britannique sur la côte d'Afrique, chargé de la repression du Commerce des Noirs, a fait l'objet d'une communication de ma part au Ministère des Colonies, et je viens d'en recevoir les informations suivantes.

Le Lieutenant-Colonel Bosch, qui est aujourd'hui remplacé à Elmina par M. Van der Eb, a, dès le 30 Octobre de l'année dernière, rendu compte au Ministre des Colonies de la correspondance dont il est question; et lui a transmis les mêmes pièces que vous avez bien voulu me communiquer. Lorsque le Ministre reçut ma lettre il allait écrire au nouveau Gouverneur D'Elmina au sujet de cette matière, et pour lui faire connaître qu'il était préférable de prêter, même au delà des stipulations expresses du traité, le main à tout ce qui pouvait mettre obstacle au Commerce d'Esclaves, que de s'arrêter à quelques difficultés de forme, qui pourraient faire naître des soupçons de tiédeur; que le Gouvernement de Sa Majesté le Roi des Pays Bas et celui de Sa Majesté Britannique étant parfaitement d'accord sur tout ce qui peut tendre à l'abolition de la Traite des Noirs, il convient que les fonctionnaires Neerlandais ne pèsent pas trop scrupuleusement par la lettre des traités le droit des Commandans des navires Britanniques, lorsque ceux-ci proposent des mesures qui ont pour objet l'accomplissement du but commun, tel qu'il est exprimé dans ces traités; enfin que, dans l'espèce, on aurait d'autant plus pu passer par dessus de telles difficultés, qu'il ne s'agissait pas de gêner ni d'entraver un commerce licite, mais seulement d'entreprendre une visite, tendant à empêcher des actes prohibés et coupables, et dans laquelle les croiseurs Anglais sont de bonne foi, puisqu'ils y assujettissent également les bâtimens nationaux.

Le Ministre finalement enjoignait de nouveau, dans sa Lettre au Gouverneur d'Elmina, d'éloigner chaque fois des rades et mouillages Neerlandais tout navire qui donnerait le moindre soupçon de se livrer à la Traite des Noirs, et en général de faire tout ce qui pourra tendre à prouver ces dispositions sincères, à l'exécution, par les moyens en son pouvoir, des lois qui défendent le commerce en question.

Cette lettre, ainsi projetée par le Ministre des Colonies lors de la réception de votre office, Monsieur le Chevalier, a été depuis arrêtée, et va être expédiée par la première occasion.

En portant son contenu à votre connaissance je me flatte qu'il sera trouvé offrir un motif de plus pour répondre à la confiance de mon Gouvernement, que celui de sa Majesté Britannique voudra bien de son côté recommander à ses officiers de marine de ne procéder aux visites, dont il s'agit, qu'avec l'assentiment des Autorités Neerlandaises de la côte, et de les exécuter avec circonspection et discrétion.

(Signed)

VERSTOLK DE SOELEN.

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

(Translation.)

M. LE CHEVALIER,

THE official letter, which you did me the honour to address to me on the 24th of June last, relative to a correspondence which took place in October of last year, between Lieut.-Colonel Bosch, then Governor of the Netherlands' possessions on the coast of Guinea, at St. George d'Elmina, and Mr. William Tucker, Captain, commanding the squadron of Her Britannic Majesty on the coast of Africa, charged with the suppression of the Slave Trade, has been the subject of a communication on my part to the Department of the Colonies, and I have just received the following information:—

Lieutenant-Colonel Bosch, who is at present replaced by M. Van der Eb has since the 30th of October of last year, given an account of the correspondence in question to the Department of the Colonies, and has sent there the same papers which you communicated to me. When the Minister received my letter he was about to write to the new Governor of Elmina upon the subject, and to inform him that it was better to lend his aid, even beyond the express stipulations of the Treaty, in all that could put an obstacle in the way of the Slave Trade, than to stop short at difficulties of form, which might give rise to suspicions of lukewarmness; that the Governments of His Majesty the King of the Netherlands, and of Her Britannic Majesty being perfectly in accord on all that could tend to the abolition of the Slave Trade, it is fit that the Netherland functionaries do not weigh too scrupulously, by the letter of the Treaties, the right of the Commanders of British ships, when the latter propose measures which have for their object the accomplishment of the common object, such as it is expressed in the Treaties; in short, that in this case such difficulties might well have been set aside, as there was no question of annoying or interfering with a licit commerce, but only of entering upon a search tending to prevent prohibited and criminal acts, and with regard to which search the English cruizers act with good faith, since they equally subject vessels of their nation to it.

The Minister, finally, in his letter again enjoined the Governor of Elmina, to send away from the Netherlands' roads and anchorages every vessel which should give the least suspicion that she is engaged in the Slave Trade, and generally to do all that could tend to shew a sincere disposition to execute, by the means in his power, the laws which forbid the commerce in question.

This letter, thus projected by the Minister of the Colonies at the time of the receipt of your official letter, M. le Chevalier, has been since drawn up, and is about to be sent by the first opportunity.

In bringing its contents to your knowledge, I flatter myself that it will be found to offer one more motive to respond to the confident hope of my Government, that that of Her Britannic Majesty will have the goodness on its part to recommend its naval officers not to proceed to the searches in question, except with the assent of the Netherlands' authorities on the coast, and to execute them with circumspection and discretion.

(Signed)

VERSTOLK DE SOELEN.

No. 136.

*Viscount Palmerston to Sir E. Disbrowe.**Foreign Office, April 23, 1840.*

[Circular sending Treaty with Venezuela.]

(See No. 20, page 18).

