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Class C.

CORRESPONDENCE

WITH

FOREIGN POWERS,

PARTIES TO THE CONVENTIONS

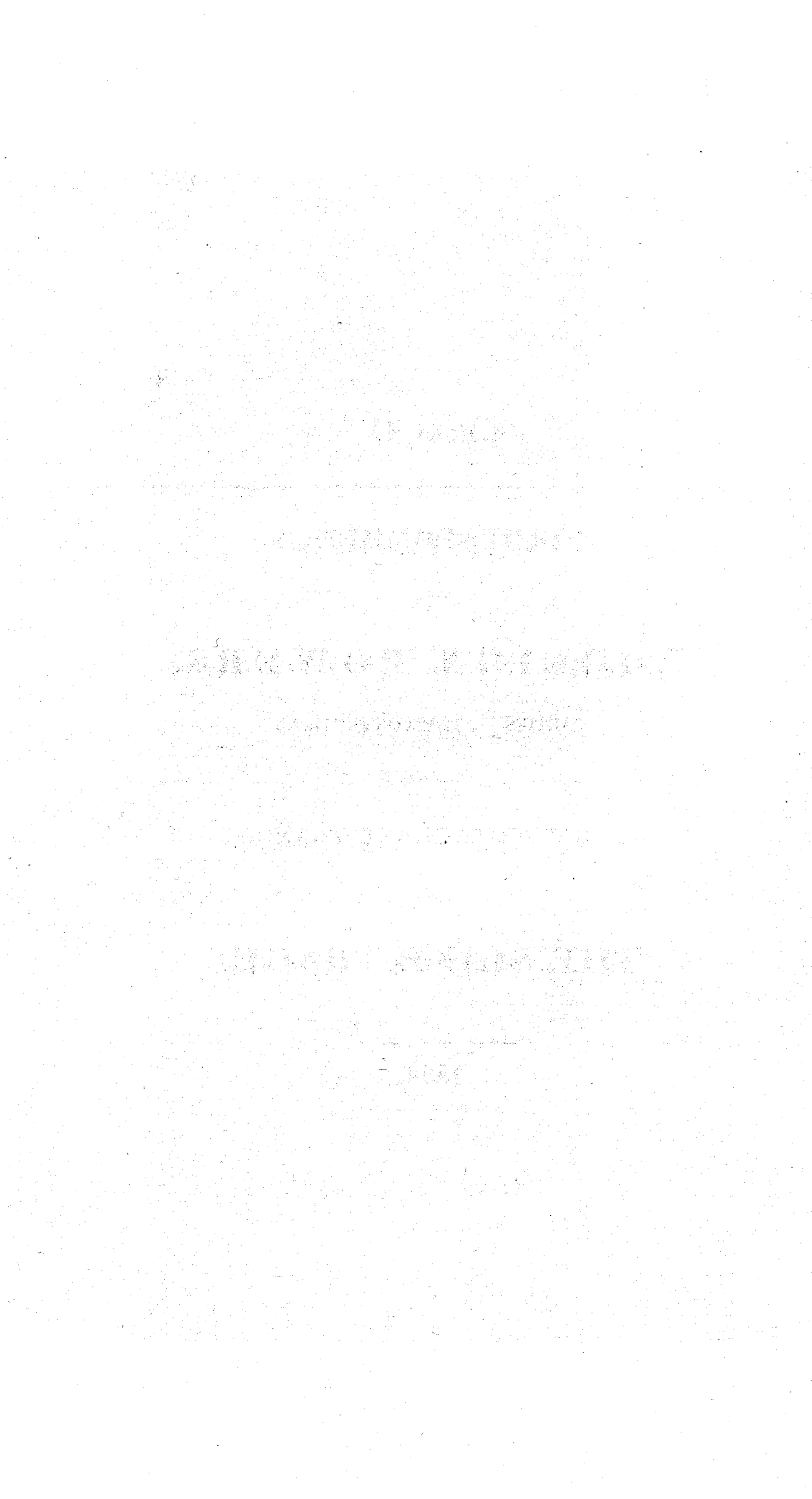
BETWEEN

GREAT BRITAIN AND FRANCE,

UPON

THE SLAVE TRADE.

1839.



Class C.

CORRESPONDENCE

WITH

FOREIGN POWERS,

PARTIES TO THE CONVENTIONS

BETWEEN

GREAT BRITAIN AND FRANCE,

UPON

THE SLAVE TRADE.

From June 1 to December 31, 1839, inclusive.

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

LONDON :

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

1840.

Class C.—1839.

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Class C.—1839.

CORRESPONDENCE

WITH

FOREIGN POWERS.

FRANCE.

No. 1.

Viscount Palmerston to Earl Granville.

MY LORD,

Foreign Office, June 29, 1839.

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

I have, &c.,

(Signed)

PALMERSTON.

His Excellency Earl Granville, G.C.B.

&c.

&c.

&c.

No. 2.

Viscount Palmerston to Earl Granville.

MY LORD,

Foreign Office, July 13, 1839.

I TRANSMIT herewith to Your Excellency, for communication to the French Government, a Copy of a Note which I addressed on the 28th of June, 1839, to the Plenipotentiaries of Austria, of Prussia, and of Russia, urging them to apply to their respective Governments for an answer upon the draft of Treaty, for the Suppression of the Slave Trade, which was proposed in Conference to the Plenipotentiaries of Austria, of Prussia, and of Russia, by myself and the French Ambassador on the 12th of December, 1838.

I have, &c.,

(Signed)

PALMERSTON.

His Excellency Earl Granville, G.C.B.

&c.

&c.

&c.

Enclosure in No. 2.

Viscount Palmerston to Prince Esterhazy, June 28, 1839.

(See Class D, No. 1, page 1.)

No. 3.

Viscount Palmerston to Earl Granville.

MY LORD,

Foreign Office, August 25, 1839.

I HEREWITH transmit to your Excellency six Copies of an Address upon Slave Trade, from the House of Peers to Her Majesty, and of Her Majesty's most gracious Answer thereto.

CLASS C.

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

I am, &c.,
(Signed) PALMERSTON.

His Excellency Earl Granville, G.C.B. &c. &c. &c.

Enclosure in No. 3.

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

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

No. 4.

Viscount Palmerston to Earl Granville:

MY LORD,

Foreign Office, September 3, 1839.

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

I am, &c.,
(Signed) PALMERSTON.

His Excellency Earl Granville, G.C.B. &c. &c. &c.

Enclosure in No. 4.

Act 2 & 3 Victoria, Cap. 73, August 24, 1839.

No. 5.

(Circular.)

Viscount Palmerston to Count Sebastiani.

Foreign Office, September 30, 1839.

THE Undersigned, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, has the honour to inform Count Sebastiani, Ambassador Extraordinary and Plenipotentiary from His Majesty the King of the French, that he has received from the Baron de Moncorvo, Her Most Faithful Majesty's Minister at this Court, a copy of a circular note, which has been addressed by the Portuguese Minister for Foreign Affairs, to the Courts, who were parties to the Treaties and Conventions, which were concluded at the Congress of Vienna in 1815.

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

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

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

First.—A Copy of a Representation upon the subject of the Portuguese Slave Trade, addressed by the Undersigned to the Baron de Moncorvo, on the 30th April, 1836.

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

Thirdly.—A Copy of a Despatch, addressed by the Undersigned on the 12th May, 1838, to Her Majesty's Envoy at Lisbon, and communicated to the Portuguese Government.

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

And, Fifthly.—A Copy of the Reply, made by Her Majesty's Envoy at Lisbon, on the 5th May, 1839, to the preceding Note of the Portuguese Minister for Foreign Affairs.

The Undersigned, &c.
(Signed) PALMERSTON.

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

(Circular.)

No. 6.

Viscount Palmerston to Earl Granville.

MY LORD,

Foreign Office, October 12, 1839.

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

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

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

I am, &c.
(Signed) PALMERSTON.

His Excellency Earl Granville, G.C.B.
&c. &c.

Enclosures in No. 6.

First.—Baron Moncorvo to Viscount Palmerston, London, August 14, 1839.

(See Class B., No. 97.)

Second.—Viscount Palmerston to Count Sebastiani and others, September 30, 1839.

(See No. 5.)

No. 7.

Viscount Palmerston to Earl Granville.

MY LORD,

Foreign Office, October 31, 1839.

I TRANSMIT for your Excellency's information,—

First, a Copy of a Note which, by Her Majesty's Command, I addressed to the Ministers of Austria, Prussia, and Russia, at this Court, urging them to

obtain, from their respective Governments, authority to sign, without further delay, the Treaty between Austria, France, Great Britain, Prussia, and Russia, of which a Draft was presented to the Plenipotentiaries of Austria, Prussia, and Russia, by the Plenipotentiaries of Great Britain and France, at the Conference held at this office, on the 12th of December, 1838.

Secondly, a Copy of a Note which I have received from the Russian Chargé d'Affaires, at this Court, stating that he is authorised to attend the Conferences, which may be held for the before-mentioned object; and,

Thirdly, a Copy of a Despatch which I addressed to Her Majesty's Missions at Vienna and Berlin, instructing those Ministers to use their utmost endeavours to induce the Austrian and Prussian Governments to send, without further delay, authority to their Representatives at this Court, to conclude the before-mentioned Treaty.

I am, &c.,
(Signed) PALMERSTON.

His Excellency Earl Granville, G.C.B.

&c. &c. &c.

Enclosures in No. 7.

First.—Viscount Palmerston to Prince Esterhazy, September 13, 1839.
(See Class D., No. 6, page 3.)

Second.—M. Kisséleff to Viscount Palmerston, September 25, 1839.
(See Class D., No. 49, page 35.)

Third.—Viscount Palmerston to Lord Beauvale, October 10, 1839.
(See Class D., No. 9, page 5.)

(Circular.)

No. 8.

Viscount Palmerston to Earl Granville.

MY LORD,

Foreign Office, November 2, 1839.

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

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

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

Fourthly, Orders have been given, that Negroes found on board such detained Vessels, shall be landed at the nearest British port or settlement; and shall there be placed under the care of the Governor or other Officer in command.

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

The Officers commanding Her Majesty's cruisers, employed for the suppression of the Slave Trade, have, at the same time, been acquainted, that nothing contained in the before-mentioned Act of Parliament is intended to confer upon British cruisers any new right of search, as to any Vessel sailing under the flag of a state, with which Great Britain has no Treaty granting a

mutual right of search, and that with respect to vessels sailing under the flag of a state, with which Great Britain has a Treaty granting a mutual right of search, that Act of Parliament is not intended to authorize Her Majesty's Naval Officers to visit and search such Vessels, in any other way than that which is prescribed by such Treaties, and by the Instructions annexed thereto.

I am, &c.,
(Signed) PALMERSTON.

His Excellency Earl Granville, G.C.B.
&c. &c. &c.

No. 9.

Earl Granville to Viscount Palmerston.

Paris, 15th November, 1839.

(Received 18th November.)

MY LORD,

A REPORT of a trial at Guadaloupe having been inserted in the "Gazette des Tribunaux," from which it appears that a Proprietor in that Island, having caused the Death of one of his Slaves by excessive Torture, was sentenced by the Court, before which he was cited, only to the punishment of a very slight fine; and that the Counsel for the accused had maintained the doctrine, that a Slave Proprietor was accountable only to God and to his conscience for the treatment of his Slaves, the *Moniteur* of this day contains an article, which I have the honor to enclose, in which the Government promise to take measures to prevent the recurrence of such atrocious proceedings, and to submit those measures for the consideration of the Chambers.

It is to be hoped that the publicity given to this Trial, and the discussions which will take place in the Chambers respecting it, will accelerate the period of the Abolition of Slavery in the French colonies.

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

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

Enclosure in No. 9.

Extract from "The Moniteur Universel," Friday, November 15, 1839.

Partie non officielle, &c.

Paris, le 14 Novembre.

La *Gazette des Tribunaux* contient, dans ses numéros du 12 et 13 Novembre, la relation d'un procès criminel qui a occupé la cour d'assises de la Basse-Terre (Guadeloupe) au mois d'Août dernier, et dont le résultat a été la condamnation à une simple amende du sieur Noël, habitant de la colonie, lequel était accusé d'avoir infligé à un de ses esclaves des châtimens excessifs, qui auraient causé sa mort.

Le gouverneur de la Guadeloupe a rendu compte de cette affaire au ministre de la marine, par une lettre du 14 Septembre, où il exprime toute l'affliction qu'elle a causée, non seulement aux magistrats, mais à tous les hommes impartiaux de la colonie.

C'est avec une juste indignation que la *Gazette des Tribunaux* a relevé les étranges doctrines, que les défenseurs ont cru pouvoir professer à cette occasion, au sujet des droits du maître sur la personne de son esclave. Les lois coloniales réprouvent ces doctrines, et le président des assises, ainsi que le ministère public, les ont repoussées avec une énergie digne d'un meilleur résultat.

Les trois magistrats qui faisaient partie de la cour d'assises sont des métropolitains; le banc du Roi était occupé par un magistrat métropolitain: dans cette cause, si grave aux yeux de la justice et de l'humanité, rien de ce qui pouvait être fait pour obtenir une impartiale solution n'avait donc été négligé par l'autorité publique.

De nouveaux moyens viennent au surplus d'être donnés au Gouvernement pour prévenir, et au besoin pour réprimer de pareils actes de violence, par l'or-

donnance royale du 11 Juin, 1839, sur les recensemens, qui consacre le droit de visite des habitations par le ministère public, par les agens du service de l'intérieur, et par les maires et adjoints.

Un patronage spécial va être organisé en faveur des esclaves, au moyen d'un crédit, qui a été obtenu au budget de l'Etat pour 1840.

D'autres dispositions qui se préparent, et dont il sera donné connaissance aux chambres, fourniront encore au Gouvernement des moyens d'investigation sur tout ce qui concerne l'esclavage dans nos colonies. On peut donc s'en rapporter à sa sollicitude pour faire cesser les abus plus ou moins graves, qui se seraient introduits dans le régime des habitations coloniales.

Translation.

THE "*Gazette des Tribunaux*" contains in its numbers of the 12th and 13th November the narrative of a criminal process which occupied the Court of Assizes, at Basse Terre (Guadaloupe), in the month of August last, and of which the result has been the condemnation in a mere fine of Mr. Noël, an inhabitant of the Colony, who was accused of having inflicted on one of his slaves excessive chastisements, which had caused his death.

The Governor of Guadaloupe reported this affair to the Minister of Marine, in a letter dated the 14th September, in which he expresses all the affliction which it has caused, not only to the magistrates, but to all impartial men in the Colony.

It is with a just indignation that the "*Gazette des Tribunaux*" has taken up the strange doctrines which the defendants have thought themselves at liberty to profess on this occasion, as to the rights of a master over the person of his Slave. The Colonial laws repudiate these doctrines, and the President of the Assizes, as well as the public authorities have rejected them with an energy worthy of a better result.

The three magistrates who formed part of the Court of Assizes are metropolitans; the Banc du Roi, (President's Seat,) was occupied by a metropolitan magistrate: in this cause, then, which was so important in the eyes of justice and humanity, nothing which could be done to obtain an impartial decision had been neglected by the public authorities.

New powers also have lately been given to the Government for preventing, and, in case of need, for repressing similar acts of violence, by the Royal Ordinance of June 11, 1839, on the Census, which secures the right of domiciliary visits by the public authorities, by the agents of the Home Service, and by the mayors and adjoints.

A special protectorship is about to be organised in favour of the Slaves, by means of a credit which has been obtained on the Budget of the State for 1840.

Other measures which are in preparation, and which will be communicated to the Chambers, will furnish to Government further means of investigation into all that concerns Slavery in our Colonies. Confidence may therefore be reposed in its sollicitude to put an end to the abuses, small and great, which may have crept into the system of colonial habitations.

No. 10.

Earl Granville to Viscount Palmerston.

Paris, November 29, 1839.

(Received December 2.)

MY LORD,

I HAVE the honour to enclose a note which I received this evening from Marshal Soult, in reply to my communication of your Lordship's Despatch, containing the instruction given to British cruisers, relative to vessels engaged in the Slave Trade under the Portuguese flag.

I have, &c.

(Signed)

GRANVILLE.

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

&c.

&c.

&c.

Enclosure in No. 10.

Marshal Soult to Earl Granville.

M. L'AMBASSADEUR,

Paris, le 29 Novembre, 1839.

J'AI reçu, avec la lettre que votre Excellence m'a fait l'honneur de m'adresser le 18 de ce mois, la copie d'une Dépêche de Lord Palmerston, relative aux mesures exceptionnelles, prescrites aux croiseurs de Sa Majesté Britannique, à l'égard des bâtimens engagés dans la traite des noirs, sous le pavillon Portugais.

J'ai remarqué le soin qu'a pris le Gouvernement de Sa Majesté Britannique de prévenir des Commandans de ses croiseurs contre l'extension de ces mesures à des bâtimens appartenants aux puissances qui ont réglé conventionnellement avec la Grande Bretagne, la mode de poursuite et de répression du crime de traite.

J'ai, &c.

(Signed)

M. DUC DE DALMATIE.

A Son Excellence Earl Granville,
 &c. &c. &c.

 Translation.

M. L'AMBASSADEUR,

Paris, November 29, 1839.

I HAVE received, together with the letter which your Excellency did me the honour to address to me on the 18th of this month, the copy of a Despatch from Lord Palmerston, relative to the exceptional measures prescribed to the cruisers of Her Britannic Majesty, with regard to vessels engaged in Slave Trade, under the Portuguese flag.

I have remarked the care, which the Government of Her Britannic Majesty has taken, to warn the Commanders of its cruisers against extending these measures to vessels belonging to powers, which have regulated by Convention with Great Britain the mode of prosecuting and repressing the crime of Slave Trade.

I have, &c.

(Signed)

M. DUC DE DALMATIE.

To His Excellency Earl Granville,
 &c. &c. &c.

DENMARK.

No. 11.

Circular of June 29, 1839, sending printed papers.

(See No. 1, page 1.)

No. 12.

Sir H. W. W. Wynn to Viscount Palmerston.

Copenhagen, July 8, 1839.

(Received July 12.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 29th June, 1839, enclosing the Papers relating to the Slave Trade, which have been presented to the two Houses of Parliament during the present Session.

I have, &c.

(Signed)

H. W. W. WYNN.

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

&c.

&c.

&c.

No. 13.

Circular of August 25, 1839, sending Address of the House of Peers of August 2, 1839.

(See No. 3.)

No. 14.

Circular of September 3, 1839, sending Act of Parliament for the Suppression of the Slave Trade.

(See No. 4.)

No. 15.

Baron Blome to Viscount Palmerston.

72, Portland Place, ce 21 Septembre, 1839.

(Received September 23.)

LE soussigné, Envoyé Extraordinaire et Ministre Plenpotentiaire de Sa Majesté Danoise, se trouve chargé d'adresser à Son Excellence M. le Vicomte Palmerston la communication suivante :—

Le Capitaine Smyth, commandant le brick de guerre Anglais, le "Grécian," a, dans la soirée du 11 Avril dernier, à la hauteur de Cap Frio au Brésil, pris la goëlette Danoise, "Charlotte," Capitaine Bruun, pour un négrier; lui a fait tirer quelques coups de fusil à balle, qui ont endommagé le grément de la goëlette, et en a effectué la visite d'une manière tout à fait irrégulière.

L'innocence de la goëlette ayant été complètement établie, elle a d'abord été

relachée, mais les propriétaires sont incontestablement autorisés à réclamer l'indemnité du dommage causé par les coups de fusil du "Grecian."

Ce dommage n'a été évalué par les autorités compétentes du Brésil qu'à la somme minime de 42,000 reis, mais le Chargé d'Affaires du Roi au Brésil n'a cependant pu parvenir à arranger cette affaire avec le Commodore Sullivan, et de commun accord on est convenu d'en référer aux Gouvernements respectifs.

Le soussigné en se trouvant chargé d'appuyer la juste réclamation du Capitaine Bruun, a reçu en même tems l'ordre d'observer, que le Capitaine Smyth a effectué la visite de la goëlette d'une manière tout à fait irrégulière et contraire aux stipulations de la Convention conclue le 26 Juillet, 1834, entre la Grande Bretagne, la France, et le Dannemarck, et qu'au fond le Capitaine Smyth n'était pas même autorisé à procéder à la visite d'un bâtiment Danoise, puisqu'il n'était point muni, par l'Amirauté Danoise, d'un mandat special à cet effet.

Le soussigné est convaincu qu'il suffira de signaler cet abus, pour prévenir la répétition de pareilles irrégularités, et a l'honneur d'observer à cet effet, que les mandats en faveur des croiseurs Anglais seront immédiatement délivrés, dès que la demande en sera faite; ce qui, jusqu'à present, n'a pas été le cas une seule fois.

Le soussigné profite de cette occasion, &c.

(Signé) ADOLPHE BLOME.

A Son Excellence M. le Vicomte Palmerston, G.C.B.

&c.

&c.

&c.

(Translation.)

THE Undersigned, &c., is charged to address to His Excellency Viscount Palmerston, the following communication:—

Captain Smyth, commanding the English brig of war "Grecian," in the evening of the 11th of April last, off Cape Frio, Brazil, took the Danish schooner "Charlotte," Captain Bruun, for a slaver, caused some muskets loaded with ball to be fired at her, which damaged the rigging of the schooner, and effected the visit in a manner altogether irregular.

The innocence of the schooner having been completely established, she was immediately released; but the proprietors are incontestably authorised to reclaim indemnity for the damage caused by the musket-shots from the "Grecian."

This damage has only been valued by the competent authorities in Brazil at the small sum of 42,000 reis; but the Chargé d'Affaires of His Majesty in Brazil could not however manage to arrange this affair with Commodore Sullivan; and, by mutual consent, it was agreed to refer to their respective Governments.

The Undersigned, being charged to support the just claim of Captain Bruun, has at the same time been ordered to observe that Captain Smyth effected the visit of the schooner, in a manner quite irregular, and contrary to the stipulations of the Convention concluded July 26, 1834, between Great Britain, France, and Denmark; and that in truth Captain Smyth was not even authorised to proceed to the visit of a Danish vessel, since he was not furnished by the Danish Admiralty with a special Warrant to that effect.

The Undersigned is convinced that it will suffice to point out this abuse, to prevent the repetition of like irregularities; and he has the honour to observe, with this view, that the Warrants in favour of English cruisers will be delivered immediately a demand is made for them; which, up to the present time, has never once been done.

The Undersigned profits, &c.

(Signed) ADOLPHE BLOME.

No. 16.

*Viscount Palmerston to Baron Blome.**Foreign Office, September 30, 1839.*

THE Undersigned, Her Majesty's Principal Secretary of State for Foreign Affairs, has the honour to acknowledge the receipt of the Note which was addressed to him on the 21st instant, by M. Blome, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Denmark, upon the subject of the irregular search of the Danish vessel "*Charlotte*," on suspicion of being engaged in the Slave Trade, by Her Majesty's ship "*Grecian*."

The Undersigned begs to inform M. Blome that the question has been referred to the proper department of Her Majesty's Government, with a request that information relative to this matter may be procured and forwarded to the undersigned, in order that he may be enabled to return an answer to the representation made by M. Blome in his Note above mentioned.

The Undersigned avails, &c.

(Signed)

PALMERSTON.

The Baron Blome,
 &c. &c. &c.

No. 17.

Circular of October 12, 1839, on Negotiation with Portugal.

(See No. 6.)

No. 18.

*Viscount Palmerston to Baron Blome.**Foreign Office, October 12, 1839.*

THE Undersigned, Her Majesty's Principal Secretary of State for Foreign Affairs, has the honour to communicate to Baron Blome, Envoy Extraordinary and Minister Plenipotentiary of His Danish Majesty, the result of the inquiries which have been made respecting the irregular search of the Danish vessel "*Charlotte*," by Her Majesty's ship "*Grecian*," complained of in Baron Blome's letter of the 21st ultimo.

Lieutenant Smyth, the Commander of Her Majesty's ship "*Grecian*," states that, on the evening of the 11th of April last, he observed two suspicious-looking vessels running before the wind in close company, one of them a brig, and the other a "rakish-looking schooner," which afterwards proved to be the "*Charlotte*."

These vessels passed apparently within hail of each other, and seemed to communicate. Lieutenant Smyth, finding afterwards that the brig was a slaver, was led to suppose that the schooner also was engaged in the Slave Trade.

With regard to the firing which immediately preceded the visit, Lieutenant Smyth states, that it was very dark when the schooner passed under the stern of Her Majesty's ship, and that the master of the schooner did not obey the order given from the "*Grecian*" to round his vessel under the lee of Her Majesty's ship, notwithstanding that a musket-shot had been fired *ahead* of her; that whilst one of the "*Grecian*'s" boats was occupied with the brig, and another boat was being hoisted out to board the schooner, the master was repeatedly hailed to shorten sail, which he neglected to do, but, on the contrary, appeared inclined to escape, upon which several musket-shots were fired *clear* of the vessel, in order to oblige her to keep in the position which Lieutenant Smyth required, until the boat was out and ready to board her. Lieutenant Smyth asserts, that neither he nor any of his officers ever gave orders to fire musket-shots *at or into* any vessel boarded by the "*Grecian*."

He further remarks, upon the statement made by the master of the "*Charlotte*" respecting the damage done by the shots, that no complaint whatever was made

to the officer who boarded the vessel immediately after the transaction above stated had taken place.

The Undersigned has to observe, upon the preceding statement, that the suspicious circumstances under which this Danish vessel was met with, she being not only in company, but in close communication with, a Slave-trading vessel, seem to have afforded Lieutenant Smyth a sufficient excuse for the steps which he took; but that the damage done to the "*Charlotte*," if properly proved and established, shall be paid for.

The Undersigned avails, &c.

(Signed) PALMERSTON.

The Baron Blome,
&c. &c.

No. 19.

Viscount Palmerston to Sir H. W. W. Wynn.

SIR,

Foreign Office, October 23, 1839.

I HEREWITH transmit to you for your information, a Copy of a Note which I have received from Baron Blome, the Danish Envoy at this Court, upon the subject of the irregular search of the Danish Schooner, "*Charlotte*," by Her Majesty's ship "*Grecian*."

I also enclose a Copy of the Reply which I have addressed to Baron Blome, upon this subject.

I am, &c.

(Signed) PALMERSTON.

Sir H. W. W. Wynn,
&c. &c. &c.

Enclosures in No. 19.

(Nos. 15 and 18.)

No. 20.

Circular of November 2, 1839, communicating the Orders issued under the Act for the suppression of Slave Trade.

(See No. 18.)

No. 21.

M. Blome to Viscount Palmerston.

72 Portland Place, ce 12 Novembre, 1839.

(Received, November 13.)

Le Soussigné, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Danoise, a communiqué à Son Gouvernement la note que Son Excellence Monsieur le Vicomte Palmerston, lui a fait l'honneur de lui adresser le 16 Octobre de l'année courante, en reponse à la communication que le Soussigné fût chargé de lui faire, au sujet de la visite du bâtiment Danois la "*Charlotte*," par le brig de guerre Anglais le "*Grecian*."

Son Excellence Monsieur le Viscomte Palmerston, dit dans cette Note. "The undersigned has to observe upon the preceding statement, that the suspicious circumstances under which this Danish Vessel was met with—she being not only in company, but in close communication (?) with a Slave Trading vessel—seems to have afforded Lieutenant Smyth a sufficient excuse for the steps which he took."

Comme ces paroles paraissent autoriser la supposition, que le Gouvernement de sa Majesté Britannique croit, que le croiseurs Anglais, sans être munis

First Enclosure in No. 21.

*Royal Danish Consulate, Rio de Janeiro,
May 25, 1839.*

(Translation.)

THE Undersigned, His Royal Danish Majesty's Consul, requests His Excellency to permit the master artisans of the arsenal to repair to-day on board the Danish schooner "*Charlotte*," Captain N. J. Bruun, in order to examine and estimate the damage sustained by this schooner from the shots discharged by the brig "*Grecian*," Smyth, Commander, previous to her entering this port.

(Signed) D. HAMANN.

*To His Excellency the Inspector of the
Arsenal of the Marine.*

Let those go who are unemployed.

Inspection of the Arsenal, May 25, 1839.

(Signed) COUTTO.

In consequence of the decision of His Excellency Dom Antonio Joaquim do Coutto, Chief of the Division of the Imperial Fleet, and Inspector of the Marine Arsenal of this capital; and at the request of the Royal Danish Consulate that I would repair on board the Danish schooner, to estimate the damage which she has sustained, in the stays of the great mast, by the shot from the English brig of war, the "*Grecian*," I do estimate the said damage to amount to about forty-two milreis, Rs. 42,000; and, in compliance with the above request, I have made out and signed the present certificate.

*Marine Arsenal, (Signed) JOAO IGNACIO SANTOS, Master.
27th May, 1839.*

Fee, 1,000 reis.

Second Enclosure in No. 21.

Protest of the Danish Schooner, against alleged violence committed by Her Majesty's brig "Grecian," Smyth, Commander.

(Translation.)

Rio de Janeiro, 19th April, 1839.

BE it notified herewith to all whom it may concern, that there appeared before me the Undersigned, His Royal Danish Majesty's Consul, this day, Captain John Nicolay Bruun, of the Danish schooner "*Charlotte*," of Copenhagen, attended by his steersman, P. Olsen, and by the sailors Tonnes Oestesen and Sören Ottensen, and that the captain declared and deposed as follows:—

"That on the 28th February he sailed from Lisbon, and pursued his voyage to Rio de Janeiro, without having met with anything remarkable till the 11th of April, when off Cape Frio he made the Brazilian coast, and was joined by a brig, under Brazilian colours. That at seven o'clock in the evening, when it began to be dark, another brig appeared before him within musket-shot, which began to open a smart fire on his vessel; that, on his keeping behind and lying-to, he was hailed that he should follow, and that, as he was not able to sail as quickly as the brig, she again sharply fired into his vessel. That at eight o'clock a boat had come alongside, with an officer and men armed, who had searched the ship, saying they had supposed her to be a slaver; that he had then learned that it was the "*Grecian*" English brig which had detained him, and that next morning he had found that the shot had damaged his main-stays; that on his meeting the brig he had immediately hung out a lantern, and had in general displayed every deference which a man-of-war can expect from a merchant-vessel at sea, and that therefore he deemed it incumbent on him to protest against the above barbarous treatment, by which his and his ship's company's lives had been signally perilled, as also to prefer his claim to be indemnified for the damages actually sustained in the property of his vessel and her cargo.

All those who appeared unanimously declared, with the same solemnity as if they had been sworn, that the preceding deposition was conformable with truth. Whereupon Captain Bruun declared that he must and did protest in his own name, and in the names of his company, as likewise I, the undersigned Consul, do protest in their behalf, *ex officio*, and in the best legal form, against

the above conduct, claiming indemnity for the damage done from the Commander of the English brig the "Grecian," and from all those whom it may concern. In consequence of which I have drawn up the present protest, which, after reading to the informants, I caused to be signed by all of them.

(Signed)

D. HAMANN.

JOHN N. BRUUN,
JORGEN P. OLSEN,
TONNES OESTESEN,
SOREN OTTENSEN.

I, the Undersigned, herewith attest that the above is an accurate and true Copy of a Protest drawn up by me, and entered at my office.

Given under my hand and consular seal, Rio de Janeiro, 1st June, 1839.

(L. S.)

(Signed)

D. HAMANN.

SARDINIA.

No. 22.

Circular of June 29, 1839, sending Papers presented to Parliament.

(No. 1, see page 1.)

No. 23.

Circular of August 25, 1839, sending Address of the House of Lords of August 2, 1839.

(No. 3.)

No. 24.

Circular of September 3, 1839, sending Act for the Suppression of the Slave Trade.

(No. 4.)

No. 25.

Sir A. Foster to Viscount Palmerston.

Turin, September 13, 1839.

(Received September 25.)

MY LORD,

I HAVE had the honour to receive your Lordship's Despatches, marked "Slave Trade, up to that of September 3rd, 1839, with their respective enclosures. It is satisfactory to see—and M. de Solar was pleased with the observation—that although the Sardinian trade has spread so extensively in the South American Seas, where their flag was almost unknown but 20 years ago, there has been no complaint of its ever having been abused, as the flags of several other nations confessedly have been, for the purpose of carrying on that infamous traffic.

I have, &c.,
(Signed) A. J. FOSTER.

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

&c. &c. &c.

No. 26.

Circular of October 12, 1839, on the Negotiation with Portugal.

(No. 6.)

No. 27.

Circular of November 2, 1839, communicating Instructions issued under the Act for the Suppression of the Slave Trade.

(No. 8.)

No. 28.

Sir A. J. Foster to Viscount Palmerston.

Genoa, November 13, 1839.

MY LORD,

(Received November 23.)

I HAVE had the honour to receive your Lordship's Despatch, marked "Slave Trade," of the 12th October, 1839, transmitting to me, for my information, a copy of the note from Baron de Moncorvo to your Lordship, enclosing a copy of a circular note addressed by the Portuguese Minister for Foreign Affairs to the Courts, parties to the Treaties and Conventions concluded at the Congress of Vienna, in 1815, complaining of certain measures adopted by Great Britain for putting an end to the Portuguese trade in Slaves, together with a copy of your Lordship's reply to the above Minister.

I have, &c.,

(Signed)

A. J. FOSTER.

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

&c.

&c.

&c.

No. 29.

Sir A. J. Foster to Viscount Palmerston.

Genoa, November 22, 1839.

MY LORD,

(Received December 1.)

I HAVE the honour to acknowledge your Lordship's Despatch, marked "Slave Trade," of the 2nd November, 1839, acquainting me with the orders given by the Queen to the Commanders of Her Majesty's cruisers, in regard to the detention of vessels engaged in the Slave Trade. I communicated these orders to Count Solar, requesting him to observe that they by no means confer upon British cruisers any new right of search as to any vessel sailing under the flag of a State with which Great Britain has no Treaty, granting a mutual right of search; and that with respect to vessels sailing under the flag of a State with which Great Britain has a Treaty granting a mutual right of search, Her Majesty's naval officers are not authorised to visit or search such vessel in any other way than that which is prescribed by such Treaties, and by the instructions annexed thereto.

At the same time, upon finding that Count Solar had not received the Copies of the Papers which contain the substance of the Negotiation between Great Britain and Portugal, on the subject of the Slave Trade, I sent him one of the Copies contained in your Lordship's Despatch, of the 12th October, 1839.

I have already had occasion to mention Count Solar's opinion as to the false position taken up by Portugal in the above negotiation: he appeared, however, to take much less interest in the subject than I expected from the Minister of a Power, which may justly boast of never having had its flag contaminated by the infamous traffic so largely carried on under that of Portugal.

I have, &c.,

(Signed)

A. J. FOSTER.

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

&c.

&c.

&c.

TUSCANY.

No. 30.

Viscount Palmerston to the Hon. H. E. Fox.

SIR,

Foreign Office, June 11, 1839.

I HEREWITH transmit to you Copies of two Despatches from Sir Thomas Reade, Her Majesty's Consul-General at Tunis, stating that commanders of vessels are in the habit of availing themselves of the protection afforded by the Flag of Tuscany to transport from Tunis, to Constantinople, under that flag, cargoes of slaves, to be sold in the public market at Constantinople.

I have to desire that you will address, upon this subject, a Note to the Tuscan Government, expressing the confident hope of Her Majesty's Government, that prompt and effectual steps will be taken by the Government of Tuscany, for preventing this abuse of the flag of that country for purposes of Slave Trade.

I am, &c.

(Signed)

PALMERSTON.

The Hon. H. Fox.
&c. &c.

Enclosure in No. 30.

*First, Sir Thomas Read to Viscount Palmerston.—Tunis, March 30, 1839.**Second Ditto, Ditto, April 25, 1839.*

(See Class D., Nos. 130 and 131 page 119.)

No. 31.

Circular of June 29, 1839, sending Papers presented to Parliament.
(See No. 1, page 1.)

No. 32.

Circular of August 25, 1839, sending Address of the House of Peers.
(See No. 3.)

No. 33.

Circular of September 3, sending Act for the Suppression of the Slave Trade.
(See No. 4.)

No. 34.

*The Hon. H. E. Fox to Viscount Palmerston.**Florence, 28th September, 1839.*

MY LORD,

(Received 8th October.)

WITH reference to Your Lordship's Despatch of the 11th of June last, marked "Slave Trade," I have now the honour to transmit copy of a note I have received upon the subject from the Tuscan Government.

I have, &c.,

(Signed) HENRY EDWARD FOX.

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

&c. &c. &c.

Enclosure in No. 34.

Signor N. Corsini to the Hon. H. E. Fox,

EXCELLENCE,

Florence, le 27th Septembre, 1839.

PAR ma réponse préliminaire du 25 Juin dernier, j'eus l'honneur d'assurer Votre Excellence, que l'on allait s'occuper avec la plus vive sollicitude de la vérification et de la répression des irrégularités signalées dans son office du 22, même mois.

Des soigneuses investigations furent en effet instituées des lors à Tunis par ordre de Monsieur le Gouverneur de Livourne, dans le but de constater si, comme il en avait été référé au Gouvernement de Sa Majesté Britannique, des batimens marchands Toscans fussent dans le dit port habituellement employés au transport des esclaves noirs à Constantinople, pour y être vendus au marché public.

Le resultat de ces investigations vient de m'être communiqué, et je suis bien satisfait de pouvoir annoncer à Votre Excellence, que le fait susdit n'a pas été prouvé. Aucun chargement d'esclaves n'a eu lieu à Tunis à bord des navires Toscans, ni pour Constantinople ni à d'autres destinations.

Des Mussulmans, blancs ou noirs, dirigés à Constantinople, ont, il est vrai, profité souvent pour ce voyage de bâtimens portant le pavillon Grand Ducal, et entr'autres du navire appartenant au nommé Raphael Loffredo, mais c'étaient des passagers et non des esclaves, chacun d'eux étant muni du *Teschère* ou passeport delivré par l'autorité locale. Sans l'exhibition de ce passeport, l'inscription de ces passagers sur la patente de santé n'aurait pas été consenté, ni par le Consulat-Général de Toscane à Tunis, ni par le Vice-Consul resident à Goletta.

Quant à la Taxe d'une piastre Tunisienne perçue, disait on, par les agens Consulaires de la Toscane pour chaque esclave passant à bord des navires de leur nation, je dois faire remarquer que tout passager (les indigens exceptés) paie réellement une taxe semblable, mais à titre légal, c'est à dire comme droit dependant de la patente de Santé.

En ayant l'honneur de porter cette information à votre connaissance, M. le Ministre, je profite, &c.

(Signé) N. CORSINI

A son Excellence M. Fox,
&c. &c.

(Translation.)

Enclosure in No. 34.

YOUR EXCELLENCY,

By my preliminary answer of June 25th last, I had the honour to assure your Excellency, that the verification and repression of the irregularities pointed out in your Official Letter of the 23rd of that month would be commenced with the liveliest solicitude.

A careful investigation was, in effect, instituted immediately at Tunis, by

order of the Governor of Leghorn, with the object of ascertaining if, as had been reported to the Government of Her Britannic Majesty, Tuscan merchant vessels were habitually employed, in the said port, in transporting black slaves to Constantinople, to be sold in the public market there.

The result of this investigation has just been communicated to me; and I am well pleased to be able to announce to your Excellency that the above-mentioned fact has not been proved. No loading of slaves has taken place at Tunis on board of Tuscan vessels, either for Constantinople or any other destination.

Mussulmen, white or black, on their way to Constantinople, have, it is true, often taken advantage for the voyage of vessels bearing the Grand Ducal Flag, and among others, of the ship belonging to Raphael Loffredo; but they were passengers, not slaves, each of them being furnished with the *teschère*, or passport, delivered by the local authority: unless they could exhibit this passport, neither the Tuscan Consul-General at Tunis, nor the Vice-Consul resident at Goletta, would have consented to put their names into the Bill of Health.

As to the fee of a Tunisian piastre, taken, it is said by the Consular Agents of Tuscany for each slave passing on board the vessels of their nation, I must remark, that every passenger (the indigent excepted) really pays such a fee, but legally, that is to say, as a right dependent on the Bill of Health.

In having the honour to bring this information to your knowledge,

Sir, I profit, &c.,
(Signed) N. CORSINI.

No. 35.

Circular of October 12, 1839, on the Negotiations with Portugal.

(See 6.)

No. 36.

Circular of November 2, 1839, communicating the Instructions issued under the Act for the suppression of the Slave Trade.

(See 8.)

No. 37.

The Hon. H. E. Fox to Viscount Palmerston.

Turin, December 10, 1839.

(Received December, 21.)

MY LORD,

I HAVE the honor to transmit herewith to your Lordship, a letter I have this day received from Mr. Aubin, enclosing to me a Brief issued by the Pope, reprobating and prohibiting the Slave Trade.

I have, &c.,

(Signed)

HENRY EDWARD FOX.

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

&c.

&c.

&c.

Enclosure in No. 37.

Mr. Aubin to the Hon. H. E. Fox.

SIR,

Rome December, 7, 1839.

I have the honor to enclose herewith a copy of a Brief, in which the Pope condemns and denounces the inhuman traffic in Slaves, and interdicts it with his apostolical authority.

I have, &c.,

(Signed)

THOMAS AUBIN.

Hon. H. E. Fox.

Sub-Enclosure in No. 37.

*Sanctissimi Domini Nostri Gregorii, Divina Providentia, PAPÆ XVI.,
Litteræ Apostolicæ de Nigritarum Commercio non exercendo.*

GREGORIUS PP. XVI. ad futuram Rei Memoriam.

IN supremo Apostolatus fastigio constituti, et nullis licet suffragantibus meritis gerentes vicem Jesu Christi Dei Filii, qui propter nimiam caritatem suam Homo factus mori etiam pro Mundi redemptione dignatus est, ad Nostram pastorem sollicitudinem pertinere animadvertimus, ut fideles ab inhumano Nigritarum seu aliorum quorumcumque hominum mercatu avertere penitus studeamus. Sane cum primum diffundi cœpit Evangelii lux, senserunt alleviari plurimum apud Christianos conditionem suam miseri illi, qui tanto tunc numero bellorum præsertim occasione in servitutem durissimam deveniebant. Inspirati enim a divino Spiritu Apostoli servos quidem ipsos docebant obedire dominis carnalibus sicut Christo, et facere voluntatem Dei ex animo; dominis vero præcipiebant ut bene erga servos agerent, et quod justum est et æquum eis præstarent, ac remitterent minas, scientes, quia illorum et ipsorum Dominus est in cœlis, et personarum acceptio non est apud Eum.* Universim vero cum sincera erga omnes caritas Evangelii Lege summopere commendaretur, et Christus Dominus declarasset habiturum se tamquam factum aut denegatum sibi ipsi quidquid benignitatis et misericordiæ minimis et indigentibus præstitum aut negatum fuisset,† facile inde contigit nedum ut Christiani servos suos præsertim Christianos veluti fratrum loco haberent,‡ sed etiam ut proniores essent ad illos qui mererentur libertate donandos; quod quidem occasione imprimis Paschaliū Sollemniū fieri consuevisse indicat Gregorius Nyssenus.§ Nec defuerunt qui ardentiore caritate excitati se ipsos in vincula conjecerunt, ut alios redimerent; quorum multos se novisse testatur Apostolicus Vir idemque sanctissimæ recordationis Præcessor Noster Clemens I.|| Igitur progressu temporis Ethnicarum superstitionum caligine plenius dissipata, et rudiorum quoque populorum moribus Fidei per Caritatem operantis beneficio mitigatis, res eo tandem devenit ut jam a pluribus sæculis nulli apud plurimas Christianorum gentes servi habeantur. Verum, dolentes admodum dicimus, fuerunt subinde ex ipso Fidelium numero qui sordidioris lucri cupidine turpiter obcæcati in dissitis remotisque Terros Indos, Nigritas, miserosve alios in Servitutem redigere, seu instituto ampliatoque commercio eorum, qui captivi facti ab aliis fuerant, indignum horum facinus juvare non dubitarent. Haud sane prætermiserunt plures glor. mem. Romani Pontifices Præcessores Nostri reprehendere graviter pro suo munere illorum rationem, utpote spirituali ipsorum saluti noxiam, et Christiano nomini probrosam; ex qua etiam illud consequi pervidebant, ut infidelium gentes ad veram nostram Religionem odio habendam magis magisque obfirmarentur. Quo spectant Apostolicæ Litteræ Pauli III. die 29 Maii, 1537, sub Piscatoris Annulo datæ ad Cardinalem Archiepiscopum Toletanum: at aliæ deinceps eisdem ampliores ab Urbano VIII. datæ die 22 Aprilis, 1639, ad Collectorum Jurium Cameræ Apostolicæ in Portugallia: quibus in Litteris ii nominatim gravissime coercentur, qui Occidentales aut Meridionales Indos *in servitutum redigere, vendere, amere, commutare, vel donare, ab uxoribus et filiis suis separare, rebus et bonis suis spoliare, ad alia loca deducere et transmittere, aut quoquo modo libertate privare, in servitute retinere, nec non prædicta agentibus concilium, auxilium, favorem, et operam quocumque prætextu, et quæsito, colore præstare, aut id licitum, prædicare, seu docere, ac alias quomodolibet præmissis cooperari auderent, seu præsumerent.*¶ Has memoratorum Pontificum Sanctiones confirmavit postmodum et renovavit Benedictus XIV. novis Apostolicis Litteris ad Antistites Brasiliæ et aliarum quarundam Regionum datis die 20 Decembris, 1741, quibus eundem in finem ipsorum Præsulum sollicitudinem excitavit.** Antea quoque alius his antiquior Præcessor Noster Pius II., quum sua ætate Lusitanorum imperium in Guineam Nigritarum regionem proferretur, Litteras dedit die 7 Octobris, 1462, ad Episcopum Rubicensem eo profecturum; in quibus

* Ad Ephesios vi. 5, seqq., ad Coloss. iii. 22, seqq. iv. 1.

† Mathæi xxv. 35, seqq.

‡ Lactantius Divin. Institution. lib. v., c. 16, tom. iv. Biblioth. Veterum Patrum, Venetiis a Gallandio editæ, pag. 318.

§ De Resurrect. Domini Orat. III. tom. iii. pag. 420. Operum edit. Parisien. Anni 1638.

|| Ad Corinth. Ep. i. cap. 55. tom. i. Bibl. Gallandii, p. 35.

¶ In Bullar. Rom. edit. typis Mainardi, tom. vi. part. 2, Const. 604, p. 183.

** In Bullario Benedicti XIV. tom. i. Const. 38.

nedum Antistiti ipsi opportunas ad sacrum Ministerium inibi cum majori fructu exercendum facultates impertitus fuit, sed eadem occasione graviter in Christianos illos animadvertit, qui Neophytos in servitum abstraherent.* Et nostris etiam temporibus Pius VII. eodem, quo sui Decessores, religionis et caritatis spiritu inductus, officia sua apud potentes Viros sedulo interposuit, ut Nigritarum commercium tandem inter Christianos omnino cessaret. Hæc quidem Præcessorum Nostrorum Sanctiones et curæ profuerunt, Deo bene juvante, non parum Indis aliisque prædictis a crudelitate invadentium, seu a Mercatorum Christianorum cupiditate tutandis: non ita tamen ut Sancta hæc Sedes de pleno suorum in id studium exitu lætari posset; quum immo commercium Nigritarum, etsi nonnulla ex parte imminutum, adhuc tamen a Christianis pluribus exercentur. Quare Nos tantum hujusmodi probrum a cunctis Christianorum finibus avertere cupientes, ac re universa, nonnullis etiam Venerabilibus Fratribus Nostris S.R.E. Cardinalibus in consilium adhibitis, mature perpensa, Prædecessorum Nostrorum insistentes vestigiis, Auctoritate Apostolica omnes cujuscumque conditionis Christifideles admonemus et obtestamur in Domino vehementer, ne quis audeat in posterum Indos, Nigritas, seu alios hujusmodi homines injuste vexare, aut spoliare suis bonis, aut in servitum redigere, vel aliis talia in eos patrantibus auxilium aut favorem præstare; seu exercere inhumanum illud commercium, quo Nigritæ, tamquam si non homines sed pura putaque animantia forent, in servitum utcumque redacti, sine ullo discrimine, contra justitiæ et humanitatis jura, emuntur, venduntur, ac durissimis interdum laboribus exantlandis devoentur, et insuper lucri spe primis Nigritarum occupatoribus per commercium idem proposita, dissidia etiam et perpetua quodammodo in illorum regionibus prælia foventur. Enimvero Nos prædicta omnia, tamquam Christiano nomine prorsus indigna, Auctoritate Apostolicâ reprobamus; eademque Auctoritate districte prohibemus atque interdicens, ne quis Ecclesiasticus aut Laicus ipsum illud Nigritarum commercium veluti licitum sub quovis obtentu aut quæsito colore tueri, aut aliter contra ea, quæ nostris hisce Apostolicis Litteris monuimus, prædicare seu quomodolibet publice vel privatim docere præsumat.

Ut autem eadem hæc Nostræ Litteræ omnibus facilius innotescant, necquisquam illarum ignorantiam allegare possit, decernimus et mandamus illas ad valvas Basilicæ Principis Apostolorum, et Cancellariæ Apostolicæ, nec non Curie Generalis in Monte Citatorio, ac in Acie Campi Floræ de Urbe per aliquem ex Cursoribus Nostris, ut moris est, publicari, illarumque exempla ibidem affixa relinqui.

Datum Romæ apud S. Mariam Majorem sub Annullo Piscatoris die 3 Decembris, 1839, Pontificatus Nostri Anno Nono.

ALOISIUS CARD. LAMBRUSCHINI.

Die quinta dicti Mensis et Anni superscriptæ Apostolicæ Literæ affixæ, et publicatæ fuerunt ad valvas Basilicæ Principis Apostolorum, et Cancellariæ Apostolicæ, nec non Curie Generalis in Monte Citatorio, et in Acie Campi Floræ ac in aliis locis solitis, et consuetis Urbis per me Aloisium Pitorri Apostolicum Cursorem.

JOSEPH CHERUBINI, Mag. Curs.

(Translation.)

Apostolic Letter of our Most Holy Lord Gregory XVI., by Divine Providence, POPE, upon the duty of abstaining from the Traffic in Negroes.

GREGORY XVI., POPE, in Record of this Matter.

PLACED, as we are, on the most elevated seat of apostolic dignity, and though unsupported by any merits of our own, yet acting as Vicegerent of Jesus Christ, the Son of God, who, having through his exceeding kindness been made Man, deigned also to die for the redemption of the world, we consider it as appertaining to the duties of our pastoral care, that we should urgently endeavour to dissuade, wholly, the faithful from the inhuman traffic in negroes,

* Apud Raynaldum in Annalibus Ecclesiasticis ad An. 1462, n. 42.

or in any other human beings. When, indeed, the light of the Gospel first began to be spread abroad, those miserable beings who had fallen in great numbers into the severest slavery, particularly by occasion of wars, perceived their condition to be very greatly ameliorated among Christians. For the Apostles, inspired by the Divine Spirit, though they taught the slaves to obey their earthly masters as Christ, and to perform the will of God from their heart, yet they enjoined the masters to behave well to their slaves, and to furnish them with what was lawful and just, and to abstain from threats, knowing that the Lord, both of slaves and of masters, is in Heaven, and that there is no respect of persons with Him.* Since, however, a sincere kindness towards all men is universally and strongly inculcated by the law of the Gospel, and Christ our Lord has declared, that he would consider as performed or denied to himself, respectively, whatsoever act of kindness or mercy should be conferred on or denied to the least, and to the needy,† it naturally thence follows that the Christians should not only look on their slaves as brethren,‡ (especially such slaves as are Christians,) but that they should also be disposed to confer liberty on those who should deserve it: and, indeed, Gregory of Nyssa, informs us that such a practice was customary, especially at the Festival of Easter.§ Nor were there wanting persons who, incited by a more ardent kindness, delivered themselves up to bonds, in order that they might redeem others, many of whom, that apostolic man, of most holy memory, our predecessor Clement I., bears witness that he himself had personally known.¶ When, therefore, in process of time, the darkness of heathen superstitions had been more fully cleared away, and the manners of even the ruder nations had become softened by the beneficial influence of faith manifested in kindness, things came to such a state, that during a period of several centuries, there were not in the majority of Christian nations, any persons whatever held in a state of slavery. But we greatly grieve to state, that there afterwards arose, from among the very number of the faithful, many who, basely blinded by the desire of the filthiest lucre, did not hesitate to reduce in remote and widely distant countries, Indians, Negroes, and other miserable beings, to a state of slavery, or, by establishing and extending a traffic in those who had been made slaves by others, to participate in that infamous crime.

Several, indeed, of the Roman pontiffs, our predecessors, of glorious memory, have not failed, in accordance with the duties of their office, to reprove severely such conduct, as hurtful to the spiritual welfare of the individuals concerned, and disgraceful to the Christian name. They were, moreover, apprehensive that the infidel nations might, in consequence of such conduct, become more and more confirmed in their hatred of our true religion. It is with these considerations in view that the apostolic letter of Paul III., given under the Fisher's Ring; and dated on the 29th May, 1537, was addressed to the Cardinal Archbishop of Toledo; and that another letter, fuller than the former, was addressed in April 1639, by Urban VIII., to the Collector Jurium of the Apostolic Chamber in Portugal; in which letters, all persons are expressly and most severely restrained from daring or attempting to reduce into slavery, to sell, to buy, to exchange, or to give away, either western or southern Indians, or to separate them from their wives and children; to despoil them of their goods and property, to carry or send them to distant countries, or to deprive them in any way of their liberty; to retain them in slavery, or even to afford, under any pretext or colour whatsoever, their advice, assistance, countenance, or services, to such as do any of these things; or to preach or teach that such things are lawful, or to co-operate in any other way in any of the proceedings referred to.¶

Benedict XIV. subsequently confirmed and renewed these orders of the Pontiff above mentioned, in an Apostolic Letter dated December 20th, 1741, which he addressed to the Bishops of Brazil, and of some other countries, and by which he excited their zeal to this end.** Previous to this time also, another more ancient predecessor of ours, Pius II., when in his time the dominion of

* Ephesians vi. 5; Colossians iii. 22.

† Matthew xxv. 35.

‡ Lactantius Divin. Institut., lib. v. tom. iv. Biblioth. Vet. Patr., published at Venice by Galland, p. 318.

§ De Resur. Dom. Orat. III. tom. iii. p. 420. Paris edition of his works, 1638.

¶ Ad Corinth. Ep. i. cap. 55, tom. i. Bibl. Galland. p. 35.

¶ In Bullar. Rom. edit. typ. Mainard, tom. vi. Part 2, Const. 604, p. 183.

** In Bull. Benedict XIV. tom. i. Const. 38.

the Portuguese was extended to Guinea, the country of the negroes, wrote a letter, dated 7th October, 1462, to the Bishop of Rubiera, who was about to proceed thither, in which he not only gave to that bishop the powers requisite for exercising the holy ministry there with greater effect, but took that occasion to reprove severely those Christians who carried away new converts into slavery.* And even in our own times, Pius VII., moved by the same spirit of religion and charity with his predecessors, employed sedulously his good offices with persons possessed of authority and influence, to the end that the traffic in negroes might at length entirely cease amongst Christians. These commands and this solicitude of our predecessors have, by the divine blessing, been of no little avail in preserving the Indians, and others before mentioned, from the cruelty of invaders, and from the cupidity of Christian merchants; but not to such a degree, however, as to enable this Holy See to rejoice in the perfect success of its endeavours to that effect, since in fact the traffic in slaves, though somewhat ameliorated, is still, up to this time, carried on by very many Christians. Wherefore we, being desirous to remove this disgrace from the whole Christian world, and having, with the assistance of the advice of several of our venerable brothers, their eminences the Cardinals, thoroughly weighed the whole matter, treading in the steps of our predecessors, do, by our apostolic authority, admonish, and earnestly conjure all believers in Christ, of whatsoever condition, that no one dare for the future to annoy, or unjustly despoil of their property, or reduce to slavery, Indians, Negroes, or any such persons, or to afford assistance or countenance to others committing the like crimes; nor to exercise that barbarous traffic, by which negroes, as if they were not human beings, but mere brute beasts, are reduced to slavery any how, and indiscriminately, contrary to the laws of justice and humanity, are bought, are sold, and are sometimes devoted to the performance of severe and intolerable labours; whilst, moreover, by the hope of profit held out to the first occupiers of the negroes, dissensions, and, as it were, perpetual wars in their country are fomented. We, therefore, by our apostolic authority, reprobate all the above-mentioned practices as utterly unworthy of the Christian name; and by the same authority, we strictly prohibit and interdict any ecclesiastic or layman from presuming to defend the traffic in negroes as lawful, under any pretext or colour whatsoever, or to preach in any way, or teach publicly or privately anything contrary to our admonitions contained in this Apostolical Letter.

But in order that this our Letter may more readily become known to all, and that no one may be able to allege ignorance thereof, we decree and command it to be made public according to custom, by one of our messengers, at the doors of the church of the Prince of the Apostles, and of the Apostolic Chancery, and also at the General Court of Justice on Monte Citorio, and in the front of the Campo di Fiore of the city, and that copies of it should be left affixed to those places.

Given at Rome, at Santa Maria Maggiore, under the Fisher's Ring, on the 3rd December, 1839, in the ninth year of our pontificate.

ALOISIUS, CARDINAL LAMBRUSCHINI.

On the fifth day of the said month and year, the above-written Apostolic Letter was published and affixed at the doors of the church of the Primate of the Apostles, and at the Apostolic Chancery, and also at the General Court of Justice, on Monte Citorio, and in front of the Campo di Fiore, and in other places of the city, according to custom, by me,

ALOISLUS PITORRI, Apostolic Messenger.
JOSEPH CHERUBINI, Chief Messenger.

* Raynald in *Annal. Ecclesiast. ad Ann. 1462, n. 42.*

TWO SICILIES.

No. 38.

Circular of June 29, 1839, sending Papers presented to Parliament.
(See No. 1, page 1.)

No. 39.

Viscount Palmerston to Mr. Kennedy.

SIR,

Foreign Office, July 1, 1839.

I have received your Despatch, marked "Slave Trade," of the 28th of April, 1839, in which you state, that the Convention of the 14th of February, 1838, by which the King of Naples acceded to the Conventions between Great Britain and France on Slave Trade, has been published in the official Journal of Naples, and has been followed up by a law, prescribing, in the name of the king of Naples, that all the articles in the Convention of the 14th of February, 1838, shall be religiously observed.

Her Majesty's Government have observed with satisfaction these steps of the Neapolitan Government, in execution of the obligations contracted by His Neapolitan Majesty under the Convention referred to.

I observe, however, that no penalty is affixed by the Law in question to the violation of its provisions; and it is evident that, without some such penalty, that Law, and the Treaty to which it refers, must remain of little value; because, if a slave-ship is met with under the Neapolitan flag, and is delivered up to the Neapolitan tribunals, the ship and the crew would be necessarily released, on account of there being no law in Naples which attaches a punishment to Slave Trade.

You will therefore urge the Neapolitan Government to promulgate, without loss of time, a law, which shall affix to Slave Trade committed by Neapolitan subjects, penalties similar to those attached to that crime in England. I herewith transmit to you, for your information, and for communication to the Neapolitan Government, two copies of the laws in force in Great Britain against Slave Trade.

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

J. Kennedy, Esq.,
&c. &c.

No. 40.

Circular of August 25, 1839, sending the Address of the House of Lords of August 25.
(See No. 3.)

No. 41.

Circular of September 3, 1839, sending Act for the Suppression of the Slave Trade.
(See No. 4.)

No. 42.

Circular of October 12, 1839, on the Negotiations with Portugal.

(See No. 6)

No. 43.

Circular of November 2, 1839, communicating Orders issued under the Act for the Suppression of the Slave Trade.

(See No. 8.)

No. 44.

Mr. Kennedy to Viscount Palmerston.

Naples, November 13, 1839.

MY LORD,

(Received November 25.)

In obedience to your Lordship's instructions, contained in your Despatch marked "Slave Trade," of the 1st of July, directing me to urge the Neapolitan Government to promulgate, without loss of time, a Law, which shall affix to Slave Trade, committed by Neapolitan subjects, penalties similar to those attached to that crime in England, I addressed to Prince Cassaro, on the 2nd of August, the note, a copy of which I have the honour of submitting to your Lordship.

I have now the honour of forwarding a copy and translation of the Law promulgated by this Government on the 9th instant, for the punishment of those engaged in the Slave Trade.

The three punishments alluded to in this Law are imprisonment, reclusion, and irons. *Imprisonment* has three degrees: the first, from one to six months; the second, from six to twenty-four months; the third, from twenty-five months to five years. *Reclusion*, or imprisonment in common prisons, is not less than six years, nor more than ten. *Irons*, imprisonment in the lowest prisons (*bagni*), or fortresses, with hard labour, and in chains, either singly or in pairs, consists of four degrees; each degree of six years.

I have, &c.

(Signed) J. KENNEDY.

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

First Enclosure in No. 44.

Mr. Kennedy to His Excellency Prince Cassaro.

Naples, August 2, 1839.

THE undersigned, &c., has the honour of calling the attention of His Excellency Prince Cassaro, &c., to the fact that the publication at Naples of the Law sanctioning the Convention of the 14th February, 1838, for the suppression of the Slave Trade, has not been followed by the enactment of any penalty for the violation of its provisions, and that consequently the law is of no effect.

The undersigned has therefore been instructed to urge upon the Neapolitan Government the necessity of enacting, without loss of time, a law which shall affix to Slave Trade carried on by Neapolitan subjects, penalties similar to those attached to that crime in England; and he accordingly encloses to His Excellency copies of the laws at present in force in Great Britain for the suppression of that nefarious trade.

The undersigned, &c.

(Signed) J. KENNEDY.

His Excellency Prince Cassaro,
&c. &c. &c.

Second Enclosure in No. 44.

*Royal Arms of His
Sicilian Majesty.*)

Ferdinando II. per la Grazia di Dio Re del Regno Delle Due Sicilie, di Gerusalemme, ec., Duca di Parma, Piacenza, Castro, ec. ec., Gran Principe Ereditario di Toscana, ec., ec., ec.

Capodimonte, il dì 14, di Ottobre, 1839.

VOLENDO Noi sanzionare misure, conducenti alla prevenzione e repressione de' reati relativi al traffico abbagliante, cui si è dato il nome di *Tratta de' Negri*, dopo di aver Noi accordato la nostra adesione a' trattati de' 30 di Novembre, 1831, e de' 22 di Marzo, 1833, fra S. M. il Re de' Francesi, e S. M. il defunto Re del Regno-Unito della Gran Bretagna ed Irlanda;

Veduto il parere della Consulta generale del regno;

Sulla proposizione del nostro Ministro Segretario di Stato di Grazia e Giustizia;

Udito il nostro Consiglio ordinario di Stato;

Abbiamo risoluto di *sanzionare*, e *sansioniamo* la seguente legge.

ARTICOLO I.

L'armamento di una nave ne' nostri reali domini, per farla servire alla *Tratta de' Negri* si punirà col secondo al terzo grado di prigionia, se la nave sia presa, prima della partenza, nel sito dell' armamento.

ARTICOLO II.

La pena sarà di reclusione, se la nave sia presa posteriormente in mare, senza che alcun fatto di *Tratta de' Negri* sia avvenuto.

ARTICOLO III.

Non si darà luogo a procedura ne' casi de' precedenti articoli, che quando a bordo della nave trovinsi oggetti, che la mostrino destinati alla *Tratta de' Negri*.

Questa destinazione si presumerà quante volte nella nave si rinvengano alcuni degli oggetti iscritti nell' articolo 6 del trattato de' 22 di Marzo, 1833, salvo la prova in contrario, uniformemente allo stesso articolo.

ARTICOLO IV.

Se alcun fatto di *Tratta de' Negri* abbia avuto luogo con nave del nostro regno, la pena sarà del primo grado de' ferri.

ARTICOLO V.

Le pene sanzionate co' precedenti articoli 1, 2, e 4, contro le persone di equipaggio della nave, e contro ogni altro che abbia avuto parte ne' fatti che vi sono rispettivamente espressi, non si applicheranno nel minimo del grado, così per gli ufficiali del legno, come pel proprietario, per l'assicuratore del medesimo, che scientemente sieno concorsi nell' armamento, e pel prestatore di capitali, nella scienza di servire all' oggetto.

Le pene stesse si accrescerannodi un grado, per l'armatore, pel capitano, pl sopraccarico, della nave armata, e per chiunque altro vi abbia esercitato le loro funzioni, ancorchè non portato come tale ne' ruoli di equipaggio.

ARTICOLO VI.

Oltre le pene sanzionate ne' precedenti articoli, si pronunzierà la confiscazione del bastimento e del carico.

Quando non sieno essi caduti in potere dell' autorità pubblica, si pronunzierà in luogo della confiscazione un' ammenda eguale al valore di tali oggetti contro il proprietario, l'assicuratore, ed il prestatore de' capitali.

ARTICOLO VII.

Verranno esentate dalle pene di cui è fatto parola le persone dell' equipaggio che prima del procedimento loro noto, o nel termine di giorni quindici consecutivi al loro sbarco nel regno, o nell' estero, abbiano de' fatti relativi alla *Tratta de' Negri* dato notizia all' autorità pubblica ne' nostri reali dominii, a' nostri agenti nell' estero, ed in loro mancanza alle autorità locali.

Avrà il beneficio stesso l'individuo non appartenente all' equipaggio, il quale implicato ne' reati medesimi, ne faccia il rivelamento alle pubbliche autorità prima che la procedura siasi cominciata.

ARTICOLO VIII.

Sono esclusi dal beneficio di cui parlasi l' armatore, il capitano, gli ufiziali, il sopraccarico, il proprietario, l' assicuratore della nave, ed il prestatore de' capitali.

ARTICOLO IX.

Quante volte ad alcuno de' *Negri* compresi nella *tratta* si rechi maltrattamento costitutivo di misfatto o delitto, il colpevole si punirà uniformemente alle *leggi penali* in vigore.

ARTICOLO X.

La fabbricazione, la compra, la vendita de' ferri specialmente impiegata nella *Tratta de' Negri*, si puniranno col primo al secondo grado di prigionia, e colla confiscazione de' ferri.

La pena sarà del primo grado di prigionia contro il possessore di tali specie di ferri nella pubblicazione di questa legge, il quale ometta di farne la dichiarazione all' autorità pubblica nel termine di giorni quindici, e di sfornarli nel termine di tre mesi.

ARTICOLO XI.

Se ne' reati in materia di *Tratta de' Negri* incorrano ufiziali pubblici o impiegati, la pena loro applicabile per la parte che vi han presa, si accrescerà di un grado uniformemente all' articolo 246 delle *leggi penali*.

ARTICOLO XII.

Ne' reati in materia di *Tratta de' Negri* preveduti negli articoli 1 e 2 di questa legge procederà la gran Corte criminale della provincia dov' è il luogo del seguito armamento, allorchè la nave armata prendasi nel territorio giuridizionale del regno. In ogni altro caso la competenza è della gran Corte criminale in Napoli, dove sarà condotto il legno in vigore dell' articolo 4 della convenzione avuta luogo tra Noi ed il Re de' Francesi, ed il Re della Gran Brettagna del dì 14 de' febbrajo 1838.

ARTICOLO XIII.

La gran Corte profferirà la liberazione de' *Negri* compresi nella *tratta*; salvi i provvedimenti governativi che si troveranno convenire al destino de' medesimi.

Si darà loro gratuitamente copia legale della decisione di libertà.

ARTICOLO XIV.

I proventi della vendita del legno e del carico confiscati, o l' ammenda in luogo de' medesimi applicata a norma dell' articolo 6 di questa legge, serviranno all' uso determinato dall' articolo 5 del trattato de' 22 di marzo 1833.

ARTICOLO XV.

Le decisioni di condanna, oltre la pubblicazione uniformemente all' articolo 20 delle *leggi penali*, si riporteranno per estratto nel giornale ufiziale de' nostri reali dominii.

Vogliamo e comandiamo che questa nostra legge da Noi sottoscritta, riconosciuta dal nostro Ministro Segretario di Stato di grazia e giustizia, munita del nostro gran sigillo, e contrassegnata dal nostro Consigliere Ministro di Stato Presidente del Consiglio de' Ministri, e registrata e depositata nel Ministero e real Segreteria di Stato della Presidenza del Consiglio de' Ministri, si pubblichi colle ordinarie solennità per tutti i nostri reali dominii per mezzo delle corrispondenti autorità, le quali dovranno prenderne particolare registro, de' assicurarne l' adempimento.

Il nostro Consigliere Ministro di Stato Presidente del Consiglio de' Ministri è specialmente incaricato di vegliare alla sua pubblicazione.

Firmato, FERDINANDO.

*Il Consigliere Ministro di Stato
Presidente interino del Consiglio de' Ministri.*

Firmato, MARCHESE RUFFO.

*Il Ministro Segretario di Stato
di grazia e giustizia*

Firmato, NICCOLA PARISIO.

Pubblicata in Napoli nel dì 9 di Novembre 1839.

(Translation.)

*Ferdinand the Second, by the Grace of God, King of the Kingdom of the
Two Sicilies, &c. &c. &c.*

WISHING to sanction measures calculated to prevent and suppress crimes connected with the abominable traffic to which the name of Slave Trade has been given ; after having acceded to the Treaties of 30th November, 1831 and of the 22nd March, 1833, between His Majesty the King of the French and His Majesty the late King of the United Kingdom of Great Britain and Ireland ;

Having seen the opinion of the General Consulta of the Kingdom ;

Upon the proposition of Our Minister Secretary of State for Grace and Justice ;

Having heard Our Ordinary Council of State ;

We have resolved to sanction and do sanction the following Law :—

ARTICLE I.

The equipment of a ship in our royal dominions to be employed in the Slave Trade shall be punished by the second* or third † degree of imprisonment, if the ship be seized before her sailing, in the place of equipment.

ARTICLE II.

The punishment shall be imprisonment ‡ in a fortress, if the ship be captured afterwards at sea, without any act connected with the traffic in Slaves having actually occurred.

ARTICLE III.

There will be no grounds for prosecution in the cases stated in the preceding Articles, excepting when on board the ship are found objects which show that she is destined for the Slave Trade.

This destination will be presumed whenever there shall be found in the ship some of the Articles mentioned in the 6th Article of the Treaty of the 22nd March, 1833, proof to the contrary being allowed in conformity with the said Article.

ARTICLE IV.

If any act of trade in Slaves has taken place with a ship of our kingdom, the punishment shall be the first degree § of irons.

ARTICLE V.

The penalties sanctioned by the preceding Articles, 1, 2, and 4, against the crew of the ship and against any other person who shall have taken part in the transactions therein respectively specified shall not be enforced in the minimum of the degree (viz., shall be enforced in a higher scale than the lowest), as well against the officers of the vessel as the proprietor, the insurer of the same, who shall have assisted knowingly in the equipment, and any person who may advance capital, knowing it to be destined for that purpose.

Notes by Mr. Kennedy.

* From 13 to 18 years.

† From 19 to 24 years.

‡ From 6 to 10 years.

§ From 7 to 12 years.

The penalties themselves shall be increased one degree for the fitter-out (Armatore) the captain, the supercargo of the armed vessel, and whoever else may in any way have taken active service in her, although not entered as such in the muster-roll of the crew.

ARTICLE VI.

Beside the penalties sanctioned in the preceding articles, sentence of confiscation shall be issued against the vessel and the cargo.

When the latter shall not have fallen into the power of the public authorities, in lieu of the confiscation, a fine shall be awarded equal to the value of the same, against the proprietor, insurer, and lender of the capital.

ARTICLE VII.

Those persons of the crew shall be exempted from the penalties above-mentioned, who, previous to any transactions known to them, or within the term of 15 days, consecutively, after their disembarkation in the kingdom, or in a foreign country, shall have given notice of the acts connected with the Slave Trade to the public authorities, or to our agents in foreign countries, or, in their absence, to the local authorities.

Any individual not belonging to the crew shall have the same benefit, who, being implicated in the transactions, shall reveal them to the public authorities previous to the commencement of legal proceedings.

ARTICLE VIII.

The-fitter out (Armatore), captain, officers, supercargo, owner, or insurer of the vessel, and the lender of the capital, are excluded from the benefit spoken of.

ARTICLE IX.

Whenever any act of violence constituting a misdemeanour or crime shall have been committed against any of the negroes forming objects of such trade (tratta), the offender shall be punished according to the penal laws in vigour.

ARTICLE X.

The manufacturing, purchasing, or selling irons specially adapted for the Slave Trade, shall be punished with the first* or second† degree of imprisonment and the confiscation of the irons.

The punishment of the first degree‡ of imprisonment shall be inflicted on the possessor of such kind of irons, who, on the publication of this law, shall omit to declare them to the public authorities within the term of 15 days, and to destroy them in the space of three months.

ARTICLE XI.

Should any public officers or employés be implicated in the offences relative to the Slave Trade, the punishment applicable to them for the part they may have taken shall be increased one degree according to the 246th Article of the penal laws.

ARTICLE XII.

The Grand Criminal Court of the province wherein is situated the place where the vessel was fitted out shall take cognisance of all criminal cases connected with Slave Trade, foreseen in the first and second Articles of this law, whenever the vessel fitted out shall be taken within the jurisdictional territory of the kingdom. Every other case is to belong to the jurisdiction of the Grand Criminal Court of Naples, where the vessel shall be conducted according to the fourth Article of the Convention which has been made between us and the King of the French and the King of Great Britain on the 14th February, 1838.

ARTICLE XIII.

The Grand Court will pronounce the freedom of the negroes forming part

Notes by Mr. Kennedy.

* From 1 to 6 months.

† From 7 months to 2 years.

‡ From 1 to 6 months.

of the cargo (*tratta*) reserving to itself to take such Government measures as may best suit their ultimate destination.

A legal copy of the sentence, granting them their liberty, shall be given to them gratuitously.

ARTICLE XIV.

The proceeds of the sale of the confiscated vessel and cargo, or the fine imposed, in lieu thereof, according to the sixth Article of this law, shall be applied to the purpose designated in the fifth Article of the Treaty of 22nd March, 1833.

ARTICLE XV.

The sentences of condemnation, in addition to their publication, according to the twentieth Article of the penal laws, shall be also reported in abstract, in the official journal of our royal dominions.

We will and command that this our Law, signed by Us, acknowledged by our Minister, Secretary of State for Grace and Justice, furnished with our Great Seal, and countersigned by our Counsellor Minister of State, President of the Council of Ministers, and registered and deposited in our Royal Secretary of State's Office of the Presidency of the Council of Ministers, be published with the usual solemnities throughout all our royal dominions by the proper authorities, who are to register it particularly and to enforce its fulfilment.

Our Counsellor Minister of State, President of the Council of Ministers, is specially charged to watch over its publication.

Capodimonte, the 14th day of October, 1839,
(Signed) FERDINAND.

The Counsellor Minister of State,
(Signed) MARCHESE RUFFO.

The Minister Secretary of State for Grace and Justice,
(Signed) NICCOLA PARISIO.

Published in Naples, the 9th day of November, 1839.

No. 45.

Viscount Palmerston to Mr. Kennedy.

SIR,

Foreign Office, November 30, 1839.

I HAVE received and laid before the Queen, your Despatch marked Slave Trade, of the 13th November, 1839, enclosing Copy of the Decree issued on the 14th of October, 1839, by the King of the Two Sicilies, for the suppression of the Slave Trade, in conformity with the Convention concluded for that purpose, on the 14th February, 1838, between Great Britain, and France, and Naples.

I have now to instruct you to express to the Neapolitan Minister, the acknowledgments of Her Majesty's Government, for the readiness with which the Government of His Majesty the King of the Two Sicilies has, on this occasion, complied with their wishes.

(Signed) PALMERSTON.

*J. Kennedy, Esq.,
&c. &c. &c.*