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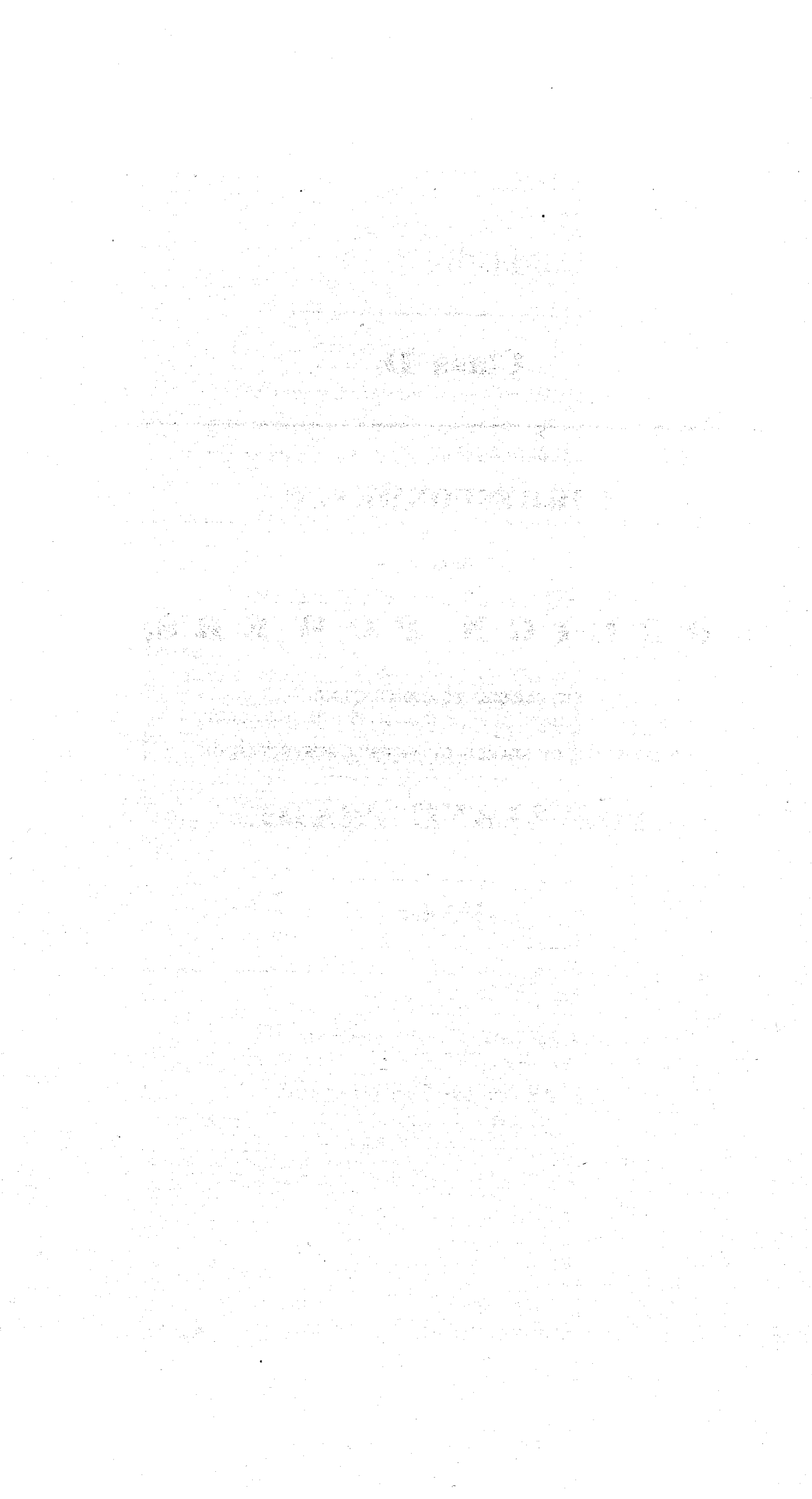
GIVING RIGHT OF SEARCH OF VESSELS SUSPECTED OF

**THE SLAVE TRADE.**

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1839-40.

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**Class D.**

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**CORRESPONDENCE**

WITH

**FOREIGN POWERS,**

NOT PARTIES TO CONVENTIONS

GIVING RIGHT OF SEARCH OF VESSELS SUSPECTED OF

**THE SLAVE TRADE.**

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From June 1st to December 31st, 1839, inclusive.

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

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

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1840.



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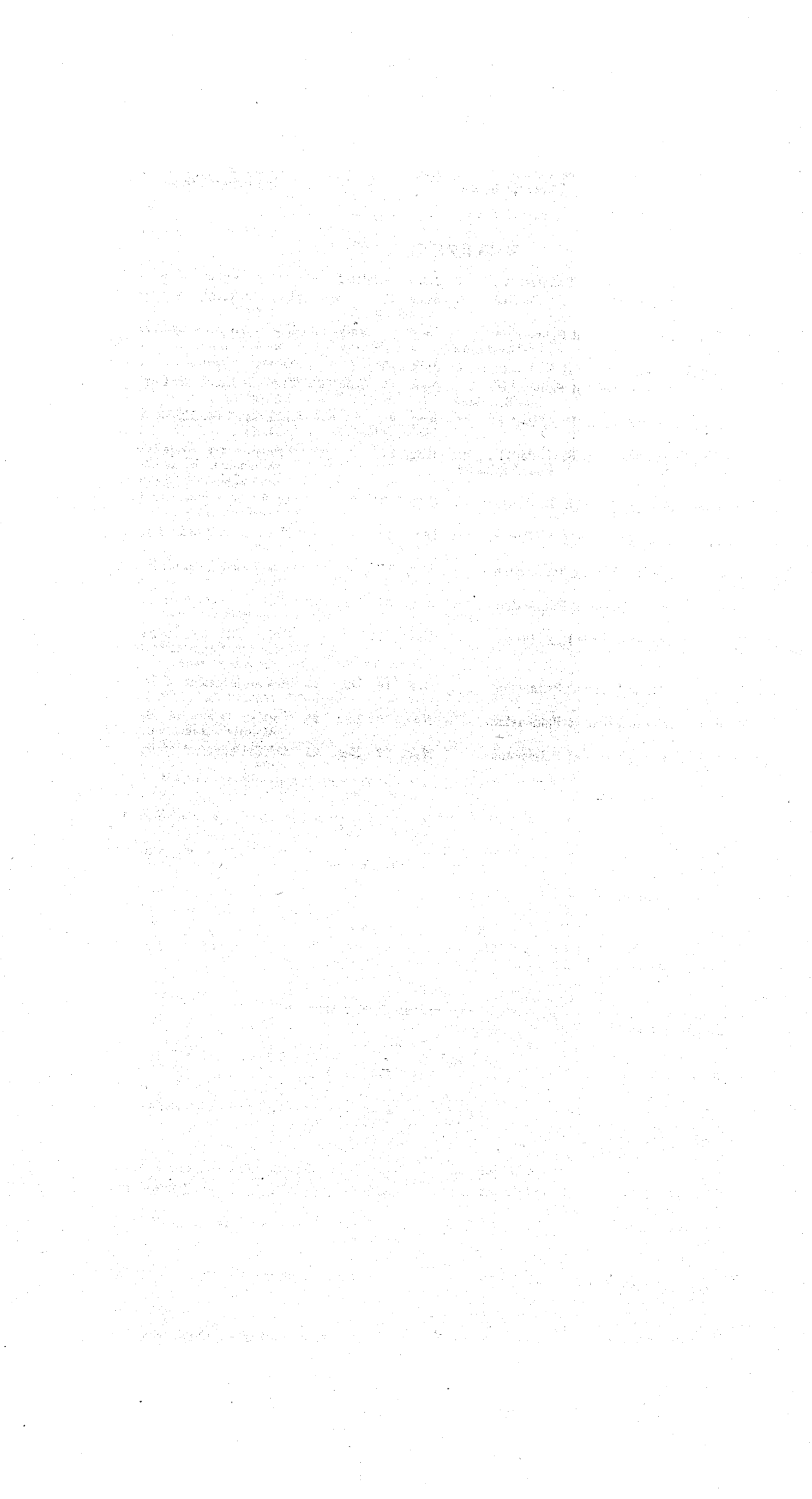
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# Class D.—1839.

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## CORRESPONDENCE

WITH

# FOREIGN POWERS.

NOT PARTIES TO CONVENTIONS.

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## AUSTRIA.

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No. 1.

*Viscount Palmerston to Prince Esterhazy.*

*Foreign Office, June 28th, 1839.*

THE Undersigned, &c., has the honour to remind his Excellency Prince Esterhazy, &c., that six months have now elapsed since the draft of a treaty between Austria, France, Great Britain, Prussia, and Russia, for the suppression of the Slave Trade, was proposed in conference to Baron Hummelauer by the Undersigned, and by the French Ambassador; but no answer has yet been received to that communication from the Austrian Government.

The Undersigned has therefore now urgently to request, that his Excellency Prince Esterhazy will apply to the Government of Austria for Its decision upon the above-mentioned draft.

The Undersigned has at the same time to state, that Her Majesty's Government cannot doubt that the Government of Austria will, on this occasion, by agreeing to the proposed treaty, give proof of the same generous and humane feelings which impelled It, at the Congress of Vienna, to pledge Itself to take effectual steps for the entire suppression of the traffic in slaves.

The Undersigned, &c.

(Signed) PALMERSTON.

*His Excellency Prince Esterhazy,*  
    &c.           &c.           &c.

No. 2.

*Viscount Palmerston to Lord Beauvale.*

MY LORD,

*Foreign Office, June 29th, 1839.*

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

I have, &amp;c.

(Signed) PALMERSTON.

*To His Excellency the Right Hon. Lord Beauvale, G.C.B.*

&amp;c.

&amp;c.

&amp;c.

No. 3.

*Prince Esterhazy to Viscount Palmerston.**Londres, ce 4 Juillet, 1839.**(Received July 5th.)*

LE Soussigné, Ambassadeur Extraordinaire de Sa Majesté Impériale et Royale Apostolique, a eû l'honneur de recevoir la note, que son Excellence Monsieur le Principal Secrétaire d'Etat, dirigeant le Département des Affaires Etrangères de Sa Majesté Britannique, lui a adressée en date du 28 Juin dernier, relativement au projet de traité à conclure entre l'Autriche, la France, la Grande Bretagne, la Prusse, et la Russie, pour l'abolition de la Traite des Noirs, et il s'est empressé de la transmettre au Gouvernement Impérial.

Le Soussigné saisit cette occasion pour renouveler à son Excellence Monsieur le Vicomte de Palmerston l'assurance de sa très haute considération.

(Signed) ESTERHAZY.

*A Son Excellence M. le Vicomte Palmerston,*

&amp;c.

&amp;c.

&amp;c.

(Translation.)

*London, July 4, 1839.*

THE Undersigned, &c., has had the honour to receive the note which his Excellency, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, addressed to him on the 28th June last, relative to the project of Treaty to be concluded between Austria, France, Great Britain, Prussia, and Russia, for the abolition of the Trade in Slaves, and he has hastened to transmit it to the Imperial Government.

The Undersigned, &amp;c.

(Signed) ESTERHAZY.

No. 4.

*Viscount Palmerston to Lord Beauvale.*

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.

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 have, &amp;c.

(Signed) PALMERSTON.

*His Excellency the Right Hon. Lord Beauvale, G.C.B.*

&amp;c.

&amp;c.

&amp;c.

## Enclosure in No. 4.

*The humble Address of the Right Honourable the Lords spiritual and temporal in Parliament assembled, presented to Her Majesty, with Her Majesty's most gracious Answer.*

*Die Veneris, 2<sup>o</sup> Augusti, 1839.*

ORDERED, by the Lords Spiritual and Temporal, in Parliament assembled, That an humble Address be presented to Her Majesty praying, "That Her Majesty will be graciously pleased, by all means within Her Majesty's power, to negotiate with the Governments of Foreign Nations, as well in America as in Europe, for their concurrence in effectually putting down the traffic in Slaves; and also that Her Majesty will be graciously pleased to give such orders to Her Majesty's cruizers as may be most efficacious in stopping the said traffic, more especially that carried on under the Portuguese and Brazilian flags, or by Brazilian or Portuguese ships; assuring Her Majesty, that this House will cheerfully concur with the other House of Parliament in whatever measures may be rendered necessary, if Her Majesty shall be graciously pleased to comply with this prayer."

*Her Majesty's most gracious Answer.*

"MY LORDS,

"I receive this Address with great satisfaction.

"I will direct orders to be given to my cruizers in accordance with your wishes, fully relying upon your assurance that you will concur in the measures which will thus be rendered necessary."

## No. 5.

*Viscount Palmerston to Lord Beauvale.*

MY LORD,

*Foreign Office, September 3, 1839.*

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

I have, &c.

(Signed) PALMERSTON.

*His Excellency the Right Hon. Lord Beauvale, G.C.B.*

&c.

&c.

&c.

## Enclosure in No. 5.

*Act 2 & 3 Victoriae, cap. 73, August 24, 1839.*

## No. 6.

*Viscount Palmerston to Prince Esterhazy.*

*Foreign Office, September 13, 1839.*

THE Undersigned, &c. has the honour to acquaint Prince Esterhazy, &c. that Her Majesty has directed measures to be taken, the execution of which will speedily drive the Slave Trade from the Portuguese flag, under which it has for a long period of time been extensively carried on; and the Undersigned is commanded to observe, that no doubt can be entertained, that the slave traders will endeavour, without delay, to seek the protection of some other flag, in order to obtain a continuance of that impunity for their iniquitous and piratical undertakings, which the flag of Portugal has so long afforded them.

In this state of things it must necessarily be the desire of all Governments, who do not wish that their flag should be disgraced by being used for such vile purposes, to lose no time in taking steps to prevent such abuses; and experience has demonstrated, that a general league among Governments, by which they may grant to each other the mutual right of searching vessels suspected of being engaged in Slave Trade, is one of the most effective means of putting an end to these enormous evils.



Her Majesty's Government therefore earnestly requests Prince Esterhazy to apply to his Government for an 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, in a Conference held at this office on the 12th of December, 1838.

Her Majesty's Government cannot doubt, that the Government of Austria shares in the general indignation, which the abominations of the Slave Trade have excited in every country in Europe; and Her Majesty's Government is confident, that the Austrian Government is still animated by the fixed determination, which, by the solemn declaration made at Vienna in 1815, it expressed, entirely to put down, and utterly to extinguish this crime, and that this determination will guide the conduct of the Austrian Government on the present occasion.

The Undersigned, &c.  
(Signed) PALMERSTON.

To His Excellency Prince Esterhazy,  
&c. &c. &c.

No. 7.

*Prince Esterhazy to Viscount Palmerston.*

*Londres, le 24 Septembre, 1839.*

*(Received September 26, 1839.)*

LE Soussigné, Ambassadeur Extraordinaire de Sa Majesté Impériale et Royale Apostolique, a eû l'honneur de recevoir la Note que son Excellence Monsieur le Vicomte Palmerston, Principal Secrétaire d'État de Sa Majesté Britannique au Département des Affaires Étrangères, lui a adressée en date du 13 du courant, relativement à la Traite des Noirs, et n'a pas manqué de la transmettre à son Gouvernement.

Le Soussigné saisit cette occasion pour renouveler à son Excellence Monsieur le Vicomte Palmerston l'assurance de sa très haute considération.

(Signed) ESTERHAZY.

*A Son Excellence Monsieur le Vicomte Palmerston,*  
&c. &c. &c.

(Translation.)

*London, September 24, 1839.*

THE Undersigned, &c., has had the honour to receive the note which his Excellency Viscount Palmerston, &c., addressed to him on the 13th instant, relative to the Slave Trade, and has not failed to transmit it to his Government.

The Undersigned, &c.

(Signed) ESTERHAZY.

No. 8.

*Viscount Palmerston to Prince Esterhazy.*

*Foreign Office, September 30, 1839.*

THE Undersigned, &c. has the honour to inform Prince Esterhazy, &c. that he has received from the Baron de Moncorvo, Her Most Faithful Majesty's Minister at this Court, a copy of a circular note, which has been addressed by the Portuguese Minister for Foreign Affairs, to the Courts who

were parties to the Treaties and Conventions, which were concluded at the Congress of Vienna in 1815.

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

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

But as the papers relating to those negotiations are voluminous, and, by being scattered through a mass of papers, annually laid before Parliament, upon the subject of the Slave Trade, may not have sufficiently attracted the attention of other Governments, Her Majesty's Government have deemed it expedient to communicate to the Courts, to which the Portuguese note has been addressed, copies of a few of those documents which contain the substance of the whole of the negotiations between Great Britain and Portugal on this matter; and the Undersigned has accordingly to request that Prince Esterhazy 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 of 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 Sà 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 of May, 1839, to the preceding note of the Portuguese Minister for Foreign Affairs.

The Undersigned, &c.  
(Signed) PALMERSTON.

To His Excellency Prince Esterhazy,  
&c. &c. &c.

No. 9.

*Viscount Palmerston to Lord Beauvale.*

MY LORD,

*Foreign Office, October 10th, 1839.*

WITH reference to my Despatch to Mr. Milbanke, marked "Slave Trade," of the 2nd April last, enclosing the copy of the Protocol of a conference on Slave Trade, which took place in London on the 12th of December, 1838, between the Plenipotentiaries of Austria, France, Great Britain, Prussia, and Russia, I transmit to you the copy of two notes which, by Her Majesty's command, I addressed to the Ministers of Austria, Prussia, and Russia, at this Court, on the 28th of June and on the 13th of September last, urging them to obtain the decision of their Governments, upon the draft of a

Treaty between the Five Powers for the suppression of the Slave Trade, which was proposed at the before-mentioned conference; and I have to desire that you will use your utmost endeavours to induce the Austrian Government to send, without further delay, authority to its representative at this Court to conclude the before-mentioned Treaty.

I have, &c.

(Signed) PALMERSTON.

To His Excellency the Right Hon. Lord Beauvale, G.C.B.

&c.

&c.

&c.

No. 10.

*Viscount Palmerston to Lord Beauvale.*

MY LORD,

*Foreign Office, October 12th, 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 negotiations 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 have, &c.

(Signed) PALMERSTON.

To His Excellency the Right Hon. Lord Beauvale, G.C.B.

&c.

&c.

&c.

Enclosures in No. 10.

First.—*M. Moncorvo to Viscount Palmerston. August 14, 1839.*

(See Class B.)

Second.—*Viscount Palmerston to Prince Esterhazy and others. September 30, 1839.*

(See No. 8, page 4.)

No. 11.

*Viscount Palmerston to Lord Beauvale.*

MY LORD,

*Foreign Office, November 2nd, 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 cruizers to detain vessels engaged in Slave Trade, and sailing under the flag of Portugal, where-

ever met with; and also to detain vessels engaged in Slave Trade, but hoisting no flag, and destitute of any papers proving their nationality.

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

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

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

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

The officers commanding Her Majesty's cruizers, employed for the suppression of the Slave Trade, have at the same time been acquainted, that nothing contained in the before-mentioned Act of Parliament is intended to confer upon British 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 authorise 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 have, &c.

(Signed) PALMERSTON.

To His Excellency the Right Hon. Lord Beauvale, G.C.B.  
&c. &c. &c.

No. 12.

*Lord Beauvale to Viscount Palmerston.*

*Vienna, October 29th, 1839.*

*(Received November 10.)*

MY LORD,

IN obedience to your Lordship's instructions, conveyed to me in your Despatch marked "Slave Trade," of the 10th instant, I addressed a note to Baron Ottenfels, of which I have the honour to enclose a copy, in which I requested his Excellency to direct the attention of the Austrian Cabinet to that subject; and I have this day received an answer from Baron Ottenfels, of which I also enclose a copy, stating, that as the question of the accession of Austria to the proposed Treaty has lately formed the subject of a communication, which the Austrian Ambassador in London is ordered to make to the British Government, he thinks it sufficient to state this fact in reply to my note.

I have, &c.

(Signed) BEAUVALE.

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

First Enclosure in No. 12.

*Lord Beauvale to Baron Ottenfels.*

*Vienna, 26th October, 1839.*

AT a conference held in London, in the month of December last, between the Plenipotentiaries of Austria, France, Great Britain, Prussia, and

Russia, the Draft of a Treaty, having for its object the suppression of the Slave Trade, was proposed for the acceptance of the above Five Powers.

As, however, no answer had been received to that communication on the 28th of June, Her Majesty's Principal Secretary of State for Foreign Affairs addressed a note by Her Majesty's command to the Plenipotentiaries of Austria, Prussia, and Russia, urging them to obtain the decision of their Governments upon the Draft of the proposed Treaty.

Some time having now elapsed since that communication was made, the Undersigned, &c., has received instructions to use his utmost endeavours to induce the Austrian Government, to send authority to its representative at the Court of London to conclude the Treaty in question without further delay.

The Undersigned has therefore the honour to request his Excellency Baron Ottenfels, to direct the attention of the Austrian Cabinet to this subject, and avails himself of the opportunity, &c.

(Signed) BEAUVALE.

To Baron Ottenfels,  
&c. &c. &c.

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Second Enclosure in No. 12.

*Baron Ottenfels to Lord Beauvale.*

*Vienne, ce 23 Octobre, 1839.*

LE Soussigné, Conseiller intime d'Etat et des Conférences, vient de recevoir l'office, que son Excellence Lord Beauvale, &c., lui a fait l'honneur de lui adresser, en date du 26 de ce mois, pour l'informer, que son Gouvernement était encore dans l'attente de la détermination prise par le Cour Impériale d'Autriche, au sujet de la proposition contenue dans une note du Principal Secrétaire d'Etat, en date du 28 Juin, relativement au projet de Traité à conclure entre les deux Gouvernemens, pour l'abolition de la Traite des Nègres.

Informé tout récemment par son Altesse le Prince Chancelier, que la question de l'accession de l'Autriche au dit Traité, a fait en dernier lieu l'objet d'une communication, que l'Ambassade Impériale d'Autriche à Londres a été chargée de faire directement au Ministère de Sa Majesté Britannique, le Soussigné croit devoir se borner à porter ce à fait à la connaissance de Lord Beauvale, et il saisit cette occasion, &c.

(Signed) OTTENFELS.

To His Excellency the Right Hon. Lord Beauvale, G.C.B.  
&c. &c. &c.

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(Translation.)

*Vienna, October 28, 1839.*

THE Undersigned, &c., has just received the note which his Excellency Lord Beauvale, &c., did him the honour to address to him on the 26th of this month, to inform him that his Government was still awaiting the determination of the Imperial Court of Austria, on the subject of the proposition contained in a note of the Principal Secretary of State, dated June 28, relative to the project of a Treaty to be concluded between the two Governments for the abolition of the Slave Trade.

Having been informed quite recently, by His Highness the Prince Chancellor, that the question of the accession of Austria to the said Treaty was lately made the subject of a communication, which the Imperial Embassy of Austria in London was charged to make directly to the Ministry of Her Britannic Majesty, the Undersigned thinks it right to confine himself to communicating this fact to Lord Beauvale; and he seizes this occasion, &c.

(Signed) OTTENFELS.

No. 13.

*M. Hummelauer to Viscount Palmerston.*

*Londres, le 12 Novembre, 1839.*  
*(Received November 15th, 1839.)*

LE Soussigné a l'honneur de transmettre à son Excellence Monsieur le Vicomte Palmerston, Principal Secrétaire d'Etat de Sa Majesté Britannique au Département des Affaires Etrangères, la dépêche ci annexée, datée du 21 Octobre passé, et qui renferme la modalité dans laquelle la Cour Impériale croit répondre le plus complètement possible au vœu du gouvernement de Sa Majesté Britannique, de voir l'Autriche co-opérer au but de mettre un terme à l'horrible Trafic des Noirs. Il se flatte que le gouvernement Britannique y trouvera une nouvelle preuve des dispositions amicales et de la confiance de l'Autriche.

Le Soussigné saisit cette occasion pour renouveler à son Excellence Monsieur le Vicomte Palmerston l'assurance de sa très haute considération.

(Signed) HUMMELAUER.

*À S. E. M. le Vicomte Palmerston,*  
*&c. &c. &c.*

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(Translation.)

*London, November 12, 1839.*

THE Undersigned has the honour to transmit to his Excellency Viscount Palmerston, &c., the accompanying Despatch, dated 21st October last, which contains the mode by which the Imperial Court thinks It will most completely respond to the wish of the Government of Her Britannic Majesty to see Austria co-operate for the purpose of putting an end to the horrible traffic in Slaves. He flatters himself that the British Government will find therein a new proof of the amicable disposition, and of the confidence of Austria.

The Undersigned, &c.  
 (Signed) HUMMELAUER.

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Enclosure in No. 13.

*Prince Metternich to Prince Esterhazy.*

MON PRINCE,

*Johannisberg, le 21 Octobre, 1839.*

PAR SON Rapport, No. 32, du 9 Juillet, votre Altesse m'a fait l'honneur de me transmettre une note, que le Principal Secrétaire d'Etat de Sa Majesté Britannique lui a adressée, en date du 28 Juin, relativement à un Projet de Traité à conclure, au sujet de l'Abolition de la Traite des Nègres, entre la Grande Bretagne et la France d'un côté, et l'Autriche, la Russie, et la Prusse de l'autre.

Le contenu de cette note ayant prouvé au Cabinet de Vienne le haut intérêt que le Ministère de Sa Majesté Britannique attache à cet objet, et son désir de connaître le sentiment de la Cour d'Autriche à cet égard, votre Altesse voudra bien porter à la connaissance du Principal Secrétaire d'Etat les explications suivantes.

Le Cabinet Autrichien, loin d'avoir perdu de vue la proposition de la Cour de Londres, d'accéder au Traité conclu entre la Grande Bretagne et la France, pour la Suppression de la Traite des Nègres, a, au contraire, voué à cette question l'attention la plus sérieuse.

Invariablement attaché aux principes, dont l'Autriche a fait la déclaration au Congrès de Vienne, et qu'elle a renouvelée toutes les fois que cette question a été reproduite, aux subséquentes réunions des Cabinets, Sa Majesté Impériale est invariablement résolue de donner aux mesures, qui seraient arrêtées d'un commun accord, pour la suppression de la Traite de Nègres, tout l'appui qui pourrait dépendre d'elle.

CLASS D.

C'est avec ces sentimens, et par suite de ces manifestations, que la Cour Impériale et Royale a examinée la proposition qui lui a été faite dans le temps, d'accéder au Traité conclu entre les deux Gouvernemens d'Angleterre et de France, pour régler et arrêter les mesures qu'ils avaient jugées les plus utiles à l'atteinte du but proposé.

Mais avant de prendre une détermination à cet égard, le Gouvernement Autrichien devait nécessairement examiner, si les stipulations du Traité, auquel on lui proposait d'accéder, étaient de nature à lui être appliquées, car de cet examen dépendait la question, si l'Autriche peut *concourir activement* aux mesures proposées, ou si elle doit se borner à leur prêter simplement *son appui moral*.

Or, en vouant une attention scrupuleuse à l'examen des mesures arrêtées par le dit Traité, ainsi qu'aux obligations qui en ressortent pour les Gouvernemens qui y ont accédé, la Cour de Vienne a trouvé, que les principales de ces stipulations ne sauraient s'appliquer à l'Autriche. Ne possédant point de Colonies, et sa navigation marchande, d'ailleurs, ne visitant point les côtes sur lesquelles se fait le Trafic des Nègres, l'Autriche n'a ainsi pas les moyens de concourir activement aux mesures de Police Maritime, qui forment la base du Traité en question. L'esclavage n'étant, d'un autre côté, point admis par la législation de l'Empire, des peines très rigoureuses contre tout capitaine ou propriétaire d'un navire Autrichien, qui embarquerait des esclaves à son bord, deviendraient de plein droit la conséquence immédiate d'une violation aussi manifeste des lois existantes.

Ces considérations puisées dans la situation particulière de l'Autriche, la privant des moyens de coopérer activement au système de surveillance maritime, que les puissances signataires du Traité sont appelées à exercer et à maintenir, la Cour Impériale et Royale, tout en applaudissant aux mesures proposées, croit devoir s'abstenir de contracter des engagements, qu'il ne serait point dans son pouvoir de remplir.

On ne rendrait cependant pas justice aux sentimens du Cabinet Impérial, en attribuant cette réserve à d'autres motifs, qu'aux empêchemens qui dérivent des conditions sous lesquelles est placé l'Empire. Empressé d'accéder au désir du Cabinet Britannique, et de concourir, autant qu'il est en son pouvoir, à atteindre le noble but qu'il a en vue, le Cabinet Impérial propose :—

1. De régler la question au moyen d'une déclaration, par laquelle il accorderait pour l'espace de cinq ans, à ceux des capitaines de vaisseaux de guerre de Sa Majesté Britannique chargés *spécialement* de la police maritime pour la suppression du Trafic des Nègres, la faculté de visiter, dans les parages où il se pratique, les bâtimens marchands portant la pavillon Autrichien, qui pourraient être suspectés de faire le commerce illicite des Nègres.

2. Le gouvernement de Sa Majesté Britannique, par contre, nous ferait connaître les latitudes, où se trouvent stationnées les croisières Anglaises, chargées de la dite police de mer; et fournirait au gouvernement Autrichien les noms des capitaines et des vaisseaux de guerre, composant les dites croisières.

3. Quand la visite aura eu lieu, et que le bâtiment marchand Autrichien aura été trouvé en bonne règle, il lui sera délivré par l'officier visiteur, un certificat formel, dont l'exhibition le dispensera de toute nouvelle visite pour le reste de son voyage.

4. Dans le cas où un bâtiment Autrichien serait effectivement surpris, faisant cet odieux trafic, le chef de la croisière Anglaise serait tenu d'envoyer le bâtiment en Angleterre, pour y être jugé par le tribunal institué pour connaître de ces délits. Un consul Autrichien, soit en personne, soit par délégation, assisterait de droit à l'enquête, et copie authentique du jugement prononcé serait transmise officiellement au Gouvernement Impérial.

La Cour de Vienne se flatte, que le gouvernement Britannique reconnaîtra dans ces propositions, la preuve la plus convaincante de son désir, en autant que les conditions sous lesquelles est placée l'Autriche le lui permettent, de coopérer au noble but qui en fait l'objet.

Recevez, mon Prince, l'assurance de ma considération la plus distinguée.

(Signé) METTERNICH.

*A Son Altesse M. le Prince Esterhazy.*

(Translation.)

MON PRINCE,

By your report of July 9th, your Highness did me the honour to transmit to me a note, which the Principal Secretary of State of Her Britannic Majesty addressed to you on the 28th June, relative to the Project of Treaty to be concluded on the subject of the abolition of the Slave Trade, between Great Britain and France, on the one part, and Austria, Russia, and Prussia, on the other.

The contents of this note having proved to the Cabinet of Vienna the deep interest which the Ministry of Her Britannic Majesty attaches to this subject, and its desire to know the feeling of the Court of Austria in this respect, your Highness will have the goodness to communicate the following explanation to the Principal Secretary of State:—

The Austrian Cabinet, far from having lost sight of the proposition of the Court of London, to accede to the Treaty concluded between Great Britain and France for the suppression of the Slave Trade, has, on the contrary, devoted the most serious attention to this question.

Invariably attached to the principles, of which Austria made a declaration at the Congress of Vienna, and which she has renewed every time that this question has been again brought forward at subsequent meetings of Cabinets, His Imperial Majesty is unchangeably resolved to give all the support, which can depend on him, to the measures which may be agreed upon by common accord for the suppression of the Slave Trade.

It is with these sentiments, and following up these manifestations, that the Royal and Imperial Court has examined the proposition recently made to it, to accede to a Treaty concluded between the two Governments of England and France, to regulate and decide upon the measures which they had judged most useful for the attainment of the end proposed.

But, before coming to a determination in this respect, the Austrian Government had necessarily to examine if the stipulations of the Treaty, to which it was proposed that It should accede, were of a nature to be applied to It; for upon this examination depended the question, whether Austria could *concur actively* in the measures proposed; or if she should confine herself to lending them simply her *moral support*.

Now, in devoting a scrupulous attention to the examination of the measures decided on by the said Treaty, as well as of the obligations which arise therefrom for the governments which have acceded to it, the Court of Vienna has found that the principal stipulations are not applicable to Austria. Not possessing colonies, and her merchant-navy, moreover, never visiting the coasts on which the traffic in slaves is carried on, Austria has not the means of concurring actively in the measures of maritime police which form the basis of the Treaty in question. Slavery, on the other hand, not being allowed at all by the legislation of the empire, very rigorous penalties against every captain or owner of an Austrian vessel, who should embark slaves, would be, in full justice, the immediate consequence of such a manifest violation of existing laws.

As these considerations, arising out of the particular situation of Austria, deprive her of the means of co-operating actively in the system of maritime surveillance which the Powers who sign the Treaty are called upon to exercise and maintain, the Royal and Imperial Court, while it applauds the proposed measures, thinks it right to abstain from contracting engagements which it will by no means be in its power to fulfil.

It will, nevertheless, not be doing justice to the sentiments of the Imperial Cabinet, to attribute this reserve to other motives than to the obstacles arising from the condition in which the empire is placed. Eager to accede to the desire of the British Cabinet, and to concur, as much as possible, in the attainment of the noble object which it has in view, the Imperial Cabinet proposes:—

1. To settle the question by means of a Declaration, by which it will grant, for the space of five years, to those captains of Her Britannic Majesty's ships of war who are charged *especially* with the maritime police for the suppression of the Slave Trade, the power to visit, in the parts where that Trade is carried on, merchant-vessels bearing the Austrian flag, which may be suspected of carrying on the illicit traffic in slaves.



2. The Government of Her Britannic Majesty, on the other hand, shall let us know the latitudes in which the English cruising stations, charged with the said maritime police, are placed, and shall furnish to the Austrian Government the names of the captains and vessels of war which compose the said cruising stations.

3. When the visit shall have taken place, and the Austrian merchant-vessel shall have been found in good order, there shall be delivered to it, by the visiting officer, a formal certificate, the exhibition of which shall release it from any repetition of the visit for the rest of the voyage.

4. In case an Austrian vessel shall be actually surprised, while carrying on this odious traffic, the chief of the English cruising station shall be bound to send the vessel to England, to be there adjudged by the tribunal instituted to take cognizance of these crimes. An Austrian Consul, either in person or by a delegate, shall have a right to attend at the inquiry, and an authenticated copy of the sentence pronounced shall be officially transmitted to the Imperial Government.

The Court of Vienna flatters itself that the British Government will recognise in these propositions the most convincing proof of its desire, in as far as the condition in which Austria is placed permits, to co-operate for the noble end which is its object.

Receive, &c.

(Signed)

METTERNICH.

*His Excellency Prince Esterhazy,*  
 &c.                    &c.                    &c.

No. 14.

*Viscount Palmerston to M. Hummelauer.*

*Foreign Office, December 11, 1839.*

THE Undersigned, Her Majesty's Principal Secretary of State for Foreign Affairs, has received the note which was addressed to him on the 12th November last, by M. Hummelauer, Chargé d'Affaires of His Majesty the Emperor of Austria, upon the subject of the proposed Treaty between Austria, France, Great Britain, Russia, and Prussia, for the suppression of the Slave Trade.

Her Majesty's Government beg to offer their sincere acknowledgments for the handsome manner in which their proposition has been met by the Austrian Government, and for the very liberal arrangement which the Cabinet of Vienna has offered to accede to; an arrangement which, in fact, goes, in some respects, even beyond what Her Majesty's Government had asked, and which is an extremely flattering proof of confidence on the part of Austria towards Great Britain.

Her Majesty's Government, however, for reasons which the undersigned will take the liberty to explain, would prefer the more limited arrangements contained in the Draft of Treaty proposed to the Three Powers, instead of the larger arrangements now offered by the Austrian Government.

In the first place, the great object which the British Government has for a long time laboured to accomplish with respect to the Slave Trade, is to engage all the Powers of Christendom, both in the Old and in the New World, in a general league, by Treaty, to put down the atrocious system of Piracy against the natives of Africa, which has so long been carried on, to the disgrace of the civilised world, under the name of the Slave Trade; and Her Majesty's Government attach very great importance to the moral effect, which would be produced, in furtherance of the abolition of this crime, by the formal accession of the Emperor of Austria to such a general league; and therefore, if the two courses now under consideration were, in all other respects, equally convenient, Her Majesty's Government would earnestly press the Austrian Government, for the interests of humanity, to become a member of the Christian League, rather than to enter into a separate and particular Convention with Great Britain alone.

For there are considerations, connected with the laws of Great Britain, which would render a Convention necessary, even if the course now proposed by Austria were to be pursued.

By the ordinary law of England, it is doubtful whether any officer of the

British navy could, in time of peace, detain and seize a merchant vessel belonging to the subject of a foreign power, (unless it were done as a measure of reprisal, or under an embargo,) without rendering himself liable to legal proceedings on the part of the owners of such vessel and her cargo; and if any such officer were to seize a foreign vessel, caught in the act of Slave Trading, and were to send her before one of the established Courts of Justice, either in Great Britain or in a British Colony, such Court would dismiss the suit, upon the ground that it had no jurisdiction in such a case, over the persons and property of the subjects of a foreign power. Therefore, whenever it has happened that a foreign power has entered into an Agreement with Great Britain, that the ships of war of each party should have a right to search merchant vessels suspected of Slave Trade, and to seize and detain such vessels as may be found engaged in that occupation; and that British Judges, in their capacity of members of a Mixed Commission, should be empowered to try and condemn vessels detected in the perpetration of such an offence, it has been necessary for the British Parliament to pass a new law, specifically applicable to the particular case, and giving to British ships of war, and to such British Judges, and such Mixed Tribunals, the requisite authority. But the foundation of such laws has been the Treaties concluded with the Foreign Powers, with whom the Agreements have been made; and those treaties having, in the first place, been laid before Parliament by command of the Sovereign, Parliament has afterwards passed Acts to give the necessary powers for carrying those Treaties into effect. Consequently, if the arrangement now proposed by Austria were finally to be adopted, it would be necessary that a Treaty to that effect should be concluded between the two Crowns, and that an Act of Parliament should be passed to carry that Treaty into execution; and if Austria should be willing to conclude a Treaty upon this matter, it would surely be better that she should be a party to a General Treaty, than that there should be a separate Convention between Her and Great Britain.

But the Undersigned will now consider the difficulties which have induced the Austrian Government to hesitate as to becoming a party to the proposed Treaty; and in the first place the Undersigned wishes to explain that the proposition now under consideration is not that Austria should "accede to a Treaty already concluded between Great Britain and France," but that Austria should become an original contracting Party to a Treaty to be concluded between the Five Powers, and to which Her Majesty's Government would propose that other Powers should afterwards be invited to accede.

Now, the principal objections put forward by the Austrian Government to this proposal are, that Austria has no colonies; and has no commerce in those parts of the world in which the Slave Trade is carried on; and that it would not be convenient for Austria to co-operate towards the execution of the Treaty, by sending cruisers to the Coast of Africa.

Upon this, Her Majesty's Government would beg to submit to that of Austria, that the assistance which Austria would afford towards the suppression of the Slave Trade, by consenting to become a contracting Party to the proposed Treaty, is entirely moral and not physical, and is rather of a negative than of a positive kind; but not on this account the less important.

It is quite true that Austria has no colonies, and that her commerce does not frequent the seas where the Slave Trade is carried on; and Her Majesty's Government has not the least idea that any Austrian subjects, or any *bonâ fide* Austrian vessels, will ever be engaged in the Slave Trade, and it is not under any such apprehension, or to prevent such things from happening, that the concurrence of Austria in this Treaty is sought for.

But that which Her Majesty's Government foresee as likely to happen, and which the concurrence of Austria in this Treaty would prevent, the Undersigned will shortly explain.

The Slave Traders in fact, and, properly speaking, belong to no particular nation, but are a gang of Buccaneers and Pirates, consisting of adventurers and criminals, born in various countries, and who shift their residence from country to country, and their traffic from flag to flag, as best suits their convenience.

These criminals have, for many years past, carried on their piracies under the protection of the Spanish, Portuguese, and Brazilian flags. The Treaty between Great Britain and Spain has nearly driven them from the flag of Spain;

the Treaty between Great Britain and Brazil, and some decisions recently made by the Mixed British and Brazilian Commissions at Rio de Janeiro and at Sierra Leone, are progressively expelling them from the shelter of the flag of Brazil; and the measures which Her Majesty's Government have recently been compelled to take, with respect to the flag of Portugal, will deprive the Slave Traders of the impunity which has hitherto been secured for them by that flag.

Thus hunted from their accustomed shelter, these criminals will fly for refuge to the flags of those powers, who may not have entered into engagements to prevent their flag from being so abused; and, if Austria were not to join the Christian League, there can be no doubt that her flag would soon be assumed for these disgraceful purposes.

Russia, like Austria, has no Colonies; and the commerce of Russia does not frequent the seas in which the Slave Trade is carried on; but already, and even in the anticipation of the impossibility of finding protection any longer under the flag of Portugal, the Slave Traders have begun to hoist the flag of Russia. A vessel was brought to England, a few months ago, which had been caught in the act of Slave Trading on the coast of Africa, under the Russian flag; and her papers, when examined in London, were found to be technically so regular and in order, that the Russian Consul-General felt it to be his duty to claim her as Russian property, although no doubt whatever could exist that she was engaged in the Slave Trade at the time when she was captured; and although it is well known that her real owners were Spaniards, and though she had not, when taken, a single Russian subject on board. But this case has produced its effect upon the Russian Government; and Her Majesty's Government have lately been informed, by the Russian Chargé d'Affaires in London, that he is authorised to enter into negotiation, with a view to conclude a Treaty on this subject.

The effect, therefore, of the concurrence of Austria in the proposed Treaty will be negative rather than positive; no vessel actually belonging to Austria will be found in those quarters which the Slave Traders haunt, and therefore no Austrian vessels will probably be searched. No really Austrian subjects will ever engage in the Slave Trade, and therefore no Austrian subjects will come under the operation of the Treaty; although Her Majesty's Government is persuaded, that the Austrian Government would be as anxious to prevent Austrian subjects and Austrian vessels from engaging in that trade, and to punish those Austrian subjects who might do so, as the British Government is, and long has been, to prevent offences of this kind from being committed by British vessels and by British subjects.

But Spanish, Portuguese, and Brazilian adventurers will be prevented, by the existence of such a Treaty, from fraudulently assuming the flag of Austria, and from attempting, by fictitious sales, to pass off their vessels as Austrian property.

With respect to the measures to be taken for the execution of the Treaty, the objection made by the Austrian Government to an unconditional Engagement to send cruisers to the Coast of Africa, is perfectly reasonable; but that objection might be obviated by a stipulation, similar to those of which the Undersigned encloses copies, and which have been inserted in the Slave Trade Treaties concluded with the Two Sicilies, with Tuscany, and with the Hanse Towns.

The Undersigned, in conclusion, has to express the earnest hope of Her Majesty's Government, that the Emperor of Austria may, upon a full consideration of the matter, be willing to become a member of the Christian League.

The Undersigned, &c.

(Signed) PALMERSTON.

*M. Hummelauer,*  
&c. &c. &c.

## First Enclosure in No. 14.

*Treaty with the Two Sicilies.*

## ARTICLE 2.

IT is agreed, with reference to Article 3 of the Convention of the 30th November, 1831, herein above transcribed, that His Majesty the King of the Kingdom of the Two Sicilies shall fix, according to his convenience, the number of cruisers of the Two Sicilies which shall be employed on the service mentioned in the said Article, and the stations on which they shall cruise.

## ARTICLE 3.

The Government of His Majesty the King of the Kingdom of the Two Sicilies shall make known to the Governments of Great Britain and of France, conformably to Article 4 of the Convention of the 30th November, 1831, the ships of war of the Two Sicilies which are to be employed in the suppression of the trade, in order that the necessary warrants for their commanders may be delivered.

The warrants which are to be delivered by the Government of the Two Sicilies shall be issued, after notification of the number of British and French cruisers intended to be employed shall have been made to it.

But if the Government of His Majesty the King of the Kingdom of the Two Sicilies shall not find it convenient to commission cruisers under the flag of the Two Sicilies for the suppression of the Slave Trade, it engages, nevertheless, to furnish warrants to the commanders of the British and French cruisers, to be employed on this service, as soon as the names and destination of such cruisers are officially notified to it, as above stipulated.

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Second Enclosure in No. 14.*Treaty with the Hanse Towns.*

## ARTICLE 4.

IF the Senates of the Free Hanseatic Cities should not deem it expedient to fit out cruisers of their own for the repression of the trade, they nevertheless engage to furnish the special authority or warrants, required by the 5th Article of the Convention of the 30th November, 1831, to the commanders of British and French cruisers, as soon as the names and the number hereof are notified to them.

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Third Enclosure in No. 14.*Treaty with Tuscany.*

## ARTICLE 4.

IF His Imperial and Royal Highness the Grand Duke of Tuscany should not deem it expedient to fit out cruisers of his own for the suppression of the trade, he nevertheless engages to furnish the special authority or warrant required by the 5th Article of the Convention of the 30th November, 1831, to the commanders of the British and French cruisers, as soon as the names and the number thereof shall have been notified to him.

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## PRUSSIA.

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No. 15.

*Viscount Palmerston to Lord William Russell.*

*Foreign Office, June 29, 1839.*

Circular, sending printed Papers presented to Parliament,  
(See No. 2, Page 2.)

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No. 16.

*Lord William Russell to Viscount Palmerston.*

*Berlin, 6th July, 1839.*

*(Received July 15.)*

MY LORD,

BEING anxious to hasten the accession of the Prussian Government to the Draft of Treaty for the Suppression of the Slave Trade, annexed to the protocol of the Conference of London of the 12th December last, I addressed on the 25th ultimo, in addition to my previous verbal communications, a note to Baron Werther, urging an early and favourable answer from the Cabinet of Berlin, and I have received from his Excellency the reply, of which I have the honour to enclose a copy, and from which it appears that the proposed Treaty is still under the consideration of the Prussian Ministers.

I have, &c.

(Signed)

WM. RUSSELL.

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

&c.            &c.            &c.

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Enclosure in No. 16.

*Baron Werther to Lord William Russell.*

MY LORD,

*Berlin, le 5 Juillet, 1839.*

EN réponse à votre lettre du 25 du mois dernier, j'ai l'honneur de vous informer, qu' aussitôt après avoir reçu le projet de Traité relative à l'Abolition de la Traite des Noirs, que Lord Palmerston a remis aux Plenipotentiaires d'Autriche, de Prusse, et de Russie, dans la Conférence du 12 Decembre de l'année dernière, je me suis empressé de le communiquer à Messieurs les Ministres de la Justice, de l'Interieur, et des Finances de Sa Majesté. Ces Ministres s'occupent encore à délibérer sur cet objet important, qui est principalement de leur Report, et je n'attends que leur Réponse pour faire parvenir au Ministère Britannique la déclaration de notre Gouvernement sur le dit projet. Veuillez, en attendant, être persuadé, my Lord, que de mon côté, je tacherai d'accélérer le plus que possible la marche de cette affaire.

Je saisis cette occasion, my Lord, pour vous offrir l'assurance renouvelée de ma haute considération.

(Signed)

WERTHER.

*A Lord William Russell,*

&c.            &c.            &c.

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(Translation.)

*Berlin, July 5, 1839.*

IN answer to your letter of the 25th of last month, I have the honour to inform you, that immediately on the receipt of the project of Treaty relative to the abolition of the Slave Trade, which Lord Palmerston placed in the hands of the Plenipotentiaries of Austria, Prussia, and Russia, at the Conference of December 12, of last year, I hastened to communicate it to His Majesty's Ministers of Justice, of the Interior, and of the Finances. These ministers are still occupied in deliberating upon this important subject, which principally concerns their departments; and I only wait for their answer to send to the British Ministry the declaration of our Government on the said project. Deign, my Lord, in the mean time, to be persuaded that on my part I shall endeavour to accelerate as much as possible the course of this affair.

I take this occasion, &amp;c.

*Lord William Russell,*  
&c. &c. &c.

(Signed) WERTHER.

No. 17.

*Viscount Palmerston to Lord William Russell.**Foreign Office, August 25th, 1830.*

Circular, sending Address of the House of Lords.

(See No. 4, page 2.)

No. 18.

*Viscount Palmerston to Lord William Russell.**Foreign Office, September 3rd, 1839.*

Circular, sending Act for the Suppression of the Slave Trade.

(See No. 5, page 3.)

No. 19.

*Viscount Palmerston to Baron Werther.**Foreign Office, September 13th, 1839.*

THE Undersigned, &c., has the honour to acquaint Baron Werther, &c., that Her Majesty has directed measures to be taken, the execution of which will speedily drive the Slave Trade from the Portuguese flag, under which it has, for a long period of time, been extensively carried on; and the Undersigned is commanded to observe, that no doubt can be entertained that the slave traders will endeavour, without delay, to seek the protection of some other flag, in order to obtain a continuance of that impunity for their iniquitous and piratical undertakings, which the flag of Portugal so long afforded them.

In this state of things it must necessarily be the desire of all Governments, who do not wish that their flag should be disgraced by being used for such vile purposes, to lose no time in taking steps to prevent such abuses: and experience has demonstrated, that a general league among Governments, by which they may grant to each other the mutual right of searching vessels, suspected of being engaged in Slave Trade, is one of the most effective means of putting an end to these enormous evils.

Her Majesty's Government, therefore, earnestly requests Baron Werther to apply to his Government for an 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, in a conference held at this office on the 12th December, 1838.

CLASS D.

Her Majesty's Government cannot doubt that the Government of Prussia shares in the general indignation, which the abominations of the Slave Trade have excited in every country in Europe; and Her Majesty's Government is confident that the Prussian Government is still animated by the fixed determination which, by the solemn declaration made at Vienna, in 1815, it expressed, entirely to put down and utterly to extinguish this crime; and that this determination will guide the conduct of the Prussian Government on the present occasion.

The Undersigned, &c.,

(Signed) PALMERSTON.

To the Baron Werther,  
&c. &c. &c.

No. 20.

*Baron Werther to Viscount Palmerston.*

*Londres, ce 19 Septembre, 1839.*  
(Received 22nd September.)

LE Soussigné, &c., à eu l'honneur de recevoir la note du 13 Septembre, par laquelle son Excellence Monsieur le Vicomte Palmerston, &c., réitère au Gouvernement du Roi la demande de conclure, sans délai, la Traité qui à été présenté en conference du 12 Decembre, 1838, aux Plénipotentiaires de Prusse, d'Autriche, et de Russie, par les Plénipotentiaires de Grande Bretagne et de France, concernant d'Abolition de la Traité des Nègres.

Le Soussigné s'est empressé de porter cette note à la connaissance de sa Cour.

Il saisit, &c.  
(Signé)

WERTHER.

*A Son Excellence Monsieur le Vicomte Palmerston,*  
&c. &c. &c.

(Translation.)

*London, September 19, 1839.*

THE Undersigned, &c., has had the honour to receive the note of the 13th September, by which his Excellency Viscount Palmerston, &c., repeats to the Government of the King the demand to conclude without delay the Treaty presented in the Conference of December 12, 1838, to the Plenipotentiaries of Prussia, Austria, and Russia, by the Plenipotentiaries of Great Britain and France, concerning the abolition of the Slave Trade.

The Undersigned has hastened to bring this note to the knowledge of his Court.

He seizes, &c.  
(Signed)

WERTHER.

No. 21.

*Viscount Palmerston to Baron Werther.*

*Foreign Office, September 30, 1838.*

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

The object of that circular is to complain of certain measures, which the Parliament and the 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 the Baron Werther 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 of 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 of May, 1839, to the preceding note of the Portuguese Minister for Foreign Affairs.

The Undersigned, &c.  
(Signed) PALMERSTON.

To Baron Werther,  
&c. &c. &c.

No. 22.

*Viscount Palmerston to Lord William Russell.*

MY LORD,

*Foreign Office, October 10th, 1839.*

WITH reference to my Despatch to you, marked "Slave Trade," of the 2nd April last, enclosing the copy of the Protocol of a Conference on Slave Trade, which took place in London on the 12th of December, 1838, between the Plenipotentiaries of Austria, France, Great Britain, Prussia, and Russia; I transmit to you copies of two Notes which, by Her Majesty's command, I addressed to the Ministers of Austria, Prussia, and Russia, at this Court, on the 28th of June, and on the 13th of September last, urging them to obtain the decision of their Governments upon the Draft of a Treaty between the Five Powers for the suppression of the Slave Trade, which was proposed at the before-mentioned conference.

And I have to desire, that you will use your utmost endeavours to induce the Prussian Government to send, without further delay, authority to its representative at this Court to conclude the before-mentioned Treaty.

I am, &c.  
(Signed) PALMERSTON.

*Lord William Russell,*  
&c. &c. &c.



No. 23.

*Viscount Palmerston to Lord William Russell.**Foreign Office, October 12th, 1839.*

Circular on the Negotiations with Portugal.

(See No. 10, page 6.)

No. 24.

*Baron Werther to Viscount Palmerston.**Ce 9 Octobre, 1839, 3, Lower Berkeley-street.  
(Received 13th October.)*

LE Soussigné, Chargé d'Affaires de Sa Majesté le Roi de Prusse, a eu l'honneur de recevoir la note, que son Excellence le Vicomte Palmerston, Principal Secrétaire d'Etat de Sa Majesté Britannique pour les Affaires Etrangères, à bien voulu lui adresser en date du 30 Septembre dernier, relativement aux mesures que le Gouvernement Britannique a prises, pour parvenir à abolir la Traite des Nègres, qui continuait à être faite sous le pavillon Portugais.

Le Soussigné s'est empressé de porter cette communication ainsi que ses annexes à la connaissance de sa Cour.

Il saisit, &amp;c.

(Signed) WERTHER.

*A Son Excellence Monsieur le Vicomte Palmerston.*

(Translation.)

*3, Lower Berkeley Street, October 9, 1839.*

THE Undersigned, &c., has had the honour to receive the note which his Excellency Viscount Palmerston, &c., had the goodness to address to him on the 30th September last, relative to the measures which the British Government has taken to obtain the abolition of the Slave Trade, which continues to be carried on under the flag of Portugal.

The Undersigned has hastened to bring this communication, together with its annexes, to the knowledge of his Court.

He seizes, &amp;c.

(Signed) WERTHER.

No. 25.

*Baron Werther to Viscount Palmerston.**3, Lower Berkeley Street, ce 10 Octobre, 1839.  
(Received October 13.)*

EN réponse à la note du 13 Septembre dernier, par laquelle son Excellence Monsieur le Vicomte Palmerston, &c., a exprimé le désir de voir le soussigné, &c., muni des ordres de sa cour pour signer le Traité relatif à la suppression de la Traite des Nègres, et dont le projet a été remis aux Plénipotentiaires d'Autriche, de Prusse, et de Russie, dans la conférence du 12 Décembre de l'année dernier, le soussigné, par ordre de son Gouvernement, a l'honneur de prévenir son Excellence Mons. le Vicomte Palmerston, que cet objet important n'a pas été perdu de vue par le Cabinet de Sa Majesté le Roi, mais comme le dit projet renferme différents points sur lesquels les Ministères compétens de l'intérieur n'ont pas encore fixé leur opinion, son Excellence le Principal Secrétaire d'Etat voudra bien se convaincre que, malgré le sincère désir du Gouvernement du Roi de contribuer aux moyens de mettre fin à un trafic que reprovent

également la religion et l'humanité, il n'est pas encore en mesure de satisfaire à la demande du Cabinet Britannique.

Cependant le Soussigné est autorisé à renouveler à son Excellence Mons. le Vicomte Palmerston, l'assurance que rien ne sera négligé, de la part du Gouvernement du Roi, pour accélérer l'arrangement définitif d'une affaire, à laquelle le Cabinet de Sa Majesté Britannique n'a cessé de vouer un intérêt aussi vif que juste.

Le Soussigné, &c.

(Signed) WERTHER.

*A son Excellence Monsieur le Vicomte Palmerston,*  
 &c.                    &c.                    &c.

(Translation.)

3, *Lower Berkeley Street, October 10, 1839.*

IN reply to the note of the 13th September last, by which his Excellency Viscount Palmerston, &c., expressed a desire to see the Undersigned, &c., furnished with orders from his Court to sign the Treaty relative to the suppression of Slave Trade, the project of which was remitted to the Plenipotentiaries of Austria, Prussia, and Russia, at the Conference of 12th December last year, the Undersigned, by order of his Government, has the honour to inform his Excellency Viscount Palmerston, that this important subject has not been lost sight of by the Cabinet of His Majesty the King; but as the said project contains different points, upon which the competent Ministers of the interior have not yet settled their opinion, his Excellency the Principal Secretary of State will be so good as to believe that in spite of the sincere desire of the King's Government to contribute to the means of putting an end to a traffic which religion and humanity equally reprove, it is not yet able to satisfy the demand of the British Cabinet.

Nevertheless the Undersigned is authorised to renew to his Excellency Viscount Palmerston the assurance that nothing will be neglected on the part of the Government of the King to accelerate the definitive arrangement of an affair, to which the Cabinet of Her Britannic Majesty has not ceased to devote an interest as lively as it is just.

The Undersigned, &c.

(Signed) WERTHER.

No. 26.

*Viscount Palmerston to Lord William Russell.*

*Foreign Office, November 2, 1839.*

Circular communicating Orders issued under the Act for the Suppression of the Slave Trade.

(See No. 11, page 6.)

No. 27.

*Lord William Russell to Viscount Palmerston.*

*Berlin, 4th November 1839.*  
*(Received November 11.)*

MY LORD,

BARON WERTHER informs me that he has laid before the King a Report, drawn up by the advice of the Cabinet of Berlin, approving the views sug-

gested by your Lordship for the suppression of the trade in Slaves; and that, on receiving His Majesty's permission, he will transmit to the Prussian Minister in London full powers to sign the treaty.

I have, &c.,

(Signed) WM. RUSSELL.

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

No. 28.

*Sir George Hamilton to Viscount Palmerston.*

*Berlin, November 20, 1839.*

*(Received November 26th.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked "Slave Trade," of the 2nd instant, a copy of which I have sent to Baron Werther.

His Excellency informed me that he was only waiting for an answer from Vienna, to authorise the Prussian Chargé d'Affaires in London to sign the Slave Treaty proposed by Her Majesty's Government.

I have, &c.,

(Signed) GEO. B. HAMILTON.

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

No. 29.

*Baron Werther to Viscount Palmerston.*

*3, Lower Berkeley Street, ce 23 Novembre, 1839.*

*(Received November 26.)*

LE Soussigné Chargé d'Affaires de Prusse, a reçu l'ordre d'exprimer à Son Excellence Monsieur le Vicomte Palmerston, Principal Secrétaire d'Etat de Sa Majesté Britannique pour les Affaires Etrangères, les remerciemens de sa cour pour la communication, que son Excellence a bien voulu lui faire, par sa note du 30 Septembre dernier, des principaux documents qui concernent la négociation entre la Grande Bretagne et Portugal sur l'abolition de la Traite des Nègres. Le Gouvernement du Roi a pris connaissance de cette communication avec grand intérêt, bien que son objet lui soit étranger, et que la cour du Soussigné ne se croie aucunement appelée à intervenir dans la discussion à laquelle elle se rapporte.

Le Soussigné saisit avec empressement cette occasion, pour avoir l'honneur de réitérer à son Excellence Monsieur le Vicomte Palmerston, l'assurance de sa plus haute considération.

(Signé) WERTHER.

*A son Excellence Monsieur le Vicomte Palmerston,*  
&c. &c. &c.

(Translation.)

*3, Lower Berkeley Street, November 23, 1839.*

THE Undersigned, &c., has received orders to express to his Excellency Viscount Palmerston, &c., the thanks of his Court for the communication which his Excellency had the goodness to make to it by his note of 30th September last, of the principal documents which concern the negotiation between Great Britain and Portugal, on the abolition of the Slave Trade. The Govern-

ment of the King has taken cognisance of this communication with great interest, although the subject thereof is foreign to it, and the Court of the Undersigned does not consider itself at all called upon to interfere in the discussion to which it refers.

The Undersigned seizes, &c.  
(Signed) WERTHER.

No. 30.

*Baron Werther to Mr. Backhouse.*

*Ce 16 Décembre, 1839.*  
*(Received December 18.)*

LE Baron de Werther, &c., a l'honneur de présenter ses complimens à Mons. Backhouse, et le prévenant que Lord Palmerston a bien voulu lui promettre vendredi dernier, de lui communiquer une copie de la note qu'il vient d'adresser au Chargé d'Affaires d'Autriche, relativement au projet de traité sur la suppression de la Traite des Nègres, le Baron de Werther serait très reconnaissant à Mons. Backhouse, s'il voulait avoir la bonté de lui faire envoyer cette copie, afin de pouvoir la transmettre à sa cour par la poste de demain.

*Monsieur J. Backhouse, Sous Secrétaire d'Etat,*  
*&c. &c. &c.*

(Translation.)

*December 16, 1839.*

BARON WERTHER, &c., has the honour to present his compliments to Mr. Backhouse, and to inform him that Lord Palmerston had the goodness on Friday last to promise to communicate to him a copy of the note, which he has recently addressed to the Austrian Chargé d'Affaires, relative to the project of Treaty on the suppression of the Slave Trade; and Baron Werther will be thankful to Mr. Backhouse if he will have the goodness to have this copy sent to him, in order that he may be able to send it to his Court by the post of to-morrow.

No. 31.

*Mr. Strangways to Baron Werther.*

*Foreign Office, December 18, 1839.*

MR. FOX STRANGWAYS presents his compliments to Baron Werther, and is directed by Viscount Palmerston to transmit to him the accompanying copy of a note, which Viscount Palmerston addressed to M. Hummerlauer, under date of the 11th instant, on the subject of the proposed Treaty on Slave Trade between Austria, France, Great Britain, Russia, and Prussia.

(Signed) W. F. STRANGWAYS.

*To Baron Werther,*  
*&c. &c. &c.*

## RUSSIA.

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No. 32.

*Viscount Palmerston to Lord Clanricarde.*

MY LORD,

*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 Russia, 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 Russian Government, expressing the confident hope of Her Majesty's Government, that prompt and effectual steps will be taken by the Government of Russia for preventing this abuse of the flag of that country for purposes of Slave Trade.

I have, &c.

(Signed) PALMERSTON.

*His Excellency the Marquis of Clanricarde,*  
&c. &c. &c.

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Enclosures in No. 32.

Sir Thomas Reade's Despatches, of March 20, and April 25, 1839.  
(See Nos. 130 and 131.)

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No. 33.

*Lord Clanricarde to Viscount Palmerston.*

MY LORD,

*St. Petersburg, June 3, 1839.*  
(Received June 17.)

I HAVE had the honour to receive your Lordship's Despatch, marked "Slave Trade," of the 16th May, and, in pursuance of the instructions therein conveyed to me, I have this day addressed a note to Count Nesselrode, of which I have the honour to transmit a copy to your Lordship.

I have, &c.

(Signed) CLANRICARDE.

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

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Enclosure in No. 33.

*Lord Clanricarde to Count Nesselrode.*

*St. Petersburg, June 3 (May 22, 1839.)*

THE Undersigned, &c., has the honour to communicate to His Excellency, the Vice Chancellor, Count Nesselrode, the following intelligence relating to the use made of the Russian flag by persons engaged in the Slave Trade.

On the 24th January last, Her Majesty's brig "Bonetta," commanded by

Lieutenant Hill, boarded the Russian brig "*Galouchipie*," 40 days from Barcelona. Not having the right of search, the boarding officer could not ascertain the whole extent of her equipment, but he saw part of her slave deck laid in the main hold, and also leaguers, such as are used in the Slave Trade. Her master is an Italian, and the whole of her crew are Spaniards or Portuguese. Her papers were perfectly regular. She is the fastest vessel, off the wind, Lieutenant Hill had met with, and carries quarter boats.

Rear Admiral Elliot, from whom this information has been received, repeats a statement he had previously made, that the use of the Russian flag, for the protection of Spanish slave vessels, is rapidly becoming more general. He believes the "*Galouchipie*" alluded to in Lieutenant Hill's letter, to be the fourth vessel now on the coast of Africa carrying on the Slave Trade under Russian colours, one of which has made four successful voyages to Cuba.

It appears not improbable that the "*Galouchipie*" may prove to be the *Galoubka*, which was expedited by the Sieur Laoura, from Odessa to Barcelona, which vessel has already been referred to in a correspondence between His Excellency the Vice Chancellor and Her Majesty's Embassy.

The Undersigned entreats the serious attention of Count Nesselrode to this intelligence, and to the necessity of adopting more energetic measures for the suppression of the Slave Trade, which, he cannot doubt, is as hateful to the Russian as it is to the British Government; and the undersigned takes this opportunity of again mentioning the project of a Treaty, communicated by Lord Palmerston and Count Sebastiani to Count Pozzo di Borgo, of which he had the honour to remind Count Nesselrode in a late conversation, and of repeating the earnest hope entertained by Her Majesty's Government, that the Imperial Cabinet will no longer delay their assent to that proposal.

Such a treaty, while it strictly respects all rights of nations, and guards against the possibility of abuse, would afford the means of preventing in future the misuse of the Russian flag, and a prospect of effectually suppressing the Slave Trade.

The Undersigned, &c.

To His Excellency Count Nesselrode, (Signed) CLANRICARDE.  
&c. &c. &c.

No. 34.

*Viscount Palmerston to Count Pozzo di Borgo.*

*Foreign Office, June 28, 1839.*

THE Undersigned, &c., has the honour to remind His Excellency Count Pozzo di Borgo, &c., that six months have now elapsed since the draft of a Treaty between Austria, France, Great Britain, Prussia, and Russia, for the suppression of the Slave Trade, was proposed in conference to His Excellency by the Undersigned and by the French Ambassador, but no answer has yet been received to that communication from the Russian Government.

The Undersigned has therefore now urgently to request that His Excellency Count Pozzo di Borgo will apply to the Government of Russia for its decision upon the above-mentioned draft.

The Undersigned has at the same time to state that Her Majesty's Government cannot doubt that the Government of Russia will on this occasion, by agreeing to the proposed Treaty, give proof of the same generous and humane feelings which impelled it, at the Congress of Vienna, to pledge itself to take effectual steps for the entire suppression of the traffic in Slaves.

The Undersigned, &c.

(Signed) PALMERSTON.

*His Excellency Count Pozzo di Borgo,*  
&c. &c. &c.

No. 35.

*Viscount Palmerston to Lord Clanricarde.*

*Foreign Office, June 29, 1839.*

Circular, sending Papers presented to Parliament.

(See No. 2, Page 2.)

No. 36.

*Lord Clanricarde to Viscount Palmerston.*

MY LORD,

*St. Petersburg, June 22nd, 1839.*  
(Received July 1st.)

I HAVE had the honour to receive your Lordship's Despatch, Slave Trade, of the 11th June, 1839; and, in obedience to the instructions therein conveyed to me, I have addressed a note to Count Nesselrode, of which I have the honour to enclose a copy to your Lordship.

I have, &amp;c.

(Signed)

CLANRICARDE.

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

Enclosure in No. 36.

*Lord Clanricarde to Count Nesselrode.**St. Petersburg, 20th June, 1839.*

THE Undersigned, &c., has the honour to communicate to His Excellency the Vice-Chancellor Count Nesselrode, that information has been received from Sir Thomas Reade, Her Majesty's Consul-General at Tunis, which states that commanders of vessels are in the habit of availing themselves of the protection afforded by the Russian flag to transport from Tunis to Constantinople cargoes of Slaves, to be there sold in the public market.

The Tuscan flag is employed for the same purpose; and it appears that the Ottoman, Russian, and Tuscan Consulates are all under the charge of the Dutch Consul; and that the vessels, which have hitherto left Tunis with cargoes of Slaves for Constantinople, have all been despatched from that Consulate.

Upon the embarkation of each slave, a fee of one Tunisian piastre is exacted, and this circumstance is supposed to facilitate these expeditions.

The Undersigned has been instructed to express the confident hope of Her Majesty's Government, that prompt and effectual measures will be taken by the Imperial Government to prevent in future this abuse of the Russian flag.

The Undersigned, &amp;c.

(Signed)

CLANRICARDE.

*To His Excellency Count Nesselrode,*  
&c. &c. &c.

No. 37.

*M. Kisséleff to Viscount Palmerston.*

MY LORD,

*Londres, le 9 Juillet, 1839.*

A LA suite de la conversation que j'ai eu l'honneur d'avoir avec votre Excellence, au sujet du navire marchand sous pavillon Russe "*Le Goloubtchik*," supposé être propriété Espagnole, et soupçonné d'avoir fait la traite des noirs, j'ose la prier de vouloir bien faire donner les ordres nécessaires, pour que les papiers de bord de ce bâtiment, saisis par le Lieut. Hill, et spécifiés au reçu dont la copie est ci jointe, soient remis à M. de Benkhausen, Consul-Général de Prussie dans ce pays, afin que ce fonctionnaire puisse en constater l'authenticité, ainsi que la nationalité du navire en question, et il serait peut-être utile, Milord, de lui delivrer en même tems un copie des actes d'accusation qui a motivé la saisie de ce navire.

J'ai, &amp;c.

(Signed)

KISSÉLEFF.

*A Son Excellence Monsieur le Viscomte Palmerston, G.C.B.,*  
&c. &c. &c.

(Translation.)

MY LORD,

IN pursuance of the conversation which I had the honour to have with your Excellency, on the subject of the merchant-vessel under the Russian flag, the "*Goloubtchik*," supposed to be Spanish property, and suspected of having been engaged in the Slave Trade, I venture to ask you to have the goodness to cause the necessary orders to be given, in order that the ship's papers of this vessel, seized by Lieutenant Hill, and specified in the receipt, of which a copy is annexed hereto, may be sent to Mr. Benkhausen, Consul-General of Russia in this country, in order that that functionary may ascertain their authenticity, as well as the nationality of the ship in question; and it will perhaps be useful, my Lord, to deliver at the same time a copy of the acts of accusation which gave rise to the seizure of this vessel.

I have, &c.  
(Signed) KISSÉLEFF.

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Enclosure in No. 37.

*Captor's Declaration.*

I, Henry Worsley Hill, Lieutenant and Commander of Her Britannic Majesty's brig "*Saracen*," hereby certify that on this 19th day of April, 1839, being in or about latitude 6° 57' N., longitude 11° 57' W., I detained the Spanish brig or vessel named the "*Goluptchick*," sailing under Russian colours, armed with two guns, twelve-pounders, commanded by Matias Mestri, who declared her to be bound from Barcelona to Havana, with a crew consisting of 26 men, no boys, no supercargo, one passenger; and that the papers and documents seized by me on board the said brig or vessel, being marked from No. 1 to No. 19, are enumerated in the following list, viz.,

- No. 1. Russian register.
2. Turkish document.
3. List of crew.
4. Bill of health for the port of Marseilles.
5. Russian passport from Constantinople to Barcelona.
6. Pass from Russian Consul at Marseilles, dated 21st Sept., 1838.
7. List of cargo shipped at Marseilles from Russian Consul at Marseilles.
8. Manifest from port of Marseilles.
9. Bill of sale.
10. Certificate from Russian Consul at Barcelona.
11. Certificate of cargo from Russian Consul at Barcelona.
12. Log-book.
13. A book of accounts.
14. A book of navigation.
15. A book of navigation and account of some expenses.
16. A receipt.
17. A paper of accounts.
18. An account of the pay of the crew.
19. List of the crew.

(Signed) J. H. W. HILL,  
Lieutenant and Commander.

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No. 38.

*Viscount Palmerston to M. Kisséleff.**Foreign Office, July 18, 1839.*

THE Undersigned, &c., has the honour to acknowledge the receipt of the note addressed to him, on the 9th instant, by M. Kisséleff, &c., requesting that the papers taken on board the vessel the "*Goloubtchick*," may be delivered to the Russian Consul-General, in order that he may ascertain their authenticity, and also the nationality of the vessel. The Undersigned has in reply to state to M. Kisséleff, that either M. Kisséleff, or the Russian Consul-General may see the ship's papers by applying at the Admiralty; and M.



Kisséleff will then determine whether he will choose to claim the vessel as Russian property.

The Undersigned has at the same to observe to M. Kisséleff, that there cannot be the slightest doubt that the vessel was engaged in the Slave Trade; and if she is sent back to Sierra Leone, to be dealt with as Spanish property, by the Mixed Commission, she will unquestionably be condemned, under the Treaty with Spain, for having been found equipped for Slave Trade.

If, however, upon an examination of the ship's papers, M. Kisséleff shall think, that the papers prove the ship to be Russian property, according to Russian law, and if upon reference to the circular of the Russian Government of December, 1835, declaring that ships engaged in the Slave Trade shall not be protected by the Russian flag, he shall think it consistent with his duty and with the publicly expressed intentions of his Government, to extend to this Slave Trader the protection of the Russian flag, notwithstanding the indisputable fact that she was found out of her pretended course, equipped for Slave Trade, and at the Gallinas, one of the most notorious slave markets in all Africa, Her Majesty's Government will, without hesitation, deliver up the vessel to M. Kisséleff. But in that event, Her Majesty's Government must urge upon the Russian Government the present case as a signal instance of the gross abuse, which is beginning to be made of the Russian flag, to cover undertakings of Slave Trade; and Her Majesty's Government must express their anxious hope, that the Cabinet of St. Petersburg will not any further delay signifying its assent to the Treaty, which was many months ago submitted for its consideration, for the purpose of putting an end to such evils.

If M. Kisséleff, shall upon an examination of the ship's papers, think that the vessel is legitimately Russian property, the Undersigned has to request that he will, in such case, state in detail the grounds on which he may have founded that opinion.

The Undersigned, &c.  
(Signed) PALMERSTON.

*M. Kisséleff,*  
&c. &c. &c.

No. 39.

*M. Kisséleff to Viscount Palmerston.*

*Londres, le 24 Juillet, 1839.*  
(Received July 24.)

LE Soussigné, Chargé d'Affaires de Sa Majesté l'Empereur de Russie, par suite de la note que son Excellence le Principal Secrétaire d'Etat au Departement des Affaires Etrangères lui a fait l'honneur de lui adresser en date du 18 de ce mois, en réponse a son office du 9 du courant, s'est empressé de charger le Consul-Général Benkhausen, de se rendre au Bureau de l'Amirauté, afin d'y examiner les papiers de bord du bâtiment sous pavillon Russe, "*le Goloubtchik,*" soupçonné être propriété Espagnole et avoir fait la traite des noirs, et saisi comme telle par un croisière de la Marine Royale Anglaise.

M. de Benkhausen, après un examen scrupuleuse de la patente, du contrat de vente et des autres documens du dit navire, a informé le Soussigné, par le rapport ci joint en copie, qu'il les a trouves parfaitement en règle, constatant que "*le Goloubtchik,*" est propriété Russe appartenant à M. F. Lauro, sujet Russe et négociant de la première guilde d'Odessa.

Dans le but de ne rien laisser ignorer à son Excellence le Principal Secrétaire d'Etat, sur tout ce qui concerne ces documens, le Soussigné s'empressé d'ajouter, que l'irregularité qui a été trouvée par le commandant de la croisière de Sa Majesté Britannique dans la patente du bâtiment saisi, ne se trouve que dans la traduction de ce document, tandis que dans l'original, écrit en langue Russe, et qui seul fait autorité, il n'y a aucune omission ou irregularité.

Se fondant sur l'opinion et le rapport officiel du Consul-Général de Sa Majesté Impériale dans ce pays, le Soussigné à l'honneur de prier en conséquence Monsieur le Principal Secrétaire d'Etat de faire donner les ordres

nécessaires afin de lui restituer, comme propriété Russe, le dit navire, ainsi que ses papiers, et il s'empresse en même tems d'assurer Son Excellence, qu'il se fera un devoir de porter à la connaissance de sa cour la note précitée du 18 de ce mois, en attirant sur son contenu toute son attention, ainsi que sur la manière éminemment conciliante et équitable, dont Monsieur le Principal Secrétaire d'Etat a bien voulu accompagner toutes ses explications avec le Soussigné dans cette affaire.

Le Soussigné, &c.  
(Signé) KISSÉLEFF.

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

(Translation.)

The Undersigned, &c., in pursuance of the note which his Excellency the Principal Secretary of State for Foreign Affairs did him the honour to address to him, under date of the 18th of this month, in answer to his of the 9th inst., hastened to charge Consul-General Benkhausen to go to the office of the Admiralty, in order to examine there the ship's papers of the vessel under the Russian flag, the "*Goloubtchik*," suspected to be Spanish property, and to have carried on the Slave Trade, and seized as such by a cruiser of the English Royal Navy.

M. Benkhausen, after a scrupulous examination of the patent, the contract of sale, and the other documents of the said vessel, has informed the Undersigned by the Report, a copy of which is annexed, that he has found them perfectly in order, proving that the "*Goloubtchik*" is Russian property, belonging to M. F. Lauro, a Russian subject, and a merchant of the first guild of Odessa.

With a view to leave his Excellency in ignorance of nothing which concerns these documents, the Undersigned hastens to add, that the irregularity found by the commander of the cruiser of Her Britannic Majesty, in the patent of the vessel seized, is only to be found in the Translation, while, in the Original, written in the Russian language, and which alone is of any authority, there is no omission or irregularity.

Upon the ground of this opinion, and the Official Report of the Consul-General of His Imperial Majesty in this country, the Undersigned has the honour to beg, in consequence, the Principal Secretary of State to cause the necessary orders to be given for the restitution to him, as Russian property, of the said vessel, as well as of her papers; and he hastens, at the same time, to assure his Excellency that he will make it his duty to bring to the knowledge of his Court the above-mentioned note of the 18th of this month; drawing all attention to its contents, as well as to the eminently conciliating and equitable manner with which the Principal Secretary of State has had the goodness to accompany all his explanations with the Undersigned in this affair.

The Undersigned, &c.  
(Signed) KISSÉLEFF.

Enclosure in No. 39.

*Mr. Benkhausen to M. Kisséleff.*

MONSIEUR,

*Londres, le 19th Juillet, 1839.*

J'AI l'honneur de vous informer, que conformément aux instructions que vous avez bien voulu me donner, je suis passé au bureau de l'Amirauté, où j'ai examiné les papiers de bord du "*Goloubtchik*." Je m'empresse de vous informer, Monsieur, que j'ai trouvé la patente, le contrat de vente et les autres documens du dit navire, parfaitement en règle, et il constate de ces documens qu'il est propriété russe, appartenant à M. F. Lauro, sujet Russe, et negociant de la première guilde d'Odessa.

J'ai, &c.  
(Signé) G. BENKHAUSEN.

*M. de Kisséleff,*  
*Chargé d'Affaires de Russie.*

(Translation.)

SIR,

I HAVE the honour to inform you that, conformably to the instructions which you have thought good to give me, I went to the office of the Admiralty, where I examined the ship's papers of the "*Goloubtchik*." I hasten to inform you, Sir, that I found the patent, the contract of sale, and the other documents of the said vessel, perfectly in order; and it is proved by these documents that she is Russian property, belonging to M. F. Lauro, a Russian subject, and a merchant of the first guild of Odessa.

I have, &c.,  
(Signed) G. BENKHAUSEN.

No. 40.

*Viscount Palmerston to M. Kisséleff.**Foreign Office, 3rd August, 1839.*

THE undersigned, &c., has received the note which was addressed to him on the 24th ultimo, by M. Kisséleff, &c., together with its accompanying copy of a letter from M. Benkhausen respecting the vessel, the "*Goloubtchik*;" but before any further steps are taken in this matter, the Undersigned will be glad to know whether he is to understand that M. Benkhausen has satisfied himself, not only that the papers of this vessel are regular, but that the vessel was navigated in conformity with those papers, and consistently with the Russian law, which determines what are to be considered as Russian vessels.

The Undersigned, with reference to this inquiry, begs to remark that it appears that there was not a single Russian subject on board the vessel when she was detained.

The Undersigned, &c.  
(Signed) PALMERSTON.

*M. Kisséleff,*  
&c. &c. &c.

No. 41.

*M. Kisséleff to Viscount Palmerston.**Londres, le 5 Août, 1839.**(Received 6th August.)*

LE Soussigné, Chargé d'Affaires, &c., en réponse à la note que Monsieur le Vicomte Palmerston, &c., lui a adressé en date du 3 du courant, relativement au navire marchand Russe le "*Goloubtchik*," a l'honneur de prévenir Son Excellence que d'après les lois de Russie, il ne faut pour un bâtiment marchand de son pays, qu'une patente en bonne et due forme, délivrée par une autorité compétente Russe, pour constater sa nationalité et lui assurer la protection du pavillon de l'empire.

Cette condition ayant été trouvée parfaitement en règle par le Consul-Général de Russie, lors de l'examen fait par lui au bureau de l'Amirauté des papiers de bord du "*Goloubtchik*," et le soussigné trouvant cette preuve entièrement suffisante, d'après les lois de son pays, pour constater que le bâtiment soupçonné et détenu est propriété Russe, se fait un devoir d'en réclamer comme telle la restitution du Gouvernement de Sa Majesté Britannique, et de prier de nouveau Son Excellence Monsieur le Principal Secrétaire d'Etat de vouloir bien donner les ordres nécessaires, afin de mettre sans délai le soussigné en possession du dit navire, ainsi que de ses papiers de bord.

Le Soussigné, &c.  
(Signé) KISSÉLEFF.

*A Son Excellence Monsieur le Vicomte Palmerston,*  
&c. &c. &c.



(Translation.)

*St. Petersburg, July 14 (26), 1839.*

THE Undersigned has received the note which his Excellency the Marquis Clanricarde, &c., did him the honour to address to him on the 8th (20th) of June last. Orders have immediately been sent to Constantinople to verify the fact which that note was designed to point out to the Imperial Ministry.

In thanking the Marquis Clanricarde for his communication, the Undersigned begs his Excellency to be persuaded, that if ever the Russian flag can have served for the transport of any Slaves whatever in the Mediterranean, such a practice is contrary to the express intentions of the Imperial Government; the more so as it visits the traffic in Slaves now in question with the same reprobation as the traffic known by the denomination of the "Slave Trade," the entire extinction of which, by means of stipulations to be solemnly entered into, is to the Cabinet of Her Britannic Majesty an object of the most generous solicitude and most constant efforts.

(Signed) NESSELRODE.

No. 43.

*Viscount Palmerston to M. Kisséleff.**Foreign Office, August 15, 1839.*

THE Undersigned, &c., has received the note which was addressed to him on the 5th instant by M. Kisséleff, &c., and the Undersigned has to state, that in compliance with the request of M. Kisséleff, expressed in that note, directions will be given for delivering up to M. Kisséleff, without delay, the "*Gouloubtchik*," together with the papers belonging to that vessel, which were found on board of her.

But the Undersigned must at the same time request that M. Kisséleff will bring this case under the notice of the Russian Government, as an instance showing how much the concurrence and co-operation of Russia is wanted, for the purpose of accomplishing the suppression of the Slave Trade.

For the Russian Government will see, that here is a vessel which, though sailing under Russian colours, and furnished with a Russian patent, is declared by her master to be the *bonâ fide* property of a Spanish Slave Trader in Cuba; she is caught in the act of Slave Trading, at the Gallinas, a place on the coast of Africa, much resorted to for Slave Trade, where scarcely any commerce of any other kind is carried on; her crew are almost entirely Spanish; and she has not one single Russian subject on board; her papers pretend that her destination was Bahia, while her log shows that she has never gone thither since she left Odessa; and though she has a Russian patent, she has not for two years been in a Russian port. But the Russian patent seems to be, by Russian law, sufficient to make her, *primâ facie*, Russian property; and yet this document, if it be genuine, only proves one of two things—either that a fraudulent and fictitious sale of the vessel took place at Odessa, in order to protect her in her Slave-Trade undertaking, or else that a Russian ship-owner has employed his vessel in Slave Trade.

Nevertheless, in consequence of this single document, and notwithstanding the declaration made by the Russian Government in its circular of December, 1835, this vessel is claimed as Russian property, and as such, is of course, given up.

If the declaration contained in the above-mentioned circular had been acted upon, in respect of the "*Goloubtchik*," and if the ship had been left in the hands of the British Government, to be sent back to Sierra Leone, in order to be tried there as Spanish property, she would, as a Spanish ship, have been condemned and broken up, and would have been sold as old timber; but being now sent, as she will be, to Russia, and there being, probably, no law in Russia to punish Slave Trade, because that crime is unknown in Russia, it is presumed that she will, immediately on her arrival, be set free; and she will, therefore, soon be again employed in the Slave Trade, which her owners will be encouraged to carry on, by the impunity which they will thus have enjoyed. Her Majesty's Government hope, that the circumstances of this case will be

considered as deserving the serious attention of the Russian Government, and that this case may be thought by the Emperor to afford valid reasons to induce His Imperial Majesty to concur with the other Powers of Europe in a Treaty, which will prevent the Russian flag from being hereafter used for purposes of Slave Trade.

The Undersigned, &c.  
(Signed) PALMERSTON.

*M. Kisséleff,*  
&c. &c. &c.

No. 44.

*Viscount Palmerston to Lord Clanricarde.*

MY LORD,

*Foreign Office, August 20, 1839.*

I HAVE received your Excellency's Despatch, Slave Trade, of the 3rd August, 1839, containing the answer of Count Nesselrode to the representations of your Excellency, on the protection afforded by the Russian flag to the traffic in Slaves between Tunis and Constantinople.

Your Excellency will state to Count Nesselrode in reply, that Her Majesty's Government has learned with sincere satisfaction the generous sentiments which the Emperor entertains on this point, and which are entirely in accordance with the character and principles of His Imperial Majesty; and Her Majesty's Government cannot doubt that the Russian Government will take the necessary steps for giving practical effect to these sentiments.

I have, &c.  
(Signed) PALMERSTON.

*His Excellency the Marquis of Clanricarde, K. T.,*  
&c. &c. &c.

No. 45.

*Viscount Palmerston to Lord Clanricarde.*

*Foreign Office, August 25, 1839.*

Circular, sending the Address of the House of Lords.

(See No. 4, page 2.)

No. 46.

*Viscount Palmerston to Lord Clanricarde.*

*Foreign Office, September 3, 1839.*

Circular, sending the Act for the Suppression of the Slave Trade.

(See No. 5, page 3)

No. 47.

*Viscount Palmerston to M. Kisséleff.*

*Foreign Office, September 13, 1839.*

THE Undersigned, &c., has the honour to acquaint M. Kisséleff, &c., that Her Majesty has directed measures to be taken, the execution of which will speedily drive the Slave Trade from the Portuguese flag, under which it has for a long period of time been extensively carried on; and the Undersigned is commanded to observe, that no doubt can be entertained, that the Slave Traders will endeavour without delay to seek the protection of some

CLASS D.

other flag, in order to obtain a continuance of that impunity for their iniquitous and piratical undertakings, which the flag of Portugal has so long afforded them.

In this state of things, it must necessarily be the desire of all Governments, who do not wish that their flag should be disgraced, by being used for such vile purposes, to lose no time in taking steps to prevent such abuses; and experience has demonstrated that a general League among Governments, by which they may grant to each other the mutual right of searching vessels, suspected of being engaged in Slave Trade, is one of the most effective means of putting an end to these enormous evils.

Her Majesty's Government, therefore, earnestly requests M. Kisséleff to apply to his Government for an 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, in a Conference held at this Office, on the 12th December, 1838.

Her Majesty's Government cannot doubt that the Government of Russia shares in the general indignation which the abominations of the Slave Trade have excited in every country in Europe; and Her Majesty's Government is confident, that the Russian Government is still animated by the fixed determination, which, by the solemn declaration made at Vienna in 1815, it expressed, entirely to put down, and entirely to extinguish this crime, and that this determination will guide the conduct of the Russian Government on the present occasion.

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

To M. Kisséleff,  
&c. &c. &c.

No. 48.

*M. Kisséleff to Viscount Palmerston.*

*Londres, le 19 Septembre, 1839.*  
*Received September 26.*

LE Soussigné, Chargé d'Affaires de Sa Majesté l'Empereur de Russie, a l'honneur d'accuser à Monsieur le Principal Secrétaire d'Etat au Département des Affaires Etrangères la réception de sa note, en date du 13 du courant, concernant les mesures que le Gouvernement de Sa Majesté Britannique se propose de prendre contre la Traite des Noirs sous le pavillon Portugais, et qui réitère en même tems le désir du Cabinet de St. James, que la Cour Impériale prenne part, sans délai, à la transaction finale pour la répression de ce trafic; et s'empresse de prévenir Son Excellence, qu'il se fera un devoir de la porter à la connaissance de sa Cour.

Le Soussigné, &c.  
(Signé) KISSÉLEFF.

*A Son Excellence Monsieur le Vicomte Palmerston,*  
&c. &c. &c.

(Translation.)

*London, September 19, 1839.*

THE Undersigned, &c., has the honour to acknowledge to the Principal Secretary of State for Foreign Affairs the receipt of his note, dated the 13th instant, concerning the measures which the Government of Her Britannic Majesty proposes to take against the Slave Trade, under the Portuguese flag, and which repeats at the same time the desire of the Cabinet of St. James, that the Imperial Court would take part without delay in the final transaction for the repression of this traffic; and he hastens to assure his Excellency that he will make it his duty to bring the note to the knowledge of his Court.

The Undersigned, &c.  
(Signed) KISSÉLEFF.

No. 49.

*M. Kisséleff to Viscount Palmerston.**Londres, ce 25 Septembre, 1839.  
(Received 28th September.)*

LE Soussigné, Chargé d'Affaires de Sa Majesté l'Empereur de Russie, s'empresse d'annoncer à Son Excellence Monsieur le Principal Secrétaire d'Etat au Département des Affaires Etrangères, qu'il a reçu de son Gouvernement les instructions nécessaires pour entrer en négociations, conjointement avec les représentans d'Autriche et de Prusse, sur la base du Traité, dont les Cabinets d'Angleterre et de France ont communiqué le projet dans la conférence tenue ici le 12 Décembre, 1838, et qui a pour objet la répression plus efficace de la Traite des Nègres.

Le Soussigné, en déclarant à Monsieur le Vicomte Palmerston qu'il est autorisé à assister dès à présent aux conférences qui peuvent s'ouvrir à cet effet, se félicite de pouvoir offrir au Gouvernement de Sa Majesté Britannique cette nouvelle preuve de l'empressement et du désir sincère qui animent son Auguste Maître, afin de concourir à l'extinction d'un trafic qui a si longtems affligé l'humanité, et d'ajouter ainsi un nouveau lien à ceux qui l'unissent déjà à Sa Majesté la Reine de la Grande Bretagne.

Dans l'attente de l'avis de Monsieur le Principal Secrétaire d'Etat pour entrer en délibération sur la matière qui fait l'objet de la présente note, le Soussigné saisit cette occasion, &c.

(Signé) KISSÉLEFF.

*A Son Excellence Monsieur le Vicomte Palmerston,  
&c. &c. &c.*

(Translation.)

THE Undersigned, &c., hastens to announce to his Excellency the Principal Secretary of State for Foreign Affairs, that he has received from his Government the necessary instructions for entering into negotiations, conjointly with the representatives of Austria and Prussia, on the basis of the Treaty, of which the Cabinets of England and France communicated the project, at the conference held here on the 12th December, 1838, and which has for its object the most efficacious suppression of the Slave Trade.

The Undersigned, in declaring to Viscount Palmerston that he is authorised to assist from the present time at the conferences which may be opened for this purpose, congratulates himself on being able to offer to the Government of Her Britannic Majesty this new proof of the anxiety and sincere desire which animate his August Master to concur in the extinction of a traffic which has so long afflicted humanity, and thus to add a new bond to those which already unite him to Her Majesty the Queen of Great Britain.

Waiting for notice from the Principal Secretary of State to enter into deliberations on the matter which forms the subject of the present note.

The Undersigned seizes, &amp;c.

(Signed) KISSÉLEFF.

No. 50.

*Viscount Palmerston to M. Kisséleff.**Foreign Office, September 30, 1839.*

THE Undersigned, &c., has to inform M. Kisséleff, &c., that he has received from the Baron de Moncorvo, Her Most Faithful Majesty's Minister at this Court, a copy of a circular note which has been addressed by the Portuguese Minister for Foreign Affairs, to the Courts who were parties to the Treaties and Conventions, which were concluded at the Congress of Vienna, in 1815.



The object of that circular is to complain of certain measures, which the Parliament and Executive Government of Great Britain have recently determined to take, with a view to put down the Slave Trade, hitherto carried on under the flag of Portugal; and the Portuguese Government represents the conduct of Great Britain towards Portugal, in this, 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 these 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 M. Kiséleff 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 Moncorvo, on the 30th April, 1836.

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

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

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 of May, 1839, to the preceding note of the Portuguese Minister for Foreign Affairs.

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

To M. Kisséleff,  
&c. &c. &c.

No. 51.

*Viscount Palmerston to Lord Clanricarde.*

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 negotiations between Great Britain and Portugal on this matter; and I transmit for your information, a 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 have, &c.

(Signed) PALMERSTON.

*His Excellency the Marquis of Clanricarde, K. T.,*  
&c. &c. &c.

No. 52.

*Viscount Palmerston to Lord Clanricarde.*

*Foreign Office, November 2, 1839.*

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

(See No. 11, Page 6.)

No. 53.

*Lord Clanricarde to Viscount Palmerston.*

*St. Petersburg, October 26, 1839.*

*(Received November 5.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, of the 12th instant, and its several enclosures.

I have, &c.

(Signed) CLANRICARDE.

*To Viscount Palmerston, G.C.B.,*  
&c. &c. &c.

No. 54.

*Lord Clanricarde to Viscount Palmerston.*

*St. Petersburg, November 30th, 1839.*

*(Received December 17.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked "Circular," of the 2nd instant.

I have, &c.

(Signed) CLANRICARDE.

*To Viscount Palmerston, G.C.B.,*  
&c. &c. &c.

## BOLIVIA.

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No. 55.

*Viscount Palmerston to Mr. Wilson.*

SIR,

*Foreign Office, August 28, 1839.*

I HAVE received your Despatch, Slave Trade, of the 24th March, 1839, and I herewith transmit to you Her Majesty's full powers for enabling you to conclude, on the part of Her Majesty, a Treaty with the Republic of Bolivia for the suppression of the Slave Trade of Bolivia.

The draft of amended Treaty, as sent out to you on the 30th of April, 1838, for conclusion with the Government of Peru-Bolivia, for the suppression of the Slave Trade of that Power, will serve as the model on which the Treaty with the Republic of Bolivia is to be concluded by you; and the instructions which were given you for the negotiation of the Treaty with Peru-Bolivia will serve as your guide in the negotiation of the Treaty with Peru.

I am, &c.

(Signed) PALMERSTON.

*To Belford Wilson, Esq.,  
&c. &c. &c.*

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No. 56.

*Viscount Palmerston to Mr. Wilson,*

SIR,

*Foreign Office, August 31st, 1839.*

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

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 commanded by Her Majesty to instruct you to communicate these papers to the Bolivian Government, and earnestly to impress upon that Government the conclusion of the negotiations with which you are charged on this subject.

You will draw the attention of the Government of Bolivia to the fact, that Venezuela, Chile, and Buenos Ayres have already concluded with Great Britain Treaties similar to that which you have proposed on the part of Her Majesty; and Her Majesty's Government hope that Bolivia will not be the last State in the new world to concur, with their fellow-Christians in the old, in putting an end to a system of crime, which has so long continued to disgrace the character of civilised nations.

I am, &c.

(Signed) PALMERSTON.

*To Belford Wilson, Esq.  
&c. &c. &c.*

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## BUENOS AYRES.

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No. 57.

*Viscount Palmerston to Mr. Mandeville.*

*Foreign Office, June 29th, 1839,*

Circular, sending printed Papers presented to Parliament.

(See No. 2, page 2.)

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No. 58.

*Mr. Mandeville to Viscount Palmerston.*

*Buenos Ayres, April 12th, 1839.*

*(Received July 12th.)*

MY LORD,

I HAVE had the honour to receive your Lordship's Despatch, marked "Slave Trade," of the 17th of January, of this year, instructing me to urge again the Government of Buenos Ayres to conclude the Treaty for the suppression of the Slave Trade.

At an interview with M. de Arana, which I had this day, for the purpose of executing your Lordship's directions on this subject, his Excellency assured me that he considered the Government as pledged to conclude this Treaty with Great Britain; and, if he has not taken the matter more fully into consideration, it is that his occupations are of that multifarious description, (his Excellency being charged with the correspondence with the governments of the different provinces of the Confederation) that he with difficulty gets through the current business of the day; but that he will take it in hand so soon as he is able to attend to it.

I have, &c.

(Signed) J. H. MANDEVILLE.

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

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No. 59.

*Mr. Mandeville to Viscount Palmerston.*

*Buenos Ayres, May 29th, 1839.*

*(Received August 17th.)*

Extract.

I HAVE the honour to transmit to your Lordship a Treaty for the abolition of the traffic in slaves between Her Majesty and the Argentine Confederation; it bears the date of the 24th of this month.

No. 60.

*Viscount Palmerston to Mr. Mandeville.*

SIR,

*Foreign Office, Aug. 31st, 1839.*

I HAVE received your Despatch, "Slave Trade," of the 29th of May, 1839, transmitting the Treaty which you have concluded between Her Majesty and the Argentine Confederation, for the suppression of the Slave Trade.

Her Majesty's Government highly approve the zeal and judgment which you have shown in the negotiation of this Treaty.

Her Majesty has commanded that ratifications of the Treaty shall be prepared; and, as soon as Her Majesty's Government shall have learned that the Argentine Confederation has confirmed and ratified the Treaty, Her Majesty's ratifications will be sent out to you, to exchange against those of the Argentine Confederation.

I am, &amp;c.

(Signed) PALMERSTON.

To J. H. Mandeville, Esq.,  
&c. &c. &c.

No. 61.

*Viscount Palmerston to Mr. Mandeville.**Foreign Office, September 3, 1839.*

Circular, sending Act for the Suppression of the Slave Trade.

(See No. 5, page 3.)

No. 62.

*Viscount Palmerston to Mr. Mandeville.*

SIR,

*Foreign Office, October 12th, 1839.*

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

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

I am, &amp;c.

(Signed) PALMERSTON.

To J. H. Mandeville, Esq.,  
&c. &c. &c.

No. 63.

*Viscount Palmerston to Mr. Mandeville.**Foreign Office, October 12th, 1839.*

Circular, on Negotiations with Portugal.

(See No. 10. page 6.)

No. 64.

*Mr. Mandeville to Viscount Palmerston.**Monte Video, July 9th, 1839.**(Received October 14th.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked "Slave Trade," of 22nd of April, 1839, and I feel great satisfaction in having anticipated your Lordship's directions to me, contained in this Despatch, to press, by all the means in my power, the successful termination of the negotiations with the Government of Buenos Ayres for the conclusion of a Slave Trade Treaty, by having sent home this Treaty, which I concluded with that Government on the 24th May last, in the packet which left Buenos Ayres on the 29th of the same month.

I have, &amp;c.

(Signed)

J. H. MANDEVILLE.

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

&amp;c.

&amp;c.

&amp;c.

No. 65.

*Viscount Palmerston to Mr. Mandeville.**Foreign Office, November 2, 1839.*

Circular, communicating orders issued under the Act for the Suppression of the Slave Trade.

(See No. 11, page 6.)

No. 66.

*Mr. Mandeville to Viscount Palmerston.**Buenos Ayres, September 24, 1839.**(Received December 14.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked Slave Trade, of the 29th June, 1839, transmitting, for my information, 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, &amp;c.

(Signed)

J. H. MANDEVILLE.

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

&amp;c.

&amp;c.

&amp;c.

No. 67.

*Viscount Palmerston to Mr. Mandeville.**Foreign Office, December 31, 1839.*

SIR,

I HEREWITH transmit to you a copy of a Brief which has been issued by His Holiness the Pope, enjoining all Catholics to abstain from Slave Trade. You will communicate this paper to the Buenos Ayres Government, and you will cause it to be inserted in the principal newspapers of Buenos Ayres.

I am, &amp;c.

(Signed)

PALMERSTON.

*To J. H. Mandeville, Esq.*

&amp;c.

&amp;c.

&amp;c.

Enclosure in No. 67.

*Papal Brief, dated December 3, 1839.*

(See Class C.)

CLASS D.

## CHILE.

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No. 68.

*Hon. John Walpole to Viscount Palmerston.*

*Santiago, January 21st, 1839.  
(Received June 8.)*

MY LORD,

THE delays necessarily incidental to the translating and copying, with the due attention and care requisite for the correct understanding of its stipulations by the two contracting parties, being at length overcome, I have honour to submit to your Lordship the Treaty for the Abolition of the Slave Trade throughout the territories of the Chilian Republic, which was signed and sealed by the Chilian Plenipotentiary and myself, on the morning of the 19th instant.

The translation, I believe, will be found as literal as the nature of the two languages will admit; and in those cases where the construction of the Spanish idiom will not permit the nearer approach, your Lordship will find that in their sense the stipulations are strictly assimilated.

Your Lordship will also find, that the suggestions proposed in your Despatch, marked "Slave Trade," of the 23rd of April, last year, have been, without exception or alteration, severally adopted: but it is necessary for me to draw your Lordship's notice to the 2nd Article of the Treaty, which will be found to have been, in the wording, transposed, though at the same time the essential sense and meaning of the Article has been maintained.

To the 10th Article have been subjoined some words, intended as more clearly expressive of the sense and meaning of that Article, and of which I will hope for your Lordship's approbation.

I believe these are the only two material alterations made in the printed Draft of a Treaty, received in your Lordship's Despatch above alluded to, unless can be so considered the nomination, in the third paragraph of Article 9, annex B., of the Intendant of the Province, or of the Governor of the port in which the tribunal will reside, in lieu of those officers mentioned in that Article as substitutes for the Chilian arbitrator in case of a vacancy.

Your Lordship will, I hope, permit me to offer my congratulations on the conclusion of a Treaty which may tend to assist in promoting the humane views of Her Majesty's Government.

I have, &c.

(Signed) JOHN WALPOLE, *Consul-General.*

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

&c.

&c.

&c.

I have the honour to enclose a copy of the full powers exhibited to me by the Chilian Plenipotentiary, Don Joaquim Tocornal.

(Signed) J. W.

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No. 69.

*Viscount Palmerston to Hon. John Walpole.*

SIR,

*Foreign Office, June 18, 1839.*

I HAVE received your Despatch, Slave Trade, of the 21st of January last, transmitting the Treaty which you have concluded between Her Majesty and the Chilian Republic, for the Suppression of the Slave Trade.

Her Majesty's Government highly approve the zeal and the judgment which you have shown in the negotiation of this Treaty.

Her Majesty has commanded that ratifications of the Treaty shall be prepared; and, as soon as Her Majesty's Government shall have learned, that the Chilian Congress has confirmed and ratified the Treaty, Her Majesty's will be sent out to you to exchange against those of the Republic of Chili.

I am, &c.  
(Signed) PALMERSTON.

*The Hon. John Walpole,  
&c. &c. &c.*

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No. 70.

*Viscount Palmerston to Hon. John Walpole.*

*Foreign Office, June 29, 1839.*

Circular, sending printed papers presented to Parliament.

(See No. 2, page 2.)

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No. 71.

*Viscount Palmerston to Hon. John Walpole.*

*Foreign Office, August 25, 1839.*

Circular, with Address of the House of Lords.

(See No. 4, page 2.)

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No. 72.

*Viscount Palmerston to Hon. John Walpole.*

*Foreign Office, September 3, 1839.*

Circular, sending Act for the Suppression of the Slave Trade.

(See No. 5, page 3.)

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No. 73.

*Viscount Palmerston to Hon. John Walpole.*

*Foreign Office, October 12, 1839.*

Circular on Negotiations with Portugal.

(See No. 10, page 6.)

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No. 74.

*Viscount Palmerston to Hon. John Walpole.*

*Foreign Office, November 2, 1839.*

Circular, communicating the orders issued under the Act for the Suppression of the Slave Trade.

(See No. 11, page 6.)

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No. 75.

*Hon. John Walpole to Viscount Palmerston.**Santiago, September 9, 1839.  
(Received December 26.)*

MY LORD,

TOGETHER with my Despatch, marked "Slave Trade," of the 21st of January, of this year, I had the honour to convey to your Lordship the copy and translation of a Treaty, arranged with this Government for the total abolition of the Slave Trade, to which, by direction, I had affixed my name.

To authorise the ratification of this Treaty by the President of this State, the consent of the Congress was then alone required.

It has accordingly been submitted, as the first step, to the consideration of the Senate, through which it has passed, unaltered in its Articles; but with an appendage limiting its duration to a period of ten years.

I have reason to hope that, although the insertion of such an Article will be insisted on, no further alteration will be proposed in the Chamber of Deputies.

The annexation of the above-mentioned condition, subsequent to the signature of the Treaty, as causing an inconvenient postponement of the final arrangement, is undoubtedly to be lamented; but the immutability and the sacred character of the principle, which forms the basis of the Treaty, being fully recognised, and the power to alter and amend it in its details being alone reserved, I apprehend that Her Majesty's Government would not admit of its forming an obstacle in the attainment of the main object. I shall not therefore, I trust, incur blame by consenting to the admission of an additional Article, stipulating exclusively for the above-mentioned limitation.

The Session of the ordinary Congress having been constitutionally closed on the last day of August, the extraordinary Congress will shortly be summoned by the Executive, for the purpose of taking into consideration some measures to be proposed by the Government, and for concluding and deciding on others, the discussion of which had already been commenced. Among these latter is the Slave Trade Treaty.

I must not fail in again drawing your Lordship's attention to the alteration insisted on by the Senate, as an act marking the insurmountable aversion, entertained by the influential portion of this State, to the conclusion of a Treaty with an European, and, indeed, with any foreign Power, or to the imposition on themselves of any obligation, binding them for more than a period exceedingly circumscribed.

I have, &amp;c.

(Signed)

JOHN WALPOLE, *Consul-General.**To the Right Hon. Viscount Palmerston, G.C.B.*

&amp;c.

&amp;c.

&amp;c.

## THE EQUATOR.

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No. 76.

*Viscount Palmerston to Mr. Cope.*

SIR,

*Foreign Office, August 28, 1839.*

I HEREWITH send to you a draft of a Treaty between Great Britain and the Republic of the Equator, for the Suppression of the Slave Trade of the Republic of the Equator.

This Treaty is similar to those which have recently been proposed to the Governments of the several Republics in South America, and to those Treaties which have already been concluded with the Governments of Buenos Ayres, Chile, and Venezuela; and I have to convey to you Her Majesty's commands that you use your utmost endeavours to induce the Equatorial Government to conclude with Great Britain a Treaty to this effect.

If the Equatorial Government should, on account of expense, or for any other reason, object to appoint Commissioners to act on the part of the Republic of the Equator, in the Mixed Court of Justice to be established under the Treaty, you may meet such objection by proposing two additional Articles, which I herewith send to you.

I enclose with this Despatch full powers from Her Majesty, to enable you to conclude and sign the Treaty.

*Walter Cope, Esq.*  
*&c. &c. &c.*

I am, &c.  
 (Signed) PALMERSTON.

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No. 77.

*Viscount Palmerston to Mr. Cope.*

*Foreign Office, August 30, 1839.*

*Circular of June 29, 1839.*

Sending papers presented to Parliament.

(See page 2, No. 2.)

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No. 78.

*Viscount Palmerston to Mr. Cope.*

SIR,

*Foreign Office, August 31, 1839.*

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

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 commanded by Her Majesty to instruct you to communicate these papers to the Government of the Equator, and earnestly to press upon that

Government the conclusion of the negotiations with which you are charged on this subject.

You will draw the attention of the Government of the Equator to the fact that Venezuela, Chile, and Buenos Ayres have already concluded with Great Britain Treaties similar to that which you have proposed on the part of Her Majesty, and Her Majesty's Government hopes that the Republic of the Equator will not be the last State in the New World to concur with their fellow Christians in the Old, in putting an end to a system of crime, which has so long continued to disgrace the character of civilised nations.

To *Walter Cope, Esq.*,  
&c. &c.

I am, &c.  
(Signed) PALMERSTON.

No. 79.

*Viscount Palmerston to Mr. Cope.*

*Foreign Office, September 3, 1839.*

Circular, sending Act for the Suppression of the Slave Trade.

(See No. 5, page 3.)

No. 80.

*Viscount Palmerston to Mr. Cope.*

*Foreign Office, October 12, 1839.*

Circular on Negotiations with Portugal.

(See No. 10, page 6.)

No. 81.

*Viscount Palmerston to Mr. Cope.*

*Foreign Office, November 2, 1839.*

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

(See No. 11, page 6.)

## HAYTI.

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No. 82:

*Viscount Palmerston to Captain Courtenay.*

*Foreign Office, June 29, 1839.*

Circular, sending printed papers presented to Parliament.

(See No. 2, page 2.)

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No. 83.

*Viscount Palmerston to Captain Courtenay.*

*Foreign Office, August 25, 1839.*

SIR,

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

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 commanded by Her Majesty to instruct you to communicate these papers to the Government of Hayti, and earnestly to press upon that Government the conclusion of the negotiations with which you are charged on this subject.

You will draw the attention of the Government of Hayti to the fact that Venezuela, Chile, and Buenos Ayres have already concluded with Great Britain Treaties similar to that which you have proposed on the part of Her Majesty; and Her Majesty's Government hope that Hayti will not be the last State in the New World to concur with their fellow Christians in the Old, in putting an end to a system of crime, which has so long continued to disgrace the character of civilized nations.

I am, &c.

To Captain Courtenay, R.N.,  
&c. &c. &c.

(Signed) PALMERSTON.

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No. 84.

*Viscount Palmerston to Captain Courtenay.*

*Foreign Office, September 3, 1839.*

Circular, sending Act for the Suppression of the Slave Trade.

(See No. 5, page 3.)

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No. 85.

*Captain Courtenay to Viscount Palmerston.**Port au Prince, August 12, 1839.  
(Received September 25.)*

MY LORD,

I HAVE had the honour to receive your Lordship's Despatch, dated June 29th last, and marked "Slave Trade," together with the enclosures.

I have, &amp;c.

(Signed) G. W. C. COURTENAY.

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

No. 86.

*Viscount Palmerston to Captain Courtenay.**Foreign Office, October 12, 1839.*

Circular on Negotiations with Portugal.

(See No. 10, page 6.)

No. 87.

*Viscount Palmerston to Captain Courtenay.**Foreign Office, November 2, 1839.*

Circular.—Orders issued under the Act for the Suppression of the Slave Trade.

(See No. 11, page 6.)

No. 88.

*Captain Courtenay to Viscount Palmerston.**Port au Prince, October 24, 1839.  
(Received December 5.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Despatch of the 25th August last, marked "Slave Trade," with the enclosures, and will lose no time in complying with your Lordship's commands contained therein.

I beg permission to inform your Lordship that I have not hitherto taken any measures with regard to a Slave Trade Convention with Hayti, as in your Lordship's Despatch (Slave Trade) of December 21, I was directed to do so, after the Commercial Treaty was concluded.

I am, &amp;c.

(Signed) G. W. C. COURTENAY.

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

No. 89.

*Viscount Palmerston to Captain Courtenay.**Foreign Office, December 16, 1839.*

SIR,

I HAVE received your Despatch, marked "Slave Trade," of the 24th October, 1839, and I have to desire that, without waiting for the conclusion of a Commercial Treaty, you will lose no time, after the receipt of this Despatch, in opening negotiations with the Government of Hayti for a Slave

Trade Treaty between Great Britain and Hayti, and that you will use your utmost endeavours to bring that negotiation to a successful issue, as soon as it can be done.

To Captain Courtenay,  
&c. &c. &c.

I am, &c.  
(Signed) PALMERSTON.

No. 90.

*Captain Courtenay to Viscount Palmerston.*

*Port au Prince, November 20, 1839.*  
(Received December 26.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, "Slave Trade," of the 3rd of September, enclosing two copies of an Act of Parliament for the entire suppression of the Portuguese Slave Trade.

I have, &c.

(Signed) G. W. C. COURTENAY.

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

No. 91.

*Captain Courtenay to Viscount Palmerston.*

*Port au Prince, November 20, 1839.*  
(Received December 26.)

MY LORD,

I HAVE the honour to state that Mr. Ussher's severe illness, and my own, prevented my following up your Lordship's instructions contained in the Slave Trade Despatch of August 25 last, until the 2nd instant, when I addressed a communication on the subject to the Secretary General, of which the enclosure is a copy.

At the end of a week I received a private note from General Inginac, stating that his own severe indisposition had prevented his sending a reply, but that I should receive an answer the next day. It has, however, only reached me within a quarter of an hour; and as the express to meet the packet at Cape Haïti will be expedited within an hour or two, I hasten to furnish your Lordship with a copy, on the perusal of which your Lordship will perceive, that the only impediment to the conclusion of the convention likely to arise is want of authority to act in concert with a French agent. Your Lordship may rest assured I shall use my best endeavour to overcome this difficulty, if it is seriously made.

As a wish is implied on the part of the Haïtian Government to see the conventions concluded with Buenos Ayres, Chile, and Venezuela, I beg permission to request that I may be furnished with copies thereof.

I have, &c.,

(Signed) G. W. C. COURTENAY.

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

P.S. I have further the honour to enclose No. 45 of the *Telegraphe*, in the first column of which is the President's Message, proposing a law, making Slave Trade Piracy in this island.

## First Enclosure in No. 91.

*Captain Courtenay to General Inginac.*

GENERAL,

*Port au Prince, November 2nd, 1839.*

By command of Her Majesty the Queen, my mistress, I enclose, for the information of his Excellency the President, copies of an Address upon the Slave Trade from the House of Lords to Her Majesty, and Her Majesty's most gracious Answer thereto.

These papers afford an additional proof of the increasing and earnest desire of the Parliament and Government of Great Britain for the total extinction of the traffic in Slaves; and Her Majesty has been further pleased to command that I should press upon the Government of this Republic the conclusion of the negotiations with which I am charged on this subject.

I am further commanded to draw the attention of his Excellency's Government to the fact that Venezuela, Chile, and Buenos Ayres have already concluded with Great Britain Treaties similar to what I am charged to propose on the part of Her Majesty with his Excellency; and Her Majesty's Government trust that Hayti will not be the last State in the New World to concur with their fellow Christians in the Old, in putting an end to a system of crime, which has long continued to disgrace the character of civilised nations.

You will perceive by the foregoing that Her Majesty's Government suppose that negotiations for the conclusion of an Anti-Slave Trade Convention have commenced between his Excellency's Government and myself, as Her Majesty's Plenipotentiary: I am therefore bound to state, that I have neglected to bring this interesting and highly important subject under his Excellency's consideration, because I imagined it to have been the intention of Her Majesty's Government that the other Treaty with which I am charged should be first disposed of.

Trusting this explanation will prove satisfactory, I have the honour to request you will be pleased to take an early opportunity to make known the anxious wishes of Her Britannic Majesty to his Excellency the President, and my own most earnest desire to carry Her Majesty's wishes into effect. I further request you will be pleased to lay before his Excellency the Enclosures, which consist of two Conventions concluded between Great Britain and France, and Treaties of accession thereto between Great Britain and Denmark, Sardinia, Naples, the Hanse Towns, and Tuscany, each modified from the original, according to their local conditions and circumstances.

His Excellency will perceive that the dealers in human flesh are now deprived of nearly every Christian flag; the last they have attempted to screen themselves under is that of Russia, and, being deprived of that, it is quite within range of probability that miscreants may be found, who, with false papers, may assume the flag of Hayti, especially as I believe there is no existing law of the Republic under which such persons so offending could be brought to punishment, while in most other States the punishment is the same as for piracy.

It never could have been contemplated either by his present Excellency or by his illustrious predecessor, that the flag of this Republic could be so defiled; but when experience proves that miscreants have been found audacious enough to adopt the flags, one after another, of nearly every State whose laws did not provide a severe punishment for the offence, the possibility of their having recourse to that of Hayti cannot be doubted.

With the highest consideration, &amp;c.,

*General Inginac,  
&c. &c. &c.*

(Signed)

G. W. C. COURTENAY.

## Second Enclosure in No. 91.

*General Inginac to Captain Courtenay.*

MONSIEUR LE CONSUL,

*Port au Prince, le 18 Novembre, 1839.*

J'AI reçu, avec la lettre que vous m'avez fait l'honneur de m'adresser le 2 de ce mois, la demande de la Chambre des Pairs de la Grande Bretagne à la Reine d'Angleterre, et la réponse de Sa Gracieuse Majesté, pour inviter les

Puissances du Nouveau Monde à se réunir pour mettre fin au Trafic des Esclaves ; j'ai aussi reçu les Traités faites avec Sa Majesté le Roi des Français, et auxquels ont accédé le Danemarck, la Sardaigne, le royaume de Naples, les Villes Hanséatiques, et la Toscane.

Je me suis empressé de mettre tous ces documens sous les yeux du Président d'Haïti.

Son Excellence, qui, comme son prédécesseur, n'a jamais cessé d'admirer les efforts magnanimes de la Grande Bretagne pour la complete abolition de la Traite, est tout à fait disposée à conclure avec Sa Majesté la Reine d'Angleterre tout Traité qui pourra contribuer à cette fin importante pour l'humanité : depuis longtems, les vœux du Gouvernement de la République à cet egard avaient été communiqués à plusieurs agens Anglais.

Il est vrai, Monsieur le Consul, qu'il manquait encore à la République des lois pénales pour la répression de la traite, et cela parceque dès le début de la Constitution d'Haïti, comme état souverain et indépendant, il fut déclaré que l'esclavage ne pourrait exister sur son territoire, que toute dette pour acquisition d'hommes était à jamais éteinte ; dès lors, le commerce d'esclaves était considéré dans la République comme crime de lèse-nation ; mais le Président d'Haïti, ayant pensé qu'il fallait de nouvelles provisions pour empêcher que le pavillon Haïtien ne servit à couvrir d'infâmes spéculations, et que des Haïtiens ne puissent impunément se livrer à de semblables entreprises, a proposé, le 9 du présent mois, une loi qui a été adopté le 13, laquelle sera utile dans l'entreprise sérieuse de faire cesser les malheurs des Africains.

Le Président d'Haïti est disposé à nommer les Plénipotentiaires de Sa République pour, de concert avec vous, négocier de Traité en question, seulement, il désire savoir si en même temps un Plénipotentiaire de Sa Majesté le Roi des Français sera partie au Traité.

Je n'ai point trouvé parmi les documens que vous m'avez fait l'honneur de m'envoyer ce qui concerne Vénézuëla, Chile, Buénos Ayres, dont vous m'avez entretenu. Je vous envoie, sous ce pli, les imprimés que nous avons, relatifs à la répression de la Traite.

En attendant une nouvelle communication de votre part, je profite, &c.

*Monsieur le Capitaine Courtenay,*  
&c. &c. &c.

(Signé) B. INGINAC.

(Translation.)

M. LE CONSUL,

*Port au Prince, November 18th, 1839.*

I RECEIVED, with the letter which you did me the honour to address to me on the 2nd of this month, the Demand of the House of Peers of Great Britain to the Queen of England, and the Answer of Her Gracious Majesty, to invite the Powers of the New World to unite themselves to put an end to the Slave Trade. I also received the Treaties made with His Majesty the King of the French, to which Denmark, Sardinia, the Kingdom of Naples, the Hanseatic Towns, and Tuscany, have acceded.

I hastened to lay these documents before the President of Haiti.

His Excellency, who, like his predecessor, has never ceased to admire the magnanimous efforts of Great Britain for the complete abolition of the trade, is entirely disposed to conclude with Her Majesty the Queen of England any treaty which may contribute to an object so important to humanity. A long time ago, the wishes of the Government of the Republic in this respect had been communicated to several English agents.

It is true, Sir, that there were not in the Republic penal laws for the repression of the trade, and this was because, from the commencement of the constitution of Haiti, as a sovereign and independent state, it was declared that Slavery could not exist on its territory, and that every debt incurred by the purchase of Man was for ever extinct. From that time the Slave Trade was considered in the Republic as a crime against the nation. But the President of Haiti having considered that new provisions were necessary to prevent the Haitian flag from serving to cover infamous speculations, and that Haitians might not with impunity give themselves up to such enterprises, proposed, on the 9th of this month, a law, which was adopted on the 13th, which will be



useful in the serious undertaking of putting an end to the unhappiness of Africans.

The President of Haiti is disposed to name the Plenipotentiaries of his Republic for negotiating the Treaty in question in concert with you ; only he desires to know if, at the same time, a Plenipotentiary of His Majesty the King of the French will be party to the Treaty ?

I have not found, among the documents which you did me the honour to send, that which relates to Venezuela, Chile, and Buenos Ayres, which you mentioned to me. I send to you, under this cover, the printed papers which we have relative to the repression of the trade.

Awaiting a further communication from you, I profit, &c.

(Signed) B. INGINAC.

Third Enclosure in No. 91.

*President's Message.*

*Au Port au Prince, le 9 Novembre, 1839.*

Jean Pierre Boyer, Président d'Haïti, aux Membres de la Chambre des Représentans de Communes.

CITOYENS REPRESENTANS,

TOUTES les nations qui respectent les droits de la nature ont assimilé à la piraterie l'infame commerce des esclaves. Haïti cependant, pour qui la traite est un crime de lèse-nation, n'a pas encore de loi pour la réprimer et la punir. Il est vrai que, dès le début de la constitution, elle a déclaré au monde qu'il ne pouvait exister d'esclaves sur le territoire de la République, et que toute dette, pour acquisition d'hommes, était à jamais éteinte. Sans doute ces principes généreux assurent, dans tous les temps, un asile aux infortunes Africains qui, victimes de la cupidité et de la scélératesse, auraient le bonheur de rompre leurs fers, et de passer le pied sur le sol sacré d'Haïti ; mais les brigands qui les auraient ravés à leurs familles, qui les auraient arrachés de leur patrie, s'ils venaient à être pris et amenés sur nos rivages, pourraient, en invoquant le silence de notre législation, réclamer leur élargissement, pour revenir ensuite avec impunité, exercer, jusque dans nos mers, leurs atroces spéculations.

Il est donc évident que les articles 1er and 2d de notre pacte fondamental manquent d'une sanction pénale ; c'est cette lacune qui tend à remplir le projet de loi qui vous est adressé.

A Dieu ne plaise qu'il puisse entrer dans la pensée de personne de regarder ce projet comme injurieux au caractère national. S'il contient quelques prévisions à l'égard des Haïtiens qui, méconnaissant leur origine, se rendraient coupables d'un crime qui, à nos yeux, serait un véritable parricide, c'est que le législateur doit disposer pour les cas les moins présumables, comme pour les cas les plus ordinaires ; mais il est principalement dirigé contre ces êtres pervers, qui ne sont d'aucune nation, ou que leur pays réprouve ; ces marchands d'hommes qui, pour échapper à la vigilance des croiseurs, tenteraient, en arborant un pavillon non suspect, de sauver, à la faveur des couleurs Haïtiennes, le fruit de leurs rapines sacrilèges.

Je ne m'étendrai pas davantage sur l'esprit qui a dicté ce projet de loi ; vous en sentez toute l'importance, et vous en ferez, je n'en ai nul doute, le sujet de vos plus sérieuses méditations.

J'ai l'honneur de saluer la Chambre avec une haute considération.

(Signed) BOYER.

(Translation.)

*President's Message.**At Port au Prince, Nov. 9th, 1839.*

Jean Pierre Boyer, President of Haiti, to the Members of the Chamber of Representatives of the Commons.

## CITIZEN REPRESENTATIVES,

ALL nations which respect the rights of Nature have assimilated the infamous Slave Trade to Piracy. Haiti, however, for whom the trade is a crime against the nation, has not yet a law for repressing and punishing it. It is true that, from the beginning of the constitution, she has declared to the world that there could not be slaves on the territory of the Republic, and that all debts incurred for the purchase of Man were for ever extinct. Without doubt these generous principles secure at all times an asylum to the unfortunate Africans who, victims of cupidity or wickedness, shall have the good fortune to break their chains, and to set foot on the sacred soil of Haiti; but the brigands who have ravished them from their families, who have snatched them from their country, if they happened to be taken on our shores, could, by invoking the silence of our Legislature, claim their enlargement, to return afterwards with impunity to exercise their atrocious speculations even in our seas.

It is, then, evident that the 1st and 2nd Articles of our fundamental Pact want a penal sanction: it is this gap which the Project of Law now addressed to you tends to fill.

May it please God that it may not enter into the thoughts of any one to regard this Project as injurious to the national character. If it contains some provisions regard to Haitians who, despising their origin, should render themselves guilty of a crime which, in our eyes, would be a very parricide, it is because a legislator must provide for the least probable cases, as well as for the most ordinary ones; but it is principally directed against those perverse creatures who are of no nation, or whom their country casts out,—these dealers in men who, to escape the vigilance of cruisers, shall try, by hoisting an unsuspected flag, to save the fruit of their sacrilegious rapine, by favour of Haitian colours.

I shall not enlarge any more upon the spirit which has dictated this Project of Law; you feel all its importance, and you will, I have no doubt, make it the subject of your most serious meditations.

I have, &amp;c.

(Signed)

BOYER.

No. 92.

*Captain Courtenay to Viscount Palmerston.**Port au Prince, November 20, 1839.**(Received December 26th.)*

MY LORD,

IN reference to my Slave Trade Despatch of this day's date, I have the honour to state that I have this moment had an interview with Col. Levasseur, the French Consul-General, in which he informed me that he is not in possession of any instructions from his government respecting a Slave Trade Convention with Hayti; but that by the present opportunity he will communicate with his government on the subject.

I have, &amp;c.,

(Signed)

G. W. C. COURTENAY.

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

&amp;c.

&amp;c.

&amp;c.

## MEXICO.

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No. 93.

*Viscount Palmerston to Mr. Pakenham.*

*Foreign Office, June 29th, 1839.*

Circular, sending Papers presented to Parliament.  
(See No. 2, page 2.)

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No. 94.

*Mr. Pakenham to Viscount Palmerston.*

*Mexico, June 22nd, 1839.  
(Received August 17th.)*

MY LORD,

I HAD the honour on the 14th of this month to receive your Lordship's Despatch, marked "Slave-Trade," of 1st April, directing me to urge the Mexican Government to bring to a satisfactory termination the negotiations, some time since set on foot for a Treaty for the effectual suppression of the Slave Trade.

I request your Lordship to be assured, that if this object has not already been accomplished, it has not been owing to a want of attention on the part of Her Majesty's servants in this country.

Mr. Ashburnham's Despatch, "Slave Trade," of the 1st October, 1838, will have informed your Lordship of the difficulties, which at that time were opposed to the conclusion of the treaty.

On the 14th January last, Mr. Ashburnham again applied to the Mexican Government upon this subject, and on the 14th of February, I received from the Minister for Foreign Affairs a note, of which I have the honour to enclose a copy and translation, expressing the readiness of this government to proceed to the negotiation of a Treaty, in terms which it may be hoped will prove satisfactory to Her Majesty's Government, and at the same time be free from the objections which had prevented the ratification, on the part of Mexico, of the Treaty concluded in April, 1837.

A few days after the receipt of this note, I set out for Vera Cruz, for the purpose of attending to the important object of effecting a reconciliation between France and this country.

Since my return to Mexico I have, on more than one occasion, spoken to M. de Gorostiza upon the subject of the proposed Treaty; but the embarrassments occasioned by the insurrection until lately prevailing in many parts of the country, and not yet entirely subdued, prevented the government from taking the matter seriously into consideration.

On the receipt of your Lordship's Despatch of the 1st of April, I addressed a note to M. de Gorostiza, reminding him of the anxiety of Her Majesty's Government to see concluded a Treaty, by which this country would become a party to the Confederation of humane and civilised nations, united with England in effecting the Abolition of the Slave Trade. I had yesterday the satisfaction of receiving M. de Gorostiza's answer, from which your Lordship will perceive, that the Mexican Government are ready to proceed to the appointment of plenipotentiaries to enter on the negotiation.

I understand it to be their intention to appoint two members of the Congress, a deputy, and a senator, to act as assistant plenipotentiaries in the negotiation, who, becoming thus parties to the Treaty which may be concluded

will be interested in obtaining its ratification by the Chambers; thereby tending to obviate the disappointment which took place with regard to the ratification of the last Treaty.

I have, &c.,  
R. PAKENHAM.

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

First Enclosure in No. 94.

*M. de Gorostiza to Mr. Pakenham.*

(Translation.)

*Palace of the National Government,  
Mexico, 14th, February, 1839.*

THE Undersigned, Minister for Foreign Affairs, has the honour to address Mr. Pakenham, to signify to him, that with reference to the communication made to Mr. Ashburnham, on the 14th of August last, from this department, the Supreme Government has no difficulty in proceeding immediately to the negotiation of a Treaty for the Abolition of the Slave Trade, as well because they are animated by the same sentiments with regard to its expediency as the Government of Her Majesty the Queen of England, as because, if the Chamber of Deputies was not able to sanction by its approbation that which had already been negotiated, it was solely because they found that some of its stipulations were incompatible with the infant state of the Mexican marine, on which obligations were imposed incapable of being complied with; and thus it is that the Undersigned flatters himself that these obstacles being removed, it may be satisfactorily brought to a conclusion; and to this end he will have much pleasure in placing himself in communication on the subject with Mr. Pakenham, whom he addresses in consequence of the note of Mr. Ashburnham, of the 14th January, relative to this and other matters.

And avails himself, &c.,  
(Signed) M. E. de GOROSTIZA.

*Richard Pakenham, Esq.*  
&c. &c. &c.

Second Enclosure in No. 94.

*Mr. de Gorostiza to Mr. Pakenham.*

*Palace of the National Government,  
Mexico, 21st June, 1839.*

THE Undersigned, &c., has the satisfaction to inform his Excellency Mr. Richard Pakenham, in answer to his note of the 17th instant, that, as soon as he shall have despatched the mail for the English packet, now about to sail, he will obtain from his Excellency, the President *ad interim*, the necessary instructions for the appointment of the Plenipotentiaries of this Republic, who, in conjunction with Mr. Pakenham, as the Plenipotentiary of his Government, shall conclude a Treaty for the abolition of the Slave Trade.

The Undersigned will lose no time in communicating to his Excellency Mr. Pakenham the result of those instructions; and meanwhile he has the honour, &c.

(Signed) M. E. de GOROSTIZA.

*His Excellency Richard Pakenham,*  
&c. &c. &c.

No. 95.

*Viscount Palmerston to Mr. Pakenham,*

SIR,

*Foreign Office, August 25th, 1839.*

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

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 commanded by Her Majesty to instruct you to communicate these papers to the Mexican Government, and earnestly to press upon that Government the conclusion of the negotiations, with which you are charged on this subject.

You will draw the attention of the Government of Mexico to the fact, that Venezuela, Chile, and Buenos Ayres, have already concluded, with Great Britain, Treaties similar to that which you have proposed on the part of Her Majesty; and Her Majesty's Government hope that Mexico will not be the last State in the New World to concur with their fellow-Christians in the Old, in putting an end to a system of crime, which has so long continued to disgrace the character of civilized nations.

I am, &c.  
(Signed) PALMERSTON.

*To Richard Pakenham, Esq.,*  
*&c. &c. &c.*

No. 96.

*Viscount Palmerston to Mr. Pakenham.**Foreign Office, September 3rd, 1839.*

Sending Act for the Suppression of the Slave Trade.

(See No. 5, page 3.)

No. 97.

*Viscount Palmerston to Mr. Pakenham.**Foreign Office, October 12th, 1839.*

On Negotiations with Portugal.

(See No. 10, page 6.)

No. 98.

*Viscount Palmerston to Mr. Pakenham.**Foreign Office, November 2nd, 1839.*

Communicating Instructions issued under the Act for the Suppression of the Slave Trade.

(See No. 11, page 6.)

## MONTEVIDEO.

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No. 99.

*Mr. Mandeville to Viscount Palmerston.*

*Buenos Ayres, May 15th, 1839.  
(Received August 17th.)*

(Extract.)

I HAVE the honour to transmit to your Lordship copies of a correspondence which I have had with the Montevidean Minister for Foreign Affairs, upon the subject of the renewal of the negotiations for a Treaty of Commerce, and a Treaty for the abolition of the traffic of slaves, between Great Britain and the Republic of the Uruguay.

In Senhor Ellauri's note of the 12th of April, his Excellency acquaints me, that he has been especially authorised by his Government to inform me that General Rivera, the President of the Republic, upon resigning the supreme powers with which he had been charged, had particularly recommended to the Government to take into consideration my note of the 15th November last, (which, by your Lordship's directions, conveyed to me in Slave Trade Despatch of 17th August of last year, I addressed to the Government of the Uruguay,) wherein I invited it to renew immediately the negotiations for the conclusion of Treaties proposed by Great Britain to the Republic; that the Government being now regularly constituted, the moment for taking this measure into consideration had arrived; and the Oriental Government would see with satisfaction my arrival at Montevideo, to fulfil the mission with which I had been intrusted.

To this note I returned the enclosed answer. I assured the Montevidean Minister that it would give great satisfaction to Her Majesty's Ministers to learn that the Government of the Republic, upon assuming the authority with which it has been invested, has so soon taken into consideration my note of November last, in which I had urged upon it the conclusion of a Treaty for the abolition of the traffic in slaves; and when to this is added a desire to renew the negotiations for a Treaty of Commerce, I could not but felicitate the Government of the Republic upon its liberal and enlightened policy.

That, with respect to the latter Treaty, I beg leave to refer his Excellency to my note to Don Benito Blanco, of the month of October, 1837.

That, with regard to the Slave Trade Treaty, I had received instructions from your Lordship to propose two additional Articles, by which would be obviated the principal objections raised by the Montevidean Government, arising out of the inconveniences and expense occasioned, first, by the want of a national marine force; and, secondly of a revenue sufficient to defray the expenses of the officers to be employed in the Mixed Commissions; and I explained to his Excellency the nature of these stipulations.

That, having now, I trusted, overcome the difficulties which stood in the way of concluding a Slave Trade Treaty, I hoped that no further impediment would remain to fulfil it; and, upon his Excellency acquainting me that this supposition is not erroneous, I shall be happy to go to Montevideo, and complete an act so honourable to the dignity and humane sentiments of both countries.

I received, shortly after, the enclosed reply from Señor Ellauri:—

His Excellency informs me, that the Government of the Republic has taken into consideration my note of October, 1837.

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That, with regard to the Convention for the abolition of the traffic in slaves, —since I have declared that the British Government is disposed to make it, without waiting for the conclusion of a Treaty of Commerce, and that the execution of one does not depend upon that of the other, the Oriental Government has observed with satisfaction the extent of my instructions, by which some of the inconveniences are removed, and it does not doubt that all the difficulties which the state of its finances present, and which are already known to me, may be surmounted.

His Excellency concludes his note by inviting me to come to Montevideo directly, to open the conferences and renew the negotiations.

I acquainted the Montevidean Minister, that it would be very agreeable to Her Majesty's Government to learn that that of the Republic was occupied with the means of obviating the difficulties, which present themselves against the conclusion of a Treaty of Commerce with Great Britain; and that it would be gratifying to me to be enabled by his Excellency to inform your Lordship, that the result of these meditations is the acceptance of the Treaty in the form that I had the honour to propose to the Oriental Government.

That, with regard to the Slave Trade Treaty, it gave me the greatest satisfaction to perceive the willingness with which his Excellency enters into the views of Her Majesty's Government; but still greater would it have been, had he informed me that, by the two additional Articles which I had the honour to submit to him, all the difficulties to the conclusion of this Treaty are surmounted. I had candidly explained to his Excellency the extent of my powers with respect to these two Articles; and, as concerned the others, I begged leave to state that I was not authorised to depart in the smallest degree from any one of them; and, therefore, to open conferences upon the discussion of stipulations which I had not the power to change, would be as vain as it would be useless. I therefore requested equal candour on the part of his Excellency, and I begged that he would do me the honour to inform me, if the unqualified acceptance of the Slave Trade Treaty, as proposed by me, with the two additional Articles, will be acquiesced in by the Oriental Government, as any uncertainty upon this subject will necessarily delay my departure for Montevideo.

I made this statement in the most respectful, but at the same time the plainest language I could adopt. Most anxious to make the Treaty, I explained clearly to Señor Ellauri upon what conditions I am enabled to conclude it, and that, if they are accepted, I will instantly go to Montevideo for that purpose; and I trust, my Lord, that the language I have held, and my conduct upon this occasion, will not be disapproved of by your Lordship.

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First Enclosure in No. 99.

*Señor Ellauri to Mr. Mandeville.*

(Translation.)

*Montevideo, April 12th, 1839.*

THE Undersigned, Minister of State for Foreign Affairs, has had the honour to be especially authorised by this Government to address himself to his Excellency Mr. Mandeville, Minister Plenipotentiary of Her Britannic Majesty, &c. &c., and to express to him that his Excellency, the actual President of the Republic, and General-in-Chief of its army, on resigning the supreme powers with which he was invested, recommended very particularly to the Government to take into consideration your Excellency's note of 15th November last, in which you invited it to renew immediately the negotiations for the conclusion of the Treaties proposed by Great Britain; as well as the answer given to it on the 15th December of the same year.

In consequence of this, the Republic having entered into the regular state of things, the period until which was deferred the consideration of this affair has arrived, and the Oriental Government will have the most lively pleasure in the Minister Plenipotentiary presenting himself, to fulfil the mission with which he has been entrusted by the Government of Her Britannic Majesty, to whom it is

desirous to show how far it is interested to strengthen, and forward, as much as possible, the relations which fortunately bind both countries, and the considerations which it feels an honour to attribute to its worthy representatives.

The Undersigned, &c.,  
(Signed) JOZE ELLAURI.

*His Excellency*  
*The Minister of Her Britannic Majesty.*

Second Enclosure in No. 99.

(Extract.)

*Mr. Mandeville to Señor Ellauri.*

SIR,

*Buenos Ayres, April 24th, 1839.*

I HAVE the honour to acknowledge the receipt of your Excellency's note of the 12th of this month, and I reply to it by the first opportunity that I have been enabled to avail myself of since it reached me.

It will be a matter of great satisfaction to Her Majesty's Government to learn that that of the Republic of the Uruguay, upon assuming the authority with which it has been invested, has so soon taken into consideration my note of the 15th November last, in which I urged upon it the conclusion of a Treaty with Great Britain, for the abolition of the traffic of slaves, in the sense understood by Her Majesty's Ministers; and when to this is added a desire to renew the negotiations for a Treaty of Commerce, I cannot but felicitate the Government of the Republic upon its liberal and enlightened policy.

With respect to the latter Treaty, I beg leave to refer your Excellency to my note to Don Juan Benito Blanco, of the month of October, 1837.

With regard to the Slave Trade Treaty, I have received instructions from my Government to obviate the principal objections which were at that time raised by the Montevidean Government, arising out of the inconvenience and expense which its fulfilment would occasion, owing principally to the want, first, of a national maritime force, and, secondly, of a revenue sufficient to defray the expenses of the officers to be employed in the Mixed Commissions.

I therefore propose to insert in the Treaty a stipulation relieving the Montevidean Government, for ten years, from the obligation of employing any cruiser, unless it should think fit to do so; placing this stipulation on the ground that the Republic has not for the present a sufficient naval force. And with respect to the expense of Mixed Commissions, that the Montevidean Government should appoint one of the foreign Commissioners, resident at Sierra Leone, to act as Montevidean Commissioner in the Mixed Court to be established in that colony; and that at Montevideo itself, the duty of the Commissioner, which would only be occasional, might be performed by some public officer of its Government, already receiving a salary from the public.

Having thus overcome all the difficulties which presented themselves, in the opinion of the Montevidean Government, for the conclusion of this Treaty, I allow myself to hope that there exists no further impediment to fulfil it; and, upon your Excellency acquainting me that such is its determination, I will gladly come to Montevideo, to sign and execute this instrument, so honourable to the dignity and humane sentiments of the Government of the Republic and of Great Britain.

I have, &c.,  
(Signed) J. H. MANDEVILLE.

*Don Jozé Ellauri, &c. &c. &c.*

(Extract.)

Third Enclosure in No. 99.

(Translation.)

*Señor Ellauri to Mr. Mandeville.*

*Montevideo, May, 4, 1839.*

THE Undersigned, Minister of State for Foreign Affairs, has received and placed before his Government the note which, under date 24th April, ultimo, his Excellency the Minister Plenipotentiary of Her Britannic Majesty, has been



pleased to address him ; and he has had the honour of being authorised to answer, that the Government of the Republic has had before it the note of October, 1837, to which he refers.

With regard to the Convention respecting the abolition of the traffic of slaves, since his Excellency has declared that the British Government is disposed to conclude it without waiting for the arrangement of a Treaty of Commerce:— Since his Excellency has invited the Government of the Republic to concur in this arrangement ; and since this Government do not consider the two treaties so intimately connected, that the sanction of the one should depend upon that of the other, it has observed with the greatest satisfaction the extension which his instructions have received ; and on perceiving that by them are removed some of the inconveniences which offered themselves, does not doubt that all the difficulties which the state of our finances present, and which are not entirely unknown to him, may be surmounted.

It is then under this opinion that the Government of the Undersigned does not wish to delay any longer the conferences which ought to commence on so important an object ; and accepting the disposition in which his Excellency finds himself of repairing to the capital, in order to fulfil the mission with which he is invested in the Republic, he thinks that now the presence of his Excellency in it would be highly important, because at present the Honourable Chambers are sitting, and the Sessions are to be suspended very soon ; this circumstance might produce a remarkable saving of time, highly favourable to the philanthropic views of the contracting Governments.

Having fulfilled the orders of his Government, the Undersigned, &c.

(Signed) JOZE ELLAURI.

*His Excellency*

*The Minister of Her Britannic Majesty.*

Fourth Enclosure in No. 99.

*Mr. Mandeville to Señor Ellauri.*

(Extract.)

*Buenos Ayres, May 7, 1839.*

I HAVE received the honour of your Excellency's letter of the 4th instant.

It gives me the greatest satisfaction to perceive the willingness with which your Excellency enters into the views of Her Majesty's Ministers with regard to the Slave Trade Treaty ; but still greater would it have been, had your Excellency done me the honour to inform me that all the difficulties to the conclusion of the Treaty had been done away with by the two additional articles which I proposed to your Excellency, first, for relieving the Montevidean Government for ten years from the obligation of employing any cruiser, unless it should think fit to do so ; secondly, by the Montevidean Government appointing one of the foreign Commissioners, resident at Sierra Leone, to act as Montevidean Commissioner in the mixed Courts to be established in that territory ; and that the duty of the Commissioner at Montevideo, which would only be occasional, should be performed by some public officer of its Government already receiving a salary from the public.

I have candidly acknowledged to your Excellency the extent of my powers with regard to these two additional articles ; with respect to the others of this Treaty, I beg leave to state that I am not authorised to depart in the smallest degree from any one of them ; and, therefore, to open conferences upon the discussion of stipulations which I have not the permission to change or vary in the most minute manner, would be as vain as it would be useless. I therefore take the liberty of requesting equal candour on the part of your Excellency, and that you will do me the honour of informing me, if the unqualified acceptance of the Slave Trade Treaty, as proposed by me, with these two additional articles abovementioned, will be acquiesced in by the Government of the Republic, as any uncertainty upon this subject will necessarily delay my departure for Montevideo.

No. 100.

*Viscount Palmerston to Mr. Mandeville.*

SIR,

*Foreign Office, August 25, 1839.*

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

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 commanded by Her Majesty to instruct you to communicate these papers to the Montevidean Government, and earnestly to press upon that Government the conclusion of the negotiations with which you are charged on this subject.

You will draw the attention of the Government of Montevideo to the fact, that Venezuela, Chile, and Buenos Ayres, have already concluded with Great Britain treaties similar to that which you have proposed on the part of Her Majesty; and Her Majesty's Government hope that Montevideo will not be the last State in the New World to concur with their fellow Christians in the old, in putting an end to a system of crime, which has so long disgraced the character of civilised nations.

*J. H. Mandeville, Esq.,*  
 &c. &c. &c.

I am, &c.  
 (Signed) PALMERSTON.

No. 101.

*Viscount Palmerston to Mr. Mandeville.*

SIR,

*Foreign Office, August 30, 1839.*

I HAVE received your Despatch, Slave Trade, of the 15th May, 1839, enclosing copies of a correspondence with the Montevidean Minister for Foreign Affairs, upon the subject of the renewal of negotiations between Great Britain and the Republic of the Uruguay for a Treaty of Commerce, and for a Treaty for the suppression of the Slave Trade.

I have the satisfaction to acquaint you, that Her Majesty's Government approve the language which you have held, and the conduct which you have pursued in this negotiation with the Montevidean Government.

*J. H. Mandeville, Esq.,*  
 &c. &c. &c.

I am, &c.  
 (Signed) PALMERSTON.

No. 102.

*Mr. Mandeville to Viscount Palmerston.**Buenos Ayres, June 18, 1839.**(Received September 21.)*

(Extract.)

I HAVE the honour to transmit to your Lordship a copy of a note which I have received from the Oriental Minister for Foreign Affairs in reply to my letter of the 7th May.

His Excellency's answer by no means corresponds to the expectations which I had formed from the contents of his note to me of the 4th of the same month. His Excellency assumes that I had stated to him, that I am not authorised to open conferences with him on this negotiation; whereas when the word "authorised" was used by me, it was only when I declared that I was not "authorised to depart in any way from the instructions laid down for me," and that therefore to open conferences upon the discussions of stipulations, which I have not the permission to change, would be as vain as it would be useless.

In the enclosed answer, I have endeavoured to put His Excellency right on this subject, and I have again begged of him to acquaint me, if the Treaty as proposed by me with the two additional articles, will be accepted by the Oriental Government; and to convince His Excellency how ill-grounded is the supposition of any backwardness on my part to avail myself of his invitation to come to Montevideo, I shall proceed there after having despatched the packet, to receive his Excellency's answer, when if it is in the affirmative, I will have the honour of waiting upon his Excellency on the receipt of it for the purpose of concluding the Treaty.

I have, &c.

J. H. MANDEVILLE.

(Signed)

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

First Enclosure in No. 102.

*Señor Ellauri to Mr. Mandeville.*

(Extract.)

*Department of Foreign Relations,*

(Translation.)

*Montevideo, June 11, 1839.*

THE Undersigned, Minister of State and of Foreign Relations, has had the honour to receive through Mr. Lumb, and to lay before his Government, your Excellency's esteemed note dated in May last, in answer to that which was addressed to your Excellency under date of the 4th of the same month by the aforesaid gentleman; and he has been directed to reply to his Excellency, the Minister Plenipotentiary of Her Britannic Majesty, that since it is now declared that the Treaty for the suppression of the Slave Trade may be adjusted independently of that of commerce, the Government of the Oriental Republic felt the most lively satisfaction, as was stated to your Excellency in the note of the 4th, on seeing removed the difficulties which at first stood in the way of an arrangement, no less philanthropical than honourable to both nations. This feeling was strengthened when your Excellency gave to understand, that you were empowered to modify the articles relative to the cruisers and the tribunals.

The Oriental Government are therefore agreed in the main points, that is to say, in the principle of the negotiation; and since such was the case, they did not hesitate to cause your Excellency to be invited, should you deem it expedient, to repair to this capital, in order to open the requisite conferences, which could no longer be attended with any great delay, and might be terminated in the most eligible opportunity, the Legislative Chambers being assembled.

But as your Excellency expressly states in your last reply, that you are not authorised to open any conference, the Government cannot see how a treaty can be concluded and signed without a previous conference, were it only for the sake of formality.

Consequently, the Undersigned Minister has been directed by his Government to express to your Excellency the profound grief which they experience on seeing their good wishes and sanguine hopes frustrated by the absence of authority in your Excellency, which, should you consider it advisable, it will devolve on your Excellency opportunely to procure.

God preserve your Excellency many years.

(Signed)

JOSE ELLAURI.

*His Excellency*  
*The Minister Plenipotentiary of*  
*Her Britannic Majesty,*  
&c. &c. &c.

Second Enclosure in No. 102.

(Extract.)

*Mr. Mandeville to Señor Ellauri.*

Buenos Ayres, June 17, 1839.

SIR,

I HAVE had the honour to receive your Excellency's note of the 11th instant, in answer to mine of the last month, which I charged Mr. Lumb to deliver to your Excellency, that gentleman having been the bearer of your Excellency's note to me of the 4th of May.

My object in addressing your Excellency now, is to correct a misunderstanding which, probably from an error in the translation of my note, your Excellency has been led into, with regard to your supposing that I had said in it "that I am not authorised to open any conference" with your Excellency on the subject of negotiations for concluding a Slave Trade Treaty. The beginning of the last paragraph of my letter is as follows, "I have candidly acknowledged to your Excellency the extent of my powers with regard to these two additional articles; with respect to the others of the Treaty, I beg leave to state, that I am not *authorised to depart in the smallest degree from any one of them*, and therefore to *open conference upon the discussion of stipulations* which I have not the permission to change or vary in the most minute manner, would be as vain as it would be useless."

Your Excellency will observe, that in no manner did I say that I was not "*authorised*" to open conference with your Excellency, but I took the liberty of observing, that to open them upon the discussion, of stipulations which I have not the power to change, would be an unnecessary and useless waste of time.

I therefore again request that your Excellency will do me the honour of informing me if the Treaty, as proposed by me, with the two additional articles, will be acquiesced in by the Government of the Oriental Republic; and to convince your Excellency how ill grounded is the supposition of any backwardness on my part to accept your Excellency's invitation to come to Montevideo, I shall proceed there in a couple of days, to receive your Excellency's answer; when, if it is in the affirmative, I shall have the honour of waiting upon you on the receipt of it, for the purpose of concluding the Treaty.

I have, &amp;c.,

(Signed)

J. H. MANDEVILLE.

*His Excellency Don José Ellauri,*  
&c. &c. &c.

No. 103.

*Mr. Mandeville to Viscount Palmerston.*

Montevideo, June 22, 183.

(Received September, 21.)

MY LORD,

I ARRIVED at Montevideo in Her Majesty's ship "Calliope" yesterday morning.

Mr. Hood immediately waited upon the Montevidean Minister for Foreign Affairs to acquaint his Excellency with my arrival, and to inquire if he had any communication to make to me. Don José Ellauri said that he was at that moment going to the President with a translation of my last note, and to take his Excellency's orders as to the answer to be sent to it, which I this day received, and have now the honour to transmit a copy of it to your Lordship.

From its contents I presume that no obstacle will be made to the conclusion of a Slave Trade Treaty with this Republic.

I have, &amp;c.,

(Signed)

J. H. MANDEVILLE.

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

Enclosure in No. 103.

(Translation.)

*Señor Ellauri to Mr. Mandeville.**Montevideo, June 22nd, 1839.*

THE undersigned, Minister of State and Foreign Affairs, has had the honour to receive and bring to the knowledge of his Government the note which your Excellency had been so good as to direct to him on the 17th of this month in reply to his of the 11th, and he has been authorised to assure your Excellency of the sincere pleasure, with which the Government has received the explanation of the paragraph of his letter of the month of May, which occasioned him the sorrow to understand that your Excellency was not authorised to open conferences upon the Treaty proposed for the abolition of the traffic in slaves.

This error having disappeared, and the Government desiring to correspond to the frankness, with which your Excellency has manifested to it the extent of your powers in this affair, has agreed to declare that there will be no difficulty in accepting the Treaty proposed, with the two additional articles.

Whilst the undersigned was ordered that he might transmit this disposition to your Excellency, the Government have learnt with the most lively satisfaction, that the distinguished person of your Excellency is in the port of this capital, he has been charged to salute your Excellency in its name, and to signify the confidence which animates it that an act will shortly be consummated, which will highly honour the principles of our respective Governments.

The Government of the Oriental Republic will receive your Excellency with all those considerations, which it prides itself in manifesting to Great Britain and its distinguished representatives.

God preserve your Excellency many years.

(Signed)

JOSE ELLAURI.

*His Excellency the Minister Plenipotentiary  
of Her Britannic Majesty to the United  
Provinces of the Plata.*

No. 104.

*Mr. Mandeville to Viscount Palmerston.**Montevideo, July 13th, 1839.**(Received October 14.)*

MY LORD,

I HAVE had the honour to receive your Lordship's Slave Trade Despatch of the 25th, directing me to urge the Government of Monte Video to accede to the just desires of Her Majesty's Government, by concluding a Treaty for the abolition of the Slave Trade without any further delay.

I have the honour to transmit a Slave Trade Treaty which I signed this day with Don José Ellauri, the Oriental Plenipotentiary named by the President General Frutos Rivera to conclude with me this Treaty.

It is nearly in every respect similar to the form of the Treaty, which Mr. Hamilton was instructed by your Lordship in 1834 to propose to this Republic, and which I have been directed at various times to press upon its Government to conclude, with the exception of three additional articles; by the first of which the Oriental Government will be relieved from the necessity of employing for ten years any cruisers, unless it should think fit to do so, placing this stipulation on the ground that the Republic has not a sufficient naval force; and by the two following, which are the same as were inserted in the Treaty I lately concluded with the Argentine Republic, the Montevidean Government will be spared the expense of the Mixed Commissions. To these I have added another article, by which, in case of an error taking place in the Spanish translation of the Treaty, the English text is to be adhered to, which I trust will meet with your Lordship's approbation.

Upon reading over Article I of annexed A, with the Oriental Plenipotentiary, his Excellency wished that it should be therein designated what should constitute an Oriental vessel. I proposed that any vessel bearing the Oriental

flag should be considered, if engaged in the Slave Trade, an Oriental vessel; but this is only to hold good with vessels concerned in the Slave Trade, and not to serve as a precedent in the discussions, which may hereafter be resumed for the negotiation of a Treaty of Commerce, as to what shall constitute an Oriental vessel. His Excellency adopted my suggestion, which I hope will not be disapproved of by your Lordship.

Upon being asked by M. Ellauri if I had received from your Lordship any fresh instructions on the points, on which the Montevidean Government is desirous that modifications should be made in the Treaty of Commerce, which your Lordship informed me in Despatch marked Slave Trade, of 22nd February, 1838, had been referred to the Board of Trade, I acquainted his Excellency that they had not yet reached me.

I have, &c.

(Signed)

J. H. MANDEVILLE.

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

&c.

&c.

&c.

## MUSCAT.

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No. 105.

*Extract of a Letter from Captain Cogan to Viscount Palmerston, dated*

*Bombay, July 31st, 1839:*

I HAVE now the honour to report to your Lordship, that I remained at Zanzibar till the 8th of June, and arrived at this Presidency in one of his Imperial Majesty's yachts on the 26th of the same month. \* \* \* \* \*

I herewith have the honour to transmit to your Lordship one of the printed copies of the Treaty, which I offered to His Highness, with the alterations which His Highness considered indispensable to his interests. \* \* \* \* \*

Feeling that I might be exceeding the discretionary power your Lordship intended I should exercise, and doubting my judgment on an important duty on which I have had but little experience, I obtained his Highness's permission to sign the Convention after the approval of Her Majesty's Government. \* \* \*

On my arrival at Bombay I thought I should best consult the public interests by forwarding to the Government of India a copy of the unratified Treaty; and by communicating his Highness's sentiments on the subject of the Slave Trade, thinking it probable, that the present unsettled state of affairs in the Persian Gulph might cause some change with the Chieftains in that quarter, favourable to the suppression of slavery: a copy of the said communication I have the honour herewith to transmit to your Lordship.

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First Enclosure in No. 105.

*Extract of a Letter from Captain Cogan to Sir James Carnac.*

*Dated Bombay, July 13, 1839.*

I HAVE the honour to transmit for your information, the accompanying copy of a Treaty, agreed to on the part of His Highness the Sultan of Muscat, which I trust will be considered satisfactory by the Indian Government.

The abolition of slavery in His Highness's dominions, which is a subject of much solicitude with Her Majesty's Government, has only been advanced by the more formal confirmation of the Treaty of 1822, and with permission for the ships and vessels of the East India Company to give force and effect to its stipulations; which was previously interdicted.

The Sultan's anxiety to meet the wishes of the British Government was strikingly evinced during my frequent intercourse with His Highness, but the abolition of slavery is a question repugnant to the interests and feelings of His Highness's subjects, and without remuneration would seriously affect the revenues of a Government which, from various causes, are far from being in a state of financial prosperity; this, together with there being no moral or religious compunctions to influence a Mahometan Government in the abolition of slavery, presents to me serious difficulties in obtaining any further amicable concessions from the Government of Muscat, unless we tender some pecuniary equivalent, supported by naval protection, against the neighbouring Mahometan powers interested in the continuance of the Slave Trade.

I am, however, of opinion that His Highness would be happy to meet our views, even on this subject, as far as is consistent with the maintenance of his

power, and financial revenues of his Government; but to entirely shut the ports of His Highness's African possessions against the export of slaves would, in my opinion, only be effected by a pecuniary equivalent for the loss of revenue. I have been induced to make these observations, which I believe to be His Highness's sentiments on the question of slavery, thinking it probable that some political contingency may present a favourable opportunity to aid the cause of humanity, without entailing more expense on the British nation than may be absolutely necessary.

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Sub-Enclosure in No. 105.

*Article XV. of the Treaty, as altered by the Imaun.*

HIS Highness the Sultan of Muscat hereby renews and confirms the engagements, entered into by His Highness with Great Britain on the 10th of September, 1822, for the entire suppression of Slave Trade between his dominions and all Christian countries; and His Highness further engages, that the ships and vessels of war belonging to the East India Company shall be allowed to give full force and effect to the stipulations of the said treaty, agreeably with the conditions prescribed therein, and in the same manner as the ships and vessels of Her Britannic Majesty.

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No. 106.

*Extract of a Memorandum received from Captain Cogan, dated London, 5th December, 1839.*

THE financial resources of His Highness are now 80,000*l.* per annum; 20,000*l.* of which emanates, directly or indirectly, from the sale and purchase of slaves. Of these there are from 45 to 40,000 annually sold in the Zanzibar market, about 20,000 of which are exported to Egypt, Arabia, Persia, and the Coast of Makeran; but it is the Portuguese settlements on this coast that form marts for the supply of slaves to Christian states, while the Government of Portugal openly levies a duty of seven Spanish dollars on each slave so exported; and I am credibly informed it is by means of this revenue that the Portuguese power is maintained in East Africa; a circumstance which His Highness invariably adverts to, when I have spoken to him on the abolition of slavery. Notwithstanding, however, what I have remarked, I am certain His Highness is willing to make any reasonable sacrifice to meet our wishes regarding the abolition of slavery.

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## NEW GRANADA.

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No. 107.

*Mr. Adams to Viscount Palmerston.*

*Bogotá, March 28th, 1839.*

*(Received June 10.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked "Slave Trade," of 15th December last, and of the Full Powers which Her Majesty has been graciously pleased to confide to me, for the negotiation of a treaty between Her Majesty and the Republic of New Granada, for the more effectual suppression of the traffic in slaves.

In compliance with your Lordship's instructions, I addressed a note to the Granadian Minister on the 8th instant, of which I have the honour to enclose a copy, informing his Excellency that I was in possession of the necessary authority for entering upon the negotiation of a Slave Trade Treaty; and would be ready to meet him for that purpose at any time he might appoint.

The pressure of business consequent upon the opening of the Session of Congress has prevented my receiving, till yesterday, the reply of General Herran, of which a copy and translation are enclosed, which informs me that a Plenipotentiary will shortly be named to conduct the proposed negotiation on the part of New Granada.

I have, &c.

(Signed)

W. PITT ADAMS.

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

&c.

&c.

&c.

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First Enclosure in No. 107.

*Mr. Adams to General Herran.*

*British Legation, Bogotá, March 8, 1839.*

THE Undersigned, Her Britannic Majesty's Chargé d'Affaires, has the honour to refer General Herran, the Granadian Minister for Foreign Relations, to his Excellency's note of 6th October last, inviting the Undersigned to enter upon the negotiation of a treaty for the more effectual suppression of the traffic in slaves, and to acquaint his Excellency that, by the last mail from England, he received Her Majesty's Full Powers, and the necessary instructions from his Government, for enabling him to enter upon such negotiations. It therefore only remains for the Undersigned to express his readiness to meet General Herran, for the purpose of entering upon the negotiation of a treaty between Her Majesty and the Republic of New Granada, for the more effectual suppression of the traffic in slaves, at such time and place as his Excellency may please to suggest; and to renew to his Excellency the assurance of his highest and most distinguished consideration.

(Signed)

W. PITT ADAMS.

*His Excellency General P. A. Herran,*

&c.

&c.

&c.

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(Translation.)

Second Enclosure in No. 107.

*General Herran to Mr. Adams.**Republic of New Granada, Bogotá, March 26, 1839.*

THE Undersigned, &c., submitted to his Excellency the President of the Republic, the note of Mr. Adams, &c., of the 8th instant, relative to the negotiation of a treaty for the more effectual suppression of the traffic in Slaves; and his Excellency has instructed the Undersigned to reply to Mr. Adams, that a person will be named who will take charge of the negotiation of the said treaty on the part of New Granada, and that as soon as Full Powers have been conferred upon him with the legal forms, immediate notice of it shall be given to Mr. Adams.

The Undersigned, &c.  
(Signed) P. A. HERRAN.

No. 108.

*Mr. Adams to Viscount Palmerston.*

*Bogota, March 28, 1839.*  
(Received June 10.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, "Slave Trade," of the 15th December, 1838, and to assure your Lordship that, in the negotiation and conclusion of the treaty which has been confided to me, I shall zealously and strictly conform to the instructions which that Despatch contains.

I have, &c.  
(Signed) W. PITT ADAMS.

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

No. 109.

*Viscount Palmerston to Mr. Adams.**Foreign Office, June 29, 1839.*

Sending printed Papers presented to Parliament.

(See No. 2, page 2.)

No. 110.

*Mr. Adams to Viscount Palmerston.*

*Bogota, April 25, 1839.*  
(Received June 30.)

MY LORD,

SOME difficulty having occurred in the necessary approbation by the Council of State, of the person nominated by the President to negotiate with me the proposed Treaty for the Suppression of the Slave Trade, it was not until yesterday that I received the note from General Herran, of which copy and translation are enclosed, stating that Señor Domingo Acosta, lately Chargé d'Affaires from this Republic to the United States of America, had been officially appointed the Plenipotentiary on the part of New Granada. The delay which has thus occurred was, perhaps, intended to prevent the possibility of the signature of the Treaty in time to be presented for ratification during the present Session of Congress; and this probability is strengthened by the wish which has been expressed to learn the fate of the new Treaty concluded by Sir

Robert Porter in Venezuela, before the conclusion of a similar instrument with me.

Under any circumstances, I could hardly hope to have obtained the approbation of the Legislature to so voluminous a document during the present Session, which ends with the month of May, but I shall now press forward the negotiation as rapidly as possible, with the view of affording time to receive and act upon your Lordship's instructions, with respect to any alterations which may be proposed by the Granadian Plenipotentiary; and thus to secure the signature of the Treaty before the commencement of the next Session of the Legislature, whose ratification is necessary for its validity, according to the constitution of this Republic.

I have, &c.  
(Signed) W. PITT ADAMS.

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

Enclosure in No. 110.

*General Herran to Mr. Adams.*

*Republic of New Granada, Bogota, April 23, 1839.*

THE Undersigned has the honour to address himself to Mr. Adams, &c., for the purpose of acquainting him that his Excellency the President of the Republic has thought proper to confer Full Powers upon Señor Domingo Acosta, Chargé d'Affaires of New Granada to the Government of the United States, and at present residing in this capital, for negotiating with Mr. Adams a Treaty for carrying into effect the complete suppression of the traffic in Slaves.

The Undersigned, &c.  
(Signed) P. A. HERRAN.

*To W. Pitt Adams, Esq.*  
&c. &c. &c.

No. 111.

*Mr. Adams to Viscount Palmerston.*

(Extract.)

*Bogota, May 23, 1839.*  
(Received August 12th.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, "Slave Trade," of 31st January last, and I have expressed to the Granadian Minister the satisfaction, which Her Majesty's Government has experienced at learning the anxious desire of the Granadian Government to co-operate with that of Great Britain in suppressing the Slave Trade; and that Her Majesty's Government is thence led to hope that the proposed Treaty will be agreed to.

No. 112.

*Mr. Adams to Viscount Palmerston.*

MY LORD,

*Bogota, May 23, 1839.*  
(Received August 12.)

I HAVE the honour to inform your Lordship, that on the 16th instant I opened the conferences for the negotiation of a Treaty for the suppression of the Slave Trade with Señor Domingo Acosta, the Granadian Plenipotentiary, and that, after the mutual examination of our Full Powers, I presented to him

the Draft of a Treaty, as instructed by your Lordship's Despatch of last year.

The length of this document, and the necessity felt by Señor Acosta, of preparing a translation of it for the consideration of his Government, have hitherto delayed our proceeding to discuss the articles it contains; but I believe the proposals of Her Majesty's Government will be met in a fair spirit by the Government of this country, and sufficient time will always be afforded for referring to your Lordship any difficulties which may arise, and yet to secure the conclusion of the Treaty, before the commencement of the next Session of Congress, to which it must be presented for ratification.

The 13th article of the existing Treaty, signed on 18th April, 1825, between Great Britain and Columbia, provides for the co-operation of this country, in the total abolition of the Slave Trade; and contains a prohibition to all persons inhabiting its territories from taking any share in such trade, which latter stipulation has been carried out by the legislation of the country.

I have, &c.

(Signed)

W. PITT ADAMS.

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

No. 113.

*Viscount Palmerston to Mr. Adams.*

SIR,

*Foreign Office, August 25, 1839.*

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

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 commanded by Her Majesty to instruct you to communicate these papers to the Government of New Granada, and earnestly to press upon that Government the conclusion of the negotiations with which you are charged on this subject.

You will draw the attention of the Government of New Granada to the fact, that Venezuela, Chile, and Buenos Ayres, have already concluded with Great Britain Treaties similar to that which you have proposed on the part of Her Majesty; and Her Majesty's Government hope that New Granada will not be the last State in the New World to concur with their fellow Christians in the Old, in putting an end to a system of crime, which has so long continued to disgrace the character of civilised nations.

I am, &c.

(Signed)

PALMERSTON.

*William Pitt Adams, Esq.,*  
&c. &c. &c.

No. 114.

*Viscount Palmerston to Mr. Adams.*

*Foreign Office, September 3, 1839.*

Circular sending Act for the Suppression of the Slave Trade.

(See No. 5, page 3.)

No. 115.

*Mr. Adams to Viscount Palmerston.*

*Bogota, June 27th, 1839.*

*(Received September 7th.)*

MY LORD,

I HAVE but little progress to report to your Lordship in the negotiation of a Treaty respecting the Slave Trade, as the Members of the Government have

been so entirely occupied with the business of Congress, as to have been unable to dictate the instructions of the Granadian Plenipotentiary.

The Ministers have, however, signified to me their concurrence in all the leading features of the *projet*, which they are aware would be the most convenient form that the Treaty could assume; but, upon consultation with some of the leading Members of Congress, it is found that a constitutional difficulty would present itself to the ratification of the Articles which provide for Mixed Courts for the trial of Granadian ships captured under the treaty; and it is probable that this difficulty may lead the Granadian Government to propose some other basis, and the rather as the Congress of Venezuela has pursued a similar course.

Should so important a variation be insisted on, I shall avail myself of the time that will elapse before the next Session of Congress, to refer the Granadian proposals to your Lordship.

I have, &c.

(Signed)

W. PITT ADAMS.

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

No. 116.

*Viscount Palmerston to Mr. Adams.*

*Foreign Office, October 12th, 1839.*

Circular on Negotiations with Portugal.

(See No. 10, page 6.)

No. 117.

*Viscount Palmerston to Mr. Adams.*

*Foreign Office, November 2nd, 1839.*

Communicating Orders issued under the Act for the Suppression of the Slave Trade.

(See No. 11, page 6.)

No. 118.

*Mr. Adams to Viscount Palmerston.*

*Bogotá, August 29th, 1839.*

*(Received November 13th.)*

MY LORD,

THE Granadian Plenipotentiary, after considerable delay, having received instructions from his Government respecting the negotiation of a Slave Trade Treaty, our conferences were renewed on the 20th ultimo; but I regret to add that the Granadian Government are not prepared to accept the Draft of a Treaty which I had presented, in compliance with your Lordship's instructions, without the adoption of such important and numerous modifications, affecting some of the material principles of the Treaty, as render it necessary to submit their propositions for your Lordship's approval; and I have felt the less reluctance in making this reference, as no time will thereby be lost in procuring the ratification of the Treaty by the Congress, should the receipt of your Lordship's instructions enable me to bring it to a conclusion during the months of March or April of next year.

At the commencement of our discussions, an insurmountable obstacle was found to exist to the adoption of the principle of Mixed Courts for the trial of Granadian vessels, in two provisions of the Granadian Constitution. The 182nd Article of that instrument declares, "That no Granadian shall be liable to be withdrawn (*distruido*) from his natural judges, nor tried by special commissions, nor extraordinary tribunals;" and the 140th Article requires, that to be a

“ member of any tribunal, it is necessary to be a Granadian in the exercise of the right of citizenship.” In the face of such provisions, which the legislature itself has not the power immediately to reverse, there remained no course but to propose, that a Granadian vessel, wherever she might be captured, under the Treaty, should be brought into a Granadian port, and there be consigned to trial before the Granadian tribunals.

So many material alterations became necessary, in consequence of the exclusion of the principle of Mixed Courts, that the Granadian Plenipotentiary resolved to draw up a *contre-projet*, which should be adapted to the existing legislation of country, and simplified to meet the views of the members of the Granadian legislature. The first draft presented to me by Señor Acosta was accordingly reduced to the simple admission of the right of search within certain very narrow limits, and of sending into a Granadian port vessels having slaves actually on board. These conditions appeared to correspond so imperfectly with the views of Her Majesty's Government, that I declined to receive the Granadian *projet* as at all consistent with the preamble of the Treaty, or with the recorded desire of the Granadian Government to co-operate with that of Her Majesty for the complete suppression of the Slave Trade, without the insertion of the 8th Article of the British draft, or at least such a modification of it as would permit the detention and capture of vessels obviously fitted for the Slave Trade. I also insisted on a stipulation, by which the vessels so captured should be declared good prize, and on an extension of the limits within which the Treaty was to take effect. After protracted discussions, all these objects have been more or less completely obtained, and are embodied in the *contre-projet* of the Granadian Plenipotentiary, of which I have the honour to transmit a copy, accompanied by a literal translation.

The 1st Article is substituted for the 1st and 2nd Articles of the British draft, and in conjunction with the enclosed law of Colombia of 1825, which is still in force, appears to answer all the purposes intended by those Articles. The last paragraph is added by way of reciprocity. The 2nd Article gives an ample right of search, and is the closest approximation to the 3rd Article of the British draft which I have been able to obtain.

The 3rd Article is completely new, and confines the operation of the Treaty, within certain limits, which, though greatly extended since first presented for discussion, are still unfavourable as not comprehending the West Indian Seas; an arrangement which I vainly urged on the Granadian Plenipotentiary, and which I consider to be a point which there is little hope of inducing this Government to accept.

Article 4th excludes the principle of Mixed Courts, but provides for the condemnation of vessels on board of which slaves have been found.

The 5th Article confers the power of capturing vessels fitted for the Slave Trade, but reduces the list of articles which shall be received as evidence of a guilty intention.

The 6th Article designates the Granadian Courts which shall have jurisdiction in trials for Slave Trade.

Article 7th is adopted almost *verbatim* from the British draft.

Article 8th is almost a translation of the 5th Article of the British draft, but its effects may be altered by the change of the tribunal, whose sentence is to precede compensation to a vessel illegally captured. It is certain that little reliance can be placed in the administration of Granadian law, which is notoriously imperfect; but it was difficult to allege the corruption of their tribunals as diminishing the chances of justice, and some check is interposed by the 9th Article, which provides that compensation shall not be granted, in cases where the acquittal of the vessel was founded on documents not exhibited to the captor.

Article 10th stipulates for the breaking up of vessels condemned under the Treaty, whenever they shall have been originally built for the Slave Trade.

Article 11th is almost a translation from the 4th and 5th Articles of the British draft.

Article 12th is new, and is intended to exempt New Granada from the charge of employing cruisers for the suppression of the Slave Trade, while she binds herself to give the proper authority to Her Majesty's ships.

Article 13th is likewise new, providing that the right of search under this

Treaty shall be exercised for no purpose but that of the suppression of the Slave Trade.

Article 14th provides that the Treaty shall be terminable at the will of either of the contracting parties.

Annex A. of the British draft is adopted in the enclosed *projet* with such variations only as the altered provisions of the Treaty required. Annexes B. and C. are entirely omitted.

There are several verbal omissions and inaccuracies in the Granadian draft which remain to be rectified on a future occasion, as I conceived it more advisable, for the present, to endeavour to obtain concessions on matters of principle; and I distinctly stated to the Granadian Plenipotentiary that I received his draft, *ad referendum*, as the proposal of the Granadian Government, with the understanding that its several provisions were to be considered open for further discussion and modification.

I have the honour to enclose a copy of the British draft, showing in the margin what portions of that document have been embodied in the *projet* of the Granadian Plenipotentiary, though in almost every instance some verbal alterations have been inserted.

The third paragraph of the 4th Article of the British draft has been omitted, as the Granadian navy is not likely for the present to be engaged in the convoy of merchant vessels.

Article 7th has been entirely omitted.

Article 11th has likewise been omitted, as the inclosed law of 1825 provides for the freedom of all negroes imported from a foreign country; and the usual lenient treatment of negroes in New Granada, and their ready means of obtaining subsistence offer a guarantee for carrying out the merciful views of Her Majesty's Government.

The 2nd, 3rd, and 4th Articles of annex A. have been adopted with scarcely any variation.

With respect to annex B., though several of its provisions might perhaps be useful, even after the rejection of the principle of Mixed Courts, I have not thought it right to press for their adoption without further instructions.

In estimating the probable result of the stipulations of the Treaty, it must be considered that the means possessed by New Granada for carrying on the Slave Trade, were her citizens disposed to do so, which is not the case, are necessarily limited by the small number and size of the vessels which constitute her commercial marine, by the want of capital throughout the Republic, and by the absence of a spirit of enterprise, and particularly of naval enterprise, among her people; the practical effect of the present Treaty, if concluded, cannot, therefore, be expected for many years to extend beyond the prevention of the false assumption of the Granadian flag by the slave-dealers of other nations.

I have, &c.

(Signed)

WM. PITT ADAMS.

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

&c.

&c.

&c.

(Translation.)

First Enclosure in No. 118.

*Counter Project of Treaty on Slave Trade, presented by the Granadian Plenipotentiary to the Plenipotentiary of Her Britannic Majesty.*

PREAMBLE.

THE Republic of New Granada and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being equally animated by a sincere desire to co-operate for the utter extinction of the detestable traffic in Slaves, have resolved to conclude a Treaty for the special purpose of attaining this object; and have respectively named for this purpose, as their plenipotentiaries, to wit  
 who having duly communicated to each other their respective Full Powers, and found them to be in proper form, have agreed upon and concluded the following Articles:—

## ARTICLE 1.

The introduction of slaves into the territory of New Granada having been legally prohibited, the Slave Trade beyond its limits, is hereby declared to be henceforward and for ever prohibited to Granadian citizens; and such citizen or citizens as shall engage in the said trade, or shall make use of the Granadian flag, for the illegal transportation of slaves from Africa, shall be considered and punished as pirates, conformably to the laws of New Granada.

The Slave Trade shall, by the present Treaty, be prohibited henceforward and for ever, to the subjects of Her Britannic Majesty; and such British subject or subjects as shall employ themselves therein, or shall use the British flag for the illegal transportation of slaves from Africa, shall be considered and punished as pirates, conformably to the laws of England.

## ARTICLE 2.

In order more completely to accomplish the object of the present Treaty the two high contracting powers agree to authorise some of the ships of their navies respectively to visit and search such merchant vessels of the two nations, as may be met with within the limits, to be hereinafter specified, and which, by the direction of their course, and on other reasonable grounds, shall afford motives for suspecting that they are engaged in the Slave Trade, and likewise, under the circumstances provided for in this Treaty, to detain, send, or carry away such vessels to the ports which shall be hereinafter designated.

## ARTICLE 3.

The limits within which the merchant vessels of the two nations shall be subject to the visit and search mentioned in the preceding article are the following: from the 40th meridian of longitude West from London to the coast of Africa, and from the 25th parallel of North latitude to the 40th South.

## ARTICLE 4.

The merchant ships of the two nations visited in virtue of this Treaty, if they convey on board slaves from Africa shall be detained, sent, or carried to some of the ports of New Granada, if the vessel detained shall be Granadian: or to a port, under British jurisdiction, if the vessel detained shall be English.

And the vessels, with all their cargoes, shall be subject to the penalty of confiscation, for the fact of having been found carrying Slaves on board.

## ARTICLE 5.

Every merchant vessel, whether Granadian or British, visited within the limits traced in the 3rd Article shall be liable to be detained, sent, or carried to the ports indicated in the 4th Article, if in her build and equipment, there shall be found the following:—

1st. Hatches with open gratings, instead of the hatches which are usual in merchant vessels.

2nd. Divisions or bulk-heads in the hold, or on deck, in a greater number than are necessary for common merchant vessels.

3rd. Shackles, bolts, or handcuffs, in a number exceeding that of the crew.

4th. A cooking apparatus of a size so great as to be out of proportion with the dimensions of the vessel.

Any one or more of the equipments enumerated in the four preceding paragraphs shall be considered as evidence that the vessel which contains them is employed in the Slave Trade, and it shall thereupon be condemned and declared good prize, unless the master or owners shall make it appear clearly and evidently before the competent court or tribunal that such vessel was at the time of her detention, or capture, employed in some legal commerce, and that the equipments found on board were necessary for some lawful purpose, with which the voyage had been undertaken.

## ARTICLE 6.

The courts and tribunals of New Granada which exercise jurisdiction in trials for piracy, shall also have jurisdiction in trials instituted in all matters connected with the Slave Trade.



## ARTICLE 7.

In order to regulate the mode of carrying into execution the visit of the merchant vessels of the two nations by the cruisers charged with preventing the Slave Trade, the commanders of such cruisers shall be furnished with copies of this Treaty in Spanish and English, and of the instructions contained in the Appendix annexed to it, which instructions shall be considered as an integral part of this Treaty.

## ARTICLE 8.

The two high contracting parties mutually engage to make good the damages and losses which may be incurred by the legal detention of their vessels respectively, it being understood that the government to which the capturing ship belongs shall pay the damages and losses occasioned to the captured vessel; and this payment shall be made within the term of one year, reckoned from the day on which the competent court shall pronounce definitive sentence on the vessel, for the detention of which such compensation is claimed.

## ARTICLE 9.

A sentence pronounced by the competent court in favour of the captured vessel shall not carry with it an obligation to make good the losses and damages, whenever further evidence may have been required for the acquittal, than such as was deducible from the documents presented to the commander of the cruiser by the master of the merchant vessel in the act of detention, or during the period occupied in bringing her into port.

## ARTICLE 10.

The two high contracting parties agree that the vessels detained and condemned shall be broken up and sold in separate parts, provided their structure shows them to have been originally built for the Slave Trade.

## ARTICLE 11.

The visit and detention of vessels specified in the 2nd Article of this Treaty, shall be effected by the ships of the Granadian and British navies respectively, and by such ships only as shall be provided with the special instructions contained in the Appendix annexed to this Treaty; and each of the two high contracting parties shall from time to time communicate to the other the names of the several ships which have been furnished with such instructions, the force of each ship, and the names of the several commanders.

## ARTICLE 12.

In case the Republic of New Granada should not deem it expedient to arm cruisers for the active pursuit and prevention of the Slave Trade, she binds herself to give to the British cruisers the authority specified in the 2nd Article of this Treaty, as soon as the number of such cruisers, their names and force shall have been communicated to her.

## ARTICLE 13.

The visits by the ships authorised under this Treaty shall be confined to the sole and single object of suppressing the Slave Trade, and shall in no respect be extended to ascertaining the quality of the sailors, nor the source, nature, or proprietorship of the articles of commerce which may be found on board.

## ARTICLE 14.

The present Treaty shall continue in force until such period as the two high contracting parties, or one of them, shall desire to rescind it, if it suits their interests to do so. The party which may be desirous of so doing shall give notice of it to the other, one year before the period when it is intended to put an end to it.

## ARTICLE 15.

The present Treaty shall be ratified by the president of New Granada, or by the vice-president, charged with the executive power, with the consent and approbation of the Congress, and by Her Majesty the Queen of the United



The officer in charge of the vessel detained shall, at the time when he brings the vessel's papers before the proper tribunal, deliver into the Court a paper signed by himself, and verified on oath, stating any changes which may have taken place in respect to the vessel, her crew, the Slaves (if any), and her cargo, between the period of her detention, and the time of delivering in such paper.

#### ARTICLE IV.

The Slaves shall not be disembarked till after the vessel which contains them shall have arrived at the place of adjudication, and even after the vessel has arrived at such place, they shall not be landed without the permission of the proper tribunal.

But if urgent reasons, deduced from the length of the voyage, from the state of health of the slaves, or from other causes, should require that either the whole or a portion of the negroes should be disembarked, or be transhipped, before the vessel can arrive at the place at which a competent Court is established, or after her arrival there and before adjudication, the Commander of the capturing ship may take upon himself the responsibility of so disembarking or transhipping the negroes, provided that such necessity, and the causes thereof, be stated in a certificate in proper form, and that this certificate be entered at the time in the log-book of the detained vessel.

The Undersigned Plenipotentiaries have agreed, in conformity with the 7th Article of the Treaty, signed by them, on this day, the        of        , 183    , that the present Appendix, which contains, in four Articles, the Instructions to be furnished to the Commanders of the ships of the two navies, destined to pursue and prevent the traffic in Slaves, shall be considered as an integral part thereof.

The            day of            183 .

(L. S.)  
(L. S.)

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#### Second Enclosure in No. 118.

(Translation.)

#### *Law determining the Penalties to be incurred by those who employ themselves in the African Slave Trade.*

The Senate and House of Representatives of the Republic of Colombia in Congress assembled,

Considering,—

That to render more efficacious the provisions of the law of 21st July of the year 11, which, with the design of gradually abolishing Slavery, prohibits the introduction of Slaves into Colombia, it is necessary to designate proper penalties against those who infringe this law, and against those who, trampling upon the rights of natural liberty, and the eternal principles of reason, and of a wholesome policy, employ themselves in the traffic of Slaves from Africa,

#### DECREE.

##### ARTICLE I.

The citizens and subjects of Columbia, and the commanders, pilots, and sailors of the national vessels, who in the open sea, or in any of the ports which are under the jurisdiction of this Republic, shall be found conveying or transporting one or more persons taken from Africa, as Slaves, or who may assist in embarking, conveying, or transporting Slaves taken from Africa, or who traffic, by buying or selling one or more of them, shall be considered, and tried, for either of these acts, as pirates, and punished with death.

##### ARTICLE II.

The commanders, masters, pilots, and seamen, and other persons, of whatever nation, who may be found conveying or transporting, buying or selling Africans as Slaves shall also be considered as pirates, and punished with death, wherever they may be found in the ports, bays, roads, rivers, and coasts of Colombia, within the waters of her jurisdiction.

## ARTICLE III.

Every ship, national or foreign, which may be found on the coasts of Colombia, within the waters of her jurisdiction, or in her ports, bays, roads, and rivers, having on board Slaves, not being assistants or private servants, whether they come from the West India Isles, or any other place not in Africa, shall be confiscated, together with all the cargo which belongs to the guilty person.

The commander or master of the ship, or if the owner of it should be on board, or if not on board, should he be a Columbian, and has destined her for the Slave Trade, the supercargo, to whom the sale or purchase of the Slaves has been intrusted, and the person on whose account he may have been employed in this trade, shall be condemned to 10 years' imprisonment with labour (Presidio).

## ARTICLE IV.

The provisions of the preceding Article are not to be understood as prohibiting the traffic, and introduction from one port to another of Colombia, of the Slaves existing within her territory, whether for the purpose of sale, or for any other; so as nothing is done contrary to the provision of the fifth Article of the Law of 21st July of the year 11.

## ARTICLE V.

The President of the Republic is authorised in virtue of this law to incur the necessary expense in causing the Slaves who may have been introduced in captured ships, to retire from the territory of Columbia, if he shall deem it expedient. But whether he orders them to leave the country, or permits them to remain in Columbia, he shall declare them free.

## ARTICLE VI.

The jurisdiction of the crimes mentioned in this law belongs to the marine courts and tribunals, which shall proceed to condemnation and execution of the sentence, in the same terms in which process is instituted against pirates.

## ARTICLE VII.

The present law shall take effect at the expiration of a year, reckoned from the date of its publication in the capital of the Republic, with respect to foreign ships; and after six months, reckoned from the same period, with respect to national ships which may infringe the present law.

Given in Bogotá, February 14th, 1825.

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Third Enclosure in No. 118.

*Draft of a Treaty with the Granadian Republic on Slave Trade.*

[N. B. The words printed in Italics are proposed to be omitted by the Granadian Plenipotentiary, and those in the margin substituted for them.]

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British Draft.

Granadian Alterations.

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PREAMBLE.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Granadian Republic, being equally animated by a sincere desire to co-operate for the utter extinction of the *infamous and piratical* Traffic in Slaves, have resolved to conclude a Treaty, for the special purpose of attaining this object, and have respectively named, for this purpose, as their Plenipotentiaries, to wit:

detestable.

## British Draft.

## Granadian Alterations.

who, having duly communicated to each other their respective Full Powers, and found them to be in proper form, have agreed upon and concluded the following Articles:—

## ARTICLE I.

The Slave Trade having been constitutionally abolished throughout the territories of the Granadian Republic, is hereby, declared henceforward, and for ever, totally prohibited to all the citizens of the said Republic in all parts of the world.

## ARTICLE II.

The Granadian Republic hereby engage, that immediately after the exchange of the Ratifications of the present Treaty, and from time to time, afterwards, as may become needful, they will take the most effectual measures for preventing the citizens of the said Republic from being concerned, and the flag of that Republic from being used, in carrying on, in any way, the Trade in Slaves; and the said Republic especially engages that within two months after the above-mentioned exchange of Ratifications, they will promulgate throughout the territories of the Republic a penal Law, declaring the Slave Trade to be Piracy, and inflicting the punishment attached to Piracy, on all those citizens of the Granadian Republic, who shall, under any pretext whatsoever, take any part whatever in the Traffic in Slaves.

## ARTICLE III.

In order more completely to accomplish the object of the present Treaty, the two High Contracting Parties mutually consent, that those ships of their Navies respectively, which shall be provided with special instructions for that purpose, as hereinafter mentioned, may visit such merchant vessels of the two nations, as may, upon reasonable grounds be suspected of being engaged in the Traffic in Slaves, or of having been fitted out for the purposes thereof, or of having, during the voyage in which they are met with by the said cruisers, been engaged in the Traffic in Slaves, contrary to the provisions of this Treaty; and that such cruisers may detain and send or carry away such vessels, in order that they may be brought to trial in the manner hereinafter agreed upon.

## ART. I.

Proposed to be substituted for Article I and II.

Article II. of Granadian Draft much modified.

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## ARTICLE IV.

In order to regulate the mode of carrying the provisions of the preceding Article into execution, it is agreed:—

*First.* That all ships of the Navies of the two Nations, which shall hereafter be employed to prevent the Traffic in Slaves, shall be furnished by their respective Governments with a copy, in the English and Spanish languages, of the present Treaty; of the Instructions for Cruisers annexed thereto, Letter A.; and of the Regulations for the Mixed Courts of Justice annexed thereto, Letter B.; which Annexes shall be considered as integral parts of this Treaty.

*Secondly.* That each of the High Contracting Parties shall, from time to time, communicate to the other, the names of the several ships which have been furnished with such Instructions, the force of each ship, and the names of their several Commanders.

*Thirdly.* That if, at any time, there shall be just cause to suspect that any Merchant vessel, sailing under the Flag of either Nation, and proceeding under the convoy of any ship or ships of war, of either of the Contracting Parties, is engaged, or is intended to be engaged, in the Traffic in Slaves, or is fitted out for the purposes thereof, or has, during the voyage on which she may be met with been engaged in the Traffic in Slaves, it shall be lawful for the Commander of any ship of the Royal Navy of either of the two High Contracting Parties, furnished with such Instructions as aforesaid, to communicate his suspicions to the Commander of the convoy, who, accompanied by the cruiser, shall proceed to the search of the suspected vessel; and in case the suspicions appear well founded, according to the tenor of this Treaty, then the said vessel shall be conducted or sent to one of the points where the Mixed Courts of Justice are stationed, in order to undergo the sentence applicable to the case.

*Fourthly.* It is further mutually agreed, that the Commanders of the ships of the two Navies respectively, who shall be employed on this service, shall adhere strictly to the exact tenor of the aforesaid Instructions.

## ARTICLE V.

As the two preceding Articles are entirely reciprocal, the two High Contracting Parties engage, mutually, to make good any losses, which their re-

CLASS D.

## ARTICLE VII.

## ARTICLE XI.

Omitted.

Omitted.

## ARTICLE VIII.

## British Draft.

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spective subjects or citizens may incur, by the arbitrary and illegal detention of their vessels; it being understood, that this indemnity shall invariably be borne by the Government, whose cruiser shall have been guilty of such arbitrary and illegal detention. It is further agreed, that the visit and detention of vessels, specified in the 3rd Article of this Treaty, shall be effected only by those British or Granadian ships, which may form part of the Navies, (Royal and National) respectively, of the two High Contracting Parties to this Treaty; and by such ships only, of those navies, as shall be provided with the special Instructions annexed to the present Treaty.

The compensation for damages, mentioned in this Article, shall be made within the term of one year, reckoned from the day on which the Mixed Court of Justice pronounces sentence on the vessel, for the detention of which, such compensation is claimed.

## ARTICLE VI.

In order to bring to adjudication, with as little delay and inconvenience as possible, vessels which may be detained according to the tenor of the 3rd Article of this Treaty there shall be established, within the space of a year at furthest, from the exchange of the Ratifications of the present Treaty, two Mixed Courts of Justice, formed of an equal number of individuals of the two Nations, named for this purpose by the two High Contracting Parties respectively.

These Courts shall reside, one in a Possession belonging to Her Britannic Majesty, the other within Territories of the Granadian Republic: and the two Governments, at the period of the exchange of the Ratifications of the present Treaty, shall declare, each for its own Territories, in what places the said Courts shall respectively reside; each of the two High Contracting Parties reserving to itself the right of changing, at its pleasure, the place of residence of the Court held within its own Territories; provided, however, that one of the two Courts shall always be held upon the Coast of Africa, and the other in the Territory of the Granadian Republic.

These Courts shall judge the causes submitted to them, according to the provisions of the present Treaty, without appeal, and in conformity with the Regulations and Instructions which are an-

## ARTICLE XI.

## ARTICLE VIII.

ARTICLE IV. substituted for this.

## British Draft.

## Granadian Alterations.

nexed to the present Treaty, and which are considered as forming an integral part thereof.

## ARTICLE VII.

If the Commanding Officer of any of those ships of the Navies of Great Britain and of the Granadian Republic respectively, which shall be duly provided with Instructions according to the provisions of the 3rd Article of this Treaty, shall deviate, in any respect, from the stipulations of the said Treaty, or from the Instructions annexed to it, the Government which shall conceive itself to be wronged thereby, shall be entitled to demand reparation; and, in such case, the Government to which such Commanding Officer may belong, binds itself to cause inquiry to be made into the subject-matter of the complaint, and to inflict upon the said Officer a punishment proportioned to any wilful transgression which he may have committed.

## ARTICLE VIII.

It is hereby further mutually agreed that every Merchant vessel, British or Granadian, which shall be visited by virtue of the present Treaty, may lawfully be detained, and be sent or brought before the *Mixed Courts of Justice*, established in pursuance of the provisions thereof, if, in her equipment, there shall be found any of the things hereinafter mentioned, namely:—

*First.* Hatches with open gratings, instead of the close hatches which are usual in Merchant vessels.

*Secondly.* Divisions or bulk heads, in the hold or on deck, in a greater number than are necessary for vessels engaged in lawful trade.

*Thirdly.* Spare plank, fitted for being laid down as a second or slave deck.

*Fourthly.* Shackles, bolts, or handcuffs.

*Fifthly.* A larger quantity of water, in casks or in tanks, than is requisite for the consumption of the crew of the vessel as a Merchant vessel.

*Sixthly.* An extraordinary number of water casks, or of other receptacles for holding liquid; unless the master shall produce a certificate from the Custom-house at the place from which he cleared outwards, stating that sufficient security had been given by the owners of such merchant vessels, that such extra quan-

Omitted.

## ARTICLE V.

Slightly modified.

Accepted,

Accepted.

Omitted.

Accepted with an addition.

Omitted.

Omitted.



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tity of casks or of other receptacles, should only be used for the reception of Palm oil, or for other purposes of lawful commerce.

*Seventhly.* A greater quantity of mess tubs or kids, than are requisite for the use of the crew of the vessel as a Merchant vessel.

*Eighthly.* A boiler or other cooking apparatus of an unusual size, and larger, or fitted for being made larger, than requisite for the use of the vessel as a merchant vessel; or more than one boiler or other cooking apparatus, of the ordinary size.

*Ninthly.* An extraordinary quantity of rice; of the flour of Brazil, manioc or cassada, commonly called farinha; of maize; of Indian corn; or of any other article of food whatever, beyond what might probably be requisite for the use of the crew; such rice, flour, maize, Indian corn, or other article of food, not being entered on the Manifest, as part of the cargo for trade.

*Tenthly.* A quantity of mats or matting, greater than is necessary for the use of the crew of the vessel as a Merchant vessel.

Any one or more of these several things, if proved to have been found on board, shall be considered as *prima facie* evidence of the actual employment of the vessel in the Slave Trade; and the vessel shall thereupon be condemned and be declared lawful prize, unless clear and incontestible evidence on the part of the masters or owners shall establish, to the satisfaction of the Court, that such vessel, was, at the time of her detention or capture, employed in some legal pursuit, and that such of the several things above enumerated, as were found on board her at the time of her detention, or which had been put on board her on the voyage on which she was proceeding when captured, were needed for legal purposes on that particular voyage.

## ARTICLE IX.

If any of the things specified in the preceding Article shall be found in any merchant vessel, no compensation for losses, damages, or expenses, consequent upon the detention of such vessel, shall in any case be granted, either to her master or to her owner, or to any other person interested in her equipment or lading, even though though the Mixed Court of Justice should not pronounce any sen-

Omitted.

*Substitution.*—A cooking apparatus of a size so great as to be out of proportion with the size of the vessel.

Omitted.

Omitted.

Modified, retaining the substance.

## ARTICLE IX.

Modification.

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## Granadian Alterations.

tence of condemnation in consequence of her detention.

## ARTICLE X.

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 cruisers, as having been engaged in the Slave Trade, or as having been fitted out for the purposes thereof, and shall consequently be adjudged and condemned by the Mixed Courts of Justice, to be established as aforesaid, the said vessel shall immediately, after condemnation, be broken up entirely, and shall be sold in separate parts, after having been so broken up.

## ARTICLE XI.

The negroes who are found on board of a vessel which has been detained by a cruiser, and has been condemned by the Mixed Courts of Justice, in conformity with the stipulations of this treaty, shall be placed at the disposal of the Government whose cruiser made the capture; on the distinct understanding that they shall be immediately set at liberty, and shall be thenceforward kept free. The two High Contracting Parties respectively guarantee the full and permanent liberty of such negroes; and, with a view of insuring the due execution of the Treaty in this respect, they each engage to afford from time to time, and whenever required to do so by the other High Contracting Party, the fullest information as to the state and condition of such negroes.

The Regulations, Letter C. annexed to this Treaty, as to the treatment of negroes liberated by sentence of the Mixed Courts of Justice, are declared to form an intergal part of this Treaty.

The two High Contracting Parties reserve to themselves the right to alter or suspend, by common consent, but not otherwise, the terms of such regulations.

## ARTICLE XII.

The Annexes to this Treaty, which, it is mutually agreed, shall form an integral part thereof, are as follows:

A. Instructions for the Ships of the Navies of both Nations, employed to prevent the traffic in Slaves.

B. Regulations for the Mixed Courts of Justice which are to hold their sittings on the Coast of Africa, and in one of the Possessions of the Argentine Republic.

C. Regulations for the treatment of liberated Negroes.

Modified.

Omitted.

Omitted.

British Draft.

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## ARTICLE XIII.

The present Treaty, *consisting of thirteen Articles* shall be ratified, and the Ratifications thereof, shall be exchanged at Bogatà as soon as possible within the space of six months from this date.

In witness whereof the respective Plenipotentiaries have signed, in duplicate originals, English and Spanish, the present Treaty, and have thereunto affixed the seal of their arms.

Done at  
this \_\_\_\_\_ day of  
in the year of Our Lord 183 .

(L.S.)

(L.S.)

*Annex A.*

*To the Treaty between Great Britain and the Canadian Republic, for the abolition of the Slave Trade of the Granadian Republic.*

Instructions for the ships of the British and Granadian Navies employed to prevent the Traffic in Slaves.

*Annex A.—ARTICLE I.*

The Commander of any ship belonging to the Navy of Her Britannic Majesty, or of the Granadian Republic, which shall be furnished with these instructions, shall have a right to visit, search, and detain, any British or Granadian merchant-vessel, which shall be actually engaged, or which shall be suspected to be engaged, in the Slave Trade, or to be fitted out for the purpose thereof, or to have been engaged in the Traffic in Slaves during the voyage in which she may be met with by such ship of the British or Granadian Navy; and such Commander shall, thereupon, bring or send such merchant-vessel, as soon as possible, for judgment before that Mixed Court of Justice, established in virtue of the VIIth Article of the said Treaty, which shall be the nearest to the place of detention, or which such Commander shall, upon his own responsibility, think can be soonest reached from such place.

Article XV.

Ten.

Omitted.

Appendix which contains the

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*Annex A.—ARTICLE II.*

Whenever a ship of either of the said Navies, duly authorised as aforesaid, shall meet a merchant-vessel, liable to be visited under the provisions of the said Treaty, the search shall be conducted in the mildest manner, and with every attention which ought to be observed between allied and friendly Nations; and the search shall, in all cases, be made by an officer holding a rank not lower than that of a Lieutenant in the Navy of Great Britain, or in that of the Granadian Republic respectively, (unless the command shall, by reason of death, or otherwise, *be held by* an Officer of inferior rank,) or by the Officer who, at the time, shall be second in command of the ship by which the search is made.

Accepted.

Of the corresponding rank.

Have legally fallen on.

*Annex A.—ARTICLE III.*

The Commander of any ship of the two Navies, duly authorized, as aforesaid, who may detain any merchant-vessel, in pursuance of the present Instructions, shall leave on board the vessel so detained, the Master, the Mate, or Boatswain, and two or three, at least, of the Crew thereof; the whole of the Slaves, if any; and all the cargo.

*The captor* shall, at the time of detention, draw up, in writing, an authentic Declaration, which shall exhibit the state in which he found the detained vessel; and such Declaration shall be signed by himself, and shall be given in, or sent, together with the captured vessel, to the *Mixed Court of Justice, before which such vessel shall be carried or sent for adjudication.*

The Commander of the ship making the capture.

Court before which such vessel must appear for adjudication.

The captor shall deliver to the Master of the detained vessel, a certified list of the Papers seized on board the same, as well as a statement of the number of Slaves found on board at the moment of detention; provided that any shall be so found on board.

In the authenticated declaration which the captor is hereby required to make, as well as in the certified list of the papers seized, he shall insert his own name, the name of the capturing ship, the latitude and longitude of the place where the detention shall have taken place, and the number of Slaves found on board the vessel at the time of the detention, provided that any shall be so found on board.

The officer in charge of the vessel detained, shall, at the time when he brings

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the vessel's papers *into the Mixed Court of Justice*, delivered into the Court a paper, signed by himself, and verified on oath, stating any changes which may have taken place in respect to the vessel, her crew, the Slaves, (if any) and her cargo, between the period of her detention, and the time of delivering in such paper.

*Annex A.*—ARTICLE IV.

The Slaves shall not be disembarked, till after the vessel which contains them shall have arrived at the place of adjudication, and even after the vessel has arrived at such place, they shall not be landed without the permission of the *Mixed Court of Justice*.

But, if urgent reasons, deduced from the length of the voyage, from the state of health of the slaves, or from other causes, should require, that either the whole or a portion of the negroes should be disembarked or be transhipped before the vessel can arrive at the place at which *one of the said Courts* is established, or after her arrival there, and before adjudication, the commander of the captured ship may take upon himself the responsibility of so disembarking or transhipping the negroes, provided that such necessity and the causes thereof be stated in a certificate in proper form, and that this certificate be entered at the time on the log-book of the detained vessel.

The undersigned Plenipotentiaries have agreed, in conformity with the *XIIth* Article of the Treaty signed by them on this day, the

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that *the preceding Instructions, consisting of four Articles*, shall be annexed to the said Treaty, and shall be considered as an intergal part thereof.

The day of

183

(L.S.)

(L.S.)

*Annex B.*

*To the Treaty between Great Britain and the Granadian Republic, for the Abolition of the Slave Trade of the Argentine Republic.*

*Regulations for the Mixed Courts of Justice which are to reside on the Coast of Africa, and in the Possessions of the Granadian Republic.*

Before the proper Tribunal.

Proper Tribunal.

A competent Court.

The present Appendix which contains in four Articles the instructions to be furnished to the commanders of the ships of the two navies destined to pursue and prevent the traffic in slaves.

Omitted.

Omitted.

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*Annex B.*—ARTICLE I.

The Mixed Courts of Justice to be established under the provisions of the Treaty, of which these Regulations are declared to be an integral part, shall be composed in the following manner. Each of the two High Contracting Parties shall name a Judge and an Arbitrator, who shall be authorized to hear and to decide, without appeal, all cases of the capture or detention of vessels which, in pursuance of the stipulations of the aforesaid Treaty, shall be brought before them. The Judges and the Arbitrators shall, before entering upon the duties of their office, respectively make oath before the principal Magistrate of the places in which such Courts respectively shall reside, that they will judge fairly and faithfully; that they will have no preference, either for the Claimants or the Captors; and that in all their decisions they will act in pursuance of the Stipulations of the aforesaid Treaty.

There shall be attached to each of such Courts, a Secretary or Registrar, who shall be appointed by the Government of the country, within whose Territories such Court shall reside; such Secretary or Registrar shall register all the acts of such Court, and shall, before he enters upon his office, make oath before the Court to which he is appointed, that he will conduct himself with due respect for its authority, and will act with fidelity and impartiality in all matters relating to his said office.

The salary of the Secretary or Registrar of the Court to be established on the Coast of Africa, shall be paid by Her Britannic Majesty; and that of the Secretary or Registrar of the Court to be established in the possessions of the Granadian Republic shall be paid by the Government of that Republic.

Each of the Governments shall defray half of the aggregate amount of the incidental expenses of such Courts.

*Annex B.*—ARTICLE II.

The expenses incurred by the officer charged with the reception, maintenance, and care, of the detained vessel, slaves, and cargo, and with the execution of the sentence; and all disbursements occasioned by bringing the vessel to adjudication; shall, in case of condemnation, be defrayed out of the funds arising from the sale of the materials of the broken up vessel, of the ship's stores, and of

CLASS D.

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Omitted.

such parts of the cargo as shall consist of merchandize; and in case the proceeds arising from this sale should not prove sufficient to defray such expenses, then the deficiency shall be made good by the Government of the country, within whose territories the adjudication shall have taken place.

If the detained vessel shall be released, the expenses, occasioned by bringing her to adjudication, shall be defrayed by the Captor, excepting in the cases specified, and otherwise provided for, by Article IX. of the Treaty to which these Regulations form an Annex, and by Article VII. of these Regulations.

*Annex B.*—ARTICLE III.

The Mixed Courts of Justice are to decide upon the legality of the detention of such vessels, as the cruisers of either nation shall, in pursuance of the said Treaty, detain.

These Courts shall judge, definitively and without appeal, all questions which shall arise out of the capture and detention of such vessels.

The proceedings of these Courts shall take place with as little delay as possible: and, for this purpose, the Courts are required to decide each case, as far as may be practicable, within the space of twenty days, to be dated from the day on which the detained vessel shall have been brought into the port where the deciding Court shall reside.

If, in consequence of such proceedings, the vessel whose case is brought before the Court, shall be found to have been employed in the Slave Trade, or to have been fitted out for the purposes thereof, such vessel, her cargo of merchandize, and her equipments, shall be condemned by the Court, and shall be declared lawful prize, and any Slaves who may have been put on board such vessel for the purpose of Traffic, shall be emancipated.

The final sentesne shall not, in any case, be delayed beyond the period of two months, either on account of the absence of witnesses, or for any other reason; except upon the application of any of the parties interested, in which case, if such party or parties shall give satisfactory security, that they will take upon themselves the expence and risks of the delay, the Courts may, at their discretion, grant an additional delay, not exceeding four months. Either party shall be allowed to employ such counsel

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as he may think fit, to assist him in conducting his cause.

All the essential parts of the proceedings of the said Courts, shall be written down in the language of the country in which the Courts shall respectively reside.

*Annex B.*—ARTICLE IV.

The form of the process shall be as follows:

The Judges appointed by the two Governments respectively, shall, in the first place, proceed to examine the papers of the detained vessel, and to take the depositions of the master or commander, and of two or three at least, of the principal individuals on board such vessel; as well as the declaration on oath of the Captor, should such declaration appear to be necessary, in order to enable them to judge and to pronounce whether the said vessel has been justly detained, or not according to the stipulations of the aforesaid Treaty.

In the event of the two Judges not agreeing as to the sentence which they ought to pronounce, with respect to the legality of the detention of any vessel, as to the liability of the vessel to condemnation, as to the compensation to be allowed to the owners, or as to any other question which may arise out of any capture; or if any difference of opinion should arise between them, as to the mode of proceeding in the said Court, they shall in any such case draw by lot the name of one of the two arbitrators appointed, as is stated in Article I. of this Annex; and the arbitrator, whose name shall be so drawn, shall, after he has considered the proceedings which have taken place, consult with the two above-mentioned Judges, and the final sentence or decision shall be pronounced in conformity with the opinion of the majority of the three.

*Annex B.*—ARTICLE V.

If the detained vessel shall be restored by the sentence of the Court, the vessel and the cargo, in the state in which they shall then be found, shall forthwith be given up to the master, or to the person who represents him; and such master or other person may, before the same Court, claim to have a valuation made, in order to ascertain the amount of the damages to which he shall be entitled. The captor himself, and in his default,

Omitted.

Omitted.



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his Government, shall remain responsible for the damages which may definitely be pronounced to be due to the master of such vessel, or to the owners of the vessel or of her cargo.

The two High Contracting Parties bind themselves to pay, within the term of a year, from the date of the sentence, the costs and damages which may be awarded by the aforesaid Court; it being mutually understood and agreed, that such costs and damages shall be made good by the Government of the country, of which the captor shall be a subject or citizen.

*Annex B.*—ARTICLE VI.

If a detained vessel shall be condemned, she shall be declared lawful prize, together with her cargo, whatever it may be, with the exception of the Slaves who shall have been found on board; and the said vessel, in conformity with the regulations in Article X. of the Treaty of this date, shall, as well as her cargo, be sold by public sale for the profit of the two Governments, subject to the payment of the expenses hereinbefore mentioned.

The Slaves shall receive from the Court, a Certificate of Emancipation, and shall be delivered over to the Government, to whom belongs the cruiser which made the capture; to be dealt with according to the Regulations and Conditions contained in the Annex to this Treaty, letter C.

*Annex B.*—ARTICLE VII.

The commander and the crew of a vessel condemned under this Treaty, and all persons found on board who shall have been accomplices in her Slave Trade undertaking, shall, on condemnation of the vessel, be sent as prisoners to the nearest settlement of the country of which they are subjects or citizens, and shall be there delivered over to the Authorities of the place to be tried according to the laws of their country for the offences which they have committed against those laws. The commander of the cruiser which made the capture of the vessel, shall, on the requisition of the Members of the Mixed Courts of Justice take charge of the commander, the crew, and accomplices on board of the captured vessel, and shall convey them, and deliver them over as before-mentioned.

Omitted.

Omitted.

The charges incurred for the support and return voyage of the commander, the crew, and the accomplices thus sent as prisoners, shall be defrayed by the Government of which they are the subjects or citizens.

*Annex B.—ARTICLE VIII.*

The Mixed Courts of Justice shall also take cognizance of, and shall decide, definitively and without appeal, all claims for compensation on account of losses occasioned to vessels and cargoes which shall have been detained under the provisions of this Treaty, but which shall not have been condemned as legal prize by the said Courts; and in all cases, wherein restitution of such vessels and cargoes shall be decreed, save as mentioned in a subsequent part of these Regulations, and in Article VIII. of the Treaty to which these Regulations form an Annex), the Court shall award to the claimant or claimants, or to his or their lawful attorney or attorneys, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the owner or owners may have actually sustained by such capture and detention; that is to say:—

*First.* In case of total loss.

The claimant or claimants shall be indemnified:—

*a.* for the ship, her tackle, equipment and stores.

*b.* for all freights due and payable.

*c.* for the value of the cargo of merchandize, if any, deducting all charges and expenses payable upon the sale of such cargo, including commission of sale.

*d.* for all other regular charges in such case of total loss.

*Secondly.* In all other cases not of total loss, save as hereinafter mentioned, the claimant or claimants shall be indemnified:—

*a.* for all special damages and expenses occasioned to the ship by her detention, and for loss of freight when due or payable.

*b.* for demurrage according to the schedule annexed to the present Article.—

*c.* for any deterioration of the cargo.

*d.* for all premium of insurance on additional risks.

Further, the claimant or claimants shall be entitled to interest at the rate

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of 5 per cent. per annum, on the sum awarded, until such sum is paid by the Government to which the capturing ship belongs: the whole amount of such indemnification shall be calculated in the money of the country to which the detained vessel belongs, and shall be paid at the rate of exchange current at the time of the award.

The two High Contracting Parties, however, have agreed, that if it shall be proved to the satisfaction of the Judges of the two Nations, and without recourse to the decision of an arbitrator, that the Captor has been led into error by the fault of the master or commander of the detained vessel, the detained vessel shall in such case not receive for the time of her detention, the demurrage stipulated by the present Article, nor any other compensation for losses, damages, or expenses consequent upon such detention.

*Schedule of demurrage or daily allowance for a vessel of*

100 tons to 120 inclusive,	£5 per diem.
121 ... 150 ...	6
151 ... 170 ...	8
171 ... 200 ...	10
201 ... 220 ...	11
221 ... 250 ...	12
251 ... 270 ...	14
271 ... 300 ...	15

and so in proportion.

*Annex B.—ARTICLE IX.*

Neither the Judges, nor the Arbitrators, nor the Secretaries of the Mixed Courts of Justice, shall demand or receive from any of the Parties concerned in the cases which shall be brought before such Courts, any emolument or gift, under any pretext whatsoever, for the performance of the duties which such Judges, Arbitrators and Secretaries, have to perform.

Omitted

*Annex B.—ARTICLE X.*

The two High Contracting Parties have agreed, that, in the event of the death, sickness, absence on leave, or other legal impediment, of one or more of the Judges or Arbitrators composing the above-mentioned Courts, the post of such Judge or of such Arbitrator shall be supplied, *ad interim*, in the following manner.

Omitted.

*First.* On the part of Her Britannic

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## Granadian Alterations.

Majesty, and in that Court which shall sit in one of the possessions of Her said Majesty; if the vacancy be that of the British Judge, his place shall be filled by the British Arbitrator; and either in that case, or if the vacancy be originally that of the British Arbitrator, the place of such Arbitrator shall be filled, successively, by the Governor or Lieutenant-Governor resident in such Possession, by the principal Magistrate of the same, and by the Secretary of the Government; and the said Court, so constituted as above, shall sit, and shall proceed to adjudge all cases brought before them for adjudication, and shall pass sentence accordingly.

*Secondly.* On the part of Great Britain, and in that Court which shall sit in some place within the territories of the Granadian Republic, if the vacancy be that of the British Judge, his place shall be filled by the British Arbitrator; and either in that case, or if the vacancy be originally that of the British Arbitrator, the place of British Arbitrator shall be filled successively by the British Consul, and British Vice-Consul, if there be a British-Consul or British Vice-Consul appointed to, and resident in such place; and if the vacancy be both of the British Judge and of the British Arbitrator, then the vacancy of the British Judge shall be filled by the British Consul, and that of the British Arbitrator by the British Vice-Consul, if there be a British Consul and a British Vice-Consul appointed to and resident in such place, and if there shall be no British Consul or British Vice-Consul to fill the place of British Arbitrator, then the Granadian Arbitrator shall be called in, in those cases in which a British Arbitrator, if there were any, would be called in; and in case the vacancy be both of the British Judge and British Arbitrator, and there be neither British Consul, nor British Vice-Consul to fill, *ad interim*, the vacancies, then the Granadian Judge and Granadian Arbitrator shall sit, and shall proceed to adjudge all cases brought before them for adjudication, and shall pass sentence accordingly.

*Thirdly.* On the part of the Granadian Republic and in that Court which sit within the territories of the said Republic, if the vacancy be that of the Granadian Judge, his place shall be filled by the Granadian Arbitrator, and either in

that case, or if the vacancy be originally that of the Granadian Arbitrator, the place of such Arbitrator shall be filled, successively, by the highest civil authority, resident in such Possession, by the principal Magistrate of the same, and by the Secretary of the Government; and the said Court, so constituted as above, shall sit, and shall proceed to adjudge all cases brought before them for adjudication, and shall pass sentence accordingly.

*Fourthly.* On the part of the Granadian Republic and in that Court which shall sit within the Possessions of Her Britannic Majesty, if the vacancy be that of the Granadian Judge, his place shall be filled by the Granadian Arbitrator; and, either in that case, or if the vacancy be originally that of the Granadian Arbitrator, the place of Granadian Arbitrator shall be filled, successively, by the Granadian Consul, and Granadian Vice-Consul, if there be a Granadian Consul, or Granadian Vice-Consul appointed to, and resident in such Possession; and if the vacancy be both of the Granadian Judge and of the Granadian Arbitrator, then the vacancy of the Granadian Judge shall be filled by the Granadian Consul, and that of the Granadian Arbitrator by the Granadian Vice-Consul, if there be a Granadian Consul, and Granadian Vice-Consul appointed to, and resident in such Possessions; and if there be no Granadian Consul or Granadian Vice-Consul to fill the place of Granadian Arbitrator, then the British Arbitrator shall be called in, in those cases in which a Granadian Arbitrator would be called in, and in case the vacancy be both of the Granadian Judge and Granadian Arbitrator, and there be neither Granadian Consul nor Granadian Vice-Consul to fill, *ad interim*, the vacancies, then the British Judge and British Arbitrator shall sit, and shall proceed to adjudge all cases brought before them for adjudication, and shall pass sentence accordingly.

The highest civil authority of the settlement wherein either of the Mixed Courts of Justice shall sit, shall, in the event of a vacancy arising either of the Judge or of the Arbitrator of the other High Contracting Party, forthwith give notice of the same to the highest civil authority of the nearest settlement of such other High Contracting Party, in order that such vacancy may be supplied at the earliest possible period; and each

British Draft.

Granadian Alterations.

of the High Contracting Parties agrees to fill up, definitely, as soon as possible, the vacancies which may arise in the above-mentioned Courts from death, or from any other cause whatever,

The undersigned Plenipotentiaries have agreed, in conformity with the XIIth Article of the Treaty signed by them on this day, the \_\_\_\_\_ of 183 \_\_\_\_\_, that the preceding Regulations, consisting of nine Articles, shall be annexed to the said Treaty, and considered as an integral part thereof.

the \_\_\_\_\_ day of  
183 \_\_\_\_\_

(L.S.)

(L.S.)

*Annex C.**Regulations for the good treatment of liberated Negroes.*

## ARTICLE I.

The object of these Regulations is to secure to Negroes liberated by virtue of the stipulations of the Treaty to which these Regulations form an Annex, (marked C.) permanent good treatment, and full and complete freedom, in conformity with the humane intentions of the High Contracting Parties.

Omitted.

*Annex C.—ARTICLE II.*

Immediately after sentence of condemnation shall have been passed by a Mixed Court of Justice established under the Treaty to which these Regulations form an Annex, on a vessel charged with being concerned in Slave Trade, all Negroes who were on board such vessel, and who were brought on board for the purpose of Traffic, shall be delivered over to the Government to whom belongs the cruiser which made the capture.

Omitted.

*Annex C.—ARTICLE III.*

If the cruiser which made the capture is British, the British Government engages that the Negroes shall be treated in exact conformity with the laws in force in the British Colonies applicable to free-born, or to emancipated Negroes.

Omitted.

*Annex C.—ARTICLE IV.*

If the cruiser which made the capture is Granadian, then the Negroes shall be delivered over to the Granadian authorities of that place in the dominions of the Granadian Republic, in which the  
CLASS D.

Omitted.

## British Draft.

## Granadian Alterations.

Mixed Court of Justice is established ; and the Granadian Government solemnly engages, that such Negroes shall be there treated strictly according to the regulations in force at the time being in the Granadian Republic with respect to free Negroes. The Granadian Republic further engages, that those Regulations shall always be framed with the view of securing honestly and faithfully to emancipated Negroes, unmolested liberty, good treatment, a knowledge of the tenets of the Christian Religion, advancement in morality and civilization, and sufficient instructions in the mechanical arts, to enable the said emancipated Negroes to earn their own subsistence as artisans, mechanics, or servants.

*Annex C.—ARTICLE V.*

For the purpose which is explained in the following article, there shall be kept in the office of the Governor of that part of the possessions of the Granadian Republic where the Mixed Court of Justice resides, a register of all emancipated Negroes ; and in such register, shall be entered with scrupulous exactness, the names given to the Negroes, the names of the vessels in which they were captured, the names of the persons to whose care they have been committed, and any other circumstances likely to contribute to the full and permanent liberty and welfare of such emancipated Negroes.

Omitted.

*Annex C.—ARTICLE VI.*

The register to which the preceding Article refers, will serve to form a general return, which the Governor of that part of the possessions of the Granadian Republic, where the Mixed Court of Justice resides, shall be bound to deliver, every six months, to the aforesaid Mixed Commission, in order to show the continued freedom of the Negroes emancipated under this Treaty, the improvement effected in their condition, and the progress made in their religious and moral instruction, and in their acquirement of the arts of life. The aforesaid return shall also specify the names and descriptions of such of the emancipated Negroes, as shall have died since the period of the last return.

Omitted.

*Annex C.—ARTICLE VII.*

The High Contracting Parties agree, that if, in future, it should appear necessary to adopt new measures, in conse-

Omitted.

## British Draft.

## Granadian Alterations.

quence of those which are laid down in this Annex, turning out inefficacious, the said High Contracting Parties will consult together, and will agree upon other means better adapted for the complete attainment of the objects they have in view.

*Annex C.—ARTICLE VIII.*

The Undersigned Plenipotentiaries have agreed, in conformity with XIIIth Article of the Treaty signed by them on this day.

Omitted.

that this Annex consisting of VIII Articles shall be united to the said Treaty, and be considered an integral part thereof.

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No. 119.

*Mr. Fox Strangways to Mr. Turner.**Foreign Office, November 28, 1839.*

MR. FOX STRANGWAYS presents his compliments to Mr. Turner, and is directed by Lord Palmerston to request, that Mr. Turner will state to him, for the information of his Lordship, whether the condition of slavery exists at present, in any shape, in the state of New Granada.

*W. Turner, Esq.,*  
    *&c. &c. &c.*

No. 120.

*Mr. Turner to Mr. Fox Strangways.**Welbeck Street, November 29, 1839.*

SIR,

*(Received December 2.)*

I HAD the honour to receive, this afternoon, your letter of yesterday inquiring whether the condition of slavery exists at present, in any shape, in the State of New Granada.

In addition to my reply, that it exists there in a real and distinct form, I shall subjoin the following particulars:—

The Law of Colombia (still binding on all the three States), of the 19th of July, 1821, declares free all children of slaves born after that day; annexing the condition that they shall, up to the age of eighteen years, give the benefit of their services to the master of their mother, in return for the expense of rearing and maintaining them. This Law begins to be enforced this year, and the Granadian Executive has issued a decree to enforce it.

The slaves at present existing in New Granada, consequently, consist of all the slaves in the State who were born previous to the 19th of July, 1821. Their children, born after that day, though not strictly considered slaves, or vendible as such, are subjected to compulsory servitude up to their eighteenth year



The Census of the population of New Granada, published in 1835 (and inclosed in my No. 9 of 1836), stated the number of slaves then existing in the Republic at 38,840. The greater part of these are found in the mining provinces, Antioquia, Choco, and Popayan, into which they were imported by the Spaniards for the purpose of working the mines.

The above number is annually diminished by manumission; the slaves being freed by purchase from the produce of a fund, arising from a legacy duty, varying from 3 to 10 per cent. The number manumitted varies, of course, with the amount of such produce; but it is, on an average, calculated at about 300 annually.

It will thus be seen, that as the importation of slaves has been long prohibited, slavery is in a course of gradual extinction, and must cease with the longest life that commenced previous to the 19th of July, 1821.

I have, &c.

(Signed) W. TURNER.

P. S. I had, perhaps, better add, that all the slaves are African negroes.

*W. Fox Strangways, Esq.,*  
&c. &c.

No. 121.

*Viscount Palmerston to Mr. Adams.*

SIR,

*Foreign Office, December 31, 1839.*

I HAVE received your Despatch, Slave Trade of the 29th of August, 1839, transmitting the Granadian Counter-Project of the Treaty between Great Britain and New Granada upon Slave Trade.

Her Majesty's Government had hoped, that the British Draft of Treaty sent out to you with my Despatch of the 15th December, 1838, would have met with the full concurrence of the Government and Legislation of New Granada, because, in the first place, that Draft included no stipulations which are not essential for accomplishing the object of the Treaty; and because, moreover, the Republics of Chile, Buenos Ayres, and of Monte Video, have recently agreed to a Treaty, containing stipulations similar to those which were proposed to New Granada.

But, although Her Majesty's Government has been disappointed in this expectation, it still trusts that the negotiations begun between Great Britain and New Granada, with an equal wish on both sides to suppress the Slave Trade, will end in the conclusion of a Treaty, which shall be adequate to the accomplishment of its purpose.

I accordingly send you an amended Draft of a Treaty, founded upon the Granadian Counter-Project, but differing from that Project in some respects, as I shall shortly explain.

The preamble as it stands in the Granadian Counter-Project, is accepted by Her Majesty's Government.

The Granadian version of Article I. is adopted, as far as regards the reference made therein to the Granadian Laws on Slave Trade, but the latter part of the Article is altered, in order to make it suit the state of the British Laws upon that subject.

Article II. of the Granadian Counter-Project is adopted, omitting only that portion of it which refers to the limits within which the mutual right of search is to be exercised. Those Limits, as laid down in Article III. of the Counter-project cannot be agreed to; they are much too narrow for the effectual attainment of the proposed purpose, and they would exempt from search all vessels met with on parts of the Coasts on each side of the Atlantic, where it is absolutely necessary for the ends of the Treaty, that the Right of Search should exist.

Such a Restriction of Limits would render the Treaty entirely ineffectual; and the Granadian Government cannot desire to conclude a Treaty, which shall contain within itself inherent causes of failure.

Article III. of the Counter-Project is therefore omitted in the amended Draft now sent you, and Article IV. of the Counter-Project will thereby become Article III. This Article as it stands in the Granadian Counter-Project, stipulates that vessels should be detained and condemned, only on account of having been found with Slaves actually on board.

But by Article V. of that Counter-Project, the Granadian Government was willing to stipulate, that all vessels found equipped for Slave Trade should be detained, and that all ships found engaged in Slave Trade should be condemned.

The stipulations of Article III. have therefore been altered, so as to render them conformable with the stipulations of Article V.

Article V. of the Granadian Counter-Project, and which stands as Article IV. in the amended Draft now sent, enumerates the various things on account of which a vessel is to be deemed to be fitted out for Slave Trade, and is to be condemned as such. But in the Granadian Draft, the enumeration of those things was imperfect; and I have therefore substituted an amended version of that Article, taken from the best Slave Trade Treaties recently negotiated by Great Britain with other powers; and it is to be hoped, that the Granadian Government, as it agrees to the principle upon which the Article is founded, will consent that the details of the Article, shall be made as complete and efficient as possible for the working out of the principle.

Article VI. of the Granadian Counter-Project stipulates, that the Granadian Courts which try cases of Piracy, shall try also the cases of Granadian Slave Vessels detained under this Treaty. But this stipulation is omitted in the amended Draft now sent, because it would necessarily occasion great inconvenience, and cause much suffering and loss of life in the cases of those vessels under the Granadian flag, which may be met with and detained on the Coast of Africa. The length of the voyage to be performed in such cases, in order to bring the vessel before a Granadian tribunal would be very great, and the Negroes who might be found on board such captured vessels, crowded up as they probably would be in a space far too small to contain them properly, would undergo the most extreme suffering before they could reach the place of adjudication.

The principle of trying these vessels by Mixed Courts of Justice has therefore been substituted in the amended Draft, because one of such Courts would be established on the Coast of Africa.

Article VII. of the Granadian Counter-Project, now become Article VI., is adopted.

Article VIII. of the Granadian Counter-Project, now become Article VII., is adopted.

Article IX. as it stands in the Granadian Counter-Project, would oblige the adjudicating Court to give compensation in certain cases to an acquitted vessel, even when she has been detained on account of those circumstances which are enumerated in the Treaty itself, as furnishing *prima facie* grounds for condemnation; on the contrary, Article IX. in the original British Draft stipulates, that no compensation shall be granted by the Courts in such cases.

Her Majesty's Government cannot agree to the stipulation as it stands in the Granadian Counter-Project and the amended draft now sent; the Article as it stood in the original British Draft is restored, as being more consonant with the spirit of the Treaty.

Article X. of the Granadian Counter-Project seems intended to provide, that a Slave-Trading vessel which has once been condemned, shall never again be used for Slave-Trading purposes; but if the Granadian version of that Article were retained, the stipulation would be ineffectual, because in most cases an adjudicating Court would find it impossible to obtain satisfactory evidence, to prove what the purpose was for which a vessel brought before it for adjudication had originally been built.

Such proof of the intentions of the builders of a vessel could not easily be adduced, with respect even to vessels built in the country where the Court was sitting; but it would obviously be in many cases quite unattainable with regard to vessels built in other countries, and such a stipulation would therefore, in practice, render it almost impossible that any condemned vessel should be broken up.

The English version of this stipulation has therefore been restored in the amended Draft now sent to you.

Article XI. of the Counter-Project is adopted, and now stands as Article X.

Article XII. of the Granadian Counter-Project contains a stipulation at variance with Article XI. of the same Project; for this last-mentioned Article provides, that the visit and detention of vessels shall be effected only under the authority of the Special Instructions annexed to the Treaty; whereas, Article XII. of the Counter-Project stipulates, that the authority to be given shall be a Special Warrant, to be issued in each case by the Government of one country for the cruiser of the other country.

If the course prescribed by Article XII. were to be adopted, the Government sending out a cruiser must give previous intimation thereof to the other Government, and must ask, and must wait for, the receipt of a Warrant, in each particular case; and by this course of proceeding a period of six or eight months would elapse before the cruiser could act on the station to which she had been despatched.

Such a course would occasion needless inconvenience and delay, and I have, therefore, omitted Article XII., of the Counter-Project, and have substituted in its stead a stipulation, for the purpose of relieving the Granadian Government from the obligation of sending out cruisers against Slave Trade. This stipulation forms Article XI. in the amended Draft now sent.

Article XIII. of the Counter-Project is objectionable, and cannot be agreed to; because, in many instances, it is impossible to ascertain whether a vessel met with, is or is not engaged in Slave Trade, without making inquiry upon those very points, with respect to which this stipulation would forbid any inquiry to be made. The stipulation has therefore been omitted in the amended Draft now sent to you.

In respect to Article XIV. of the Granadian Counter-Project, I have to observe, that Her Majesty's Government cannot agree to a stipulation, which gives to the contracting parties the right to terminate arbitrarily, and at any time, a treaty which is intended to accomplish a permanent purpose; but Her Majesty's Government giving due weight to the constitutional difficulties which are felt by the Granadian Government on this point have prepared an article which they trust the Granadian Government will agree to, and which now stands as Article XII. of the amended Draft; but you will clearly explain, that this is the utmost extent of concession which Her Majesty's Government can agree to make on this point.

I have inserted a stipulation that negroes captured in virtue of this Treaty shall be given up to the government of the country whose cruisers shall have made the capture, and I anticipate no objection on the part of the Granadian Government to this stipulation, because it relieves that Government from the expense and trouble attending the maintenance of negroes taken in vessels detained by British cruisers; and it renders unnecessary those regulations for the care of emancipated negroes which have been wholly omitted in the Granadian Counter-Project; and to which, from that circumstance, I infer that the Granadian Government objected, though you do not mention the fact.

The article which I have inserted stands as Article XIII. in the amended Draft now sent.

Article XV. of the Counter-Project is adopted, and becomes Article XIV. of the amended Draft.

In Appendix A., Article I. is adopted as it stood in the Granadian Counter-Project, with the addition of a paragraph giving, in conformity with Article IV. of the Treaty, a right to detain vessels equipped for Slave Trade, and omitting all reference to the objectionable limits proposed in Article III. of the Granadian Counter-Project.

Article II of Appendix A. in the Granadian Counter-Project is adopted.

In Article III. of Appendix A. in the Granadian Counter-Project, the word "Commander" is substituted for the word "Captor." The word Captor is, however, restored in the amended Draft now sent, because the Captor may not always be the Commander of the ship which makes the capture.

In Article IV. of Appendix A., the words "proper Tribunals," which are substituted by the Granadian Government, for the words "Mixed Courts of Justice," are struck out in the amended Draft, and the words "Mixed Courts of Justice" are restored.

Appendix B. of the British Draft, containing regulations for the Mixed Courts of Justice, was altogether omitted in the Granadian Counter-Project; but it is restored in the amended Draft now sent to you, because it is desirable, for the interest of both parties, that the practice of the Mixed Courts appointed to try cases under the Treaty, should be bound down by strict regulations.

You will lose no time in proposing to the Granadian Government this amended Draft of Treaty, explaining at the same time the reasons which render it impossible for Her Majesty's Government to accept the Granadian Counter-Project, and which make necessary the alterations now proposed.

You will use your utmost endeavours to bring your negotiation as soon as possible to a successful issue; and I trust that you will be able to obtain the consent of the Granadian Government to the Treaty, in the shape in which I now send it to you.

I am, &c.  
(Signed) PALMERSTON.

To *W. P. Adams, Esq.*  
&c. &c. &c.

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First Enclosure in No. 121.

*Draft of a Treaty with the Granadian Republic, on Slave Trade.*

PREAMBLE.

THE Republic of New Granada, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being equally animated by a sincere desire to co-operate for the utter extinction of the detestable traffic in Slaves, have resolved to conclude a Treaty for the special purpose of attaining this object, and have respectively named, for this purpose, as their Plenipotentiaries, to wit:—who, having duly communicated to each other their respective Full Powers, and found them to be in proper form, have agreed upon and concluded the following Articles:—

ARTICLE I.

The introduction of Slaves into the territory of New Granada having been prohibited by law, the Slave Trade beyond the limits of that territory is hereby declared to be, henceforward and for ever, prohibited to Granadian citizens, as it has long been, by the law of Great Britain, for all British subjects in every part of the world; and all Granadian citizens who shall engage in the said trade, or who shall make use of the Granadian flag for the transportation of Slaves from Africa, shall be treated and punished as pirates, conformably to the laws of New Granada.

ARTICLE II.

In order more completely to accomplish the object of the present Treaty the two High Contracting Powers agree to authorise some of the ships of their navies respectively to visit and search merchant-vessels of the two nations which may be met with at sea; and which, by the direction of their course, or upon other reasonable grounds, shall afford motives of suspecting that they are engaged in the Slave Trade; and likewise under the circumstances provided for in this Treaty, to detain, carry away, or send away such vessels, in order that they may be brought to trial in the manner hereinafter agreed upon.

ARTICLE III.

All merchant-ships of the two nations which shall be visited in virtue of this Treaty, and which shall be found with Slaves on board, or equipped for Slave Trade, shall be detained, and shall be sent or carried to be tried before one of the Mixed Courts of Justice, to be established for that purpose under this Treaty.

And such vessels, with the whole of their cargoes, shall be subject to the penalty of confiscation by such tribunal, for having been found engaged in the Slave Trade.

ARTICLE IV.

Every merchant-vessel, British or Granadian, which shall be visited by virtue

of the present Treaty, may lawfully be detained, and be sent or brought before the Mixed Courts of Justice to be established in pursuance of the provisions thereof, if any of the things hereinafter specified shall be found in her outfit or equipment, or shall have been on board of the vessel during the voyage on which she was proceeding when captured:—

*First.* Hatches with open gratings, instead of the close hatches which are usual in merchant-vessels.

*Secondly.* Divisions or bulk-heads, in the hold or on deck, in a greater number than are necessary for vessels engaged in lawful trade.

*Thirdly.* Spare plank, fitted for being laid down as a second or slave-deck.

*Fourthly.* Shackles, bolts, or handcuffs.

*Fifthly.* A larger quantity of water, in casks or in tanks, than is requisite for the consumption of the crew of the vessel as a merchant-vessel.

*Sixthly.* An extraordinary number of water-casks, or of other receptacles for holding liquid; unless the master shall produce a certificate from the custom-house at the place from which he cleared outwards, stating that sufficient security had been given by the owners of such merchant-vessels, that such extra quantity of casks or of other receptacles should only be used for the reception of palm-oil, or for other purposes of lawful commerce.

*Seventhly.* A greater quantity of mess-tubs or kids than are requisite for the use of the crew of the vessel as a merchant-vessel.

*Eighthly.* A boiler or other cooking-apparatus of an unusual size, and larger, or fitted for being made larger than requisite for the use of the vessel as a merchant-vessel, or more than one boiler, or other cooking-apparatus, of the ordinary size.

*Ninthly.* An extraordinary quantity of rice, of the flour of Brazil, manioc or cassada, commonly called farinha, of maize, of Indian corn, or of any other article of food whatever, beyond what might probably be requisite for the use of the crew; such rice, flour, maize, Indian corn, or other article of food not being entered on the Manifest, as part of the cargo for trade.

*Tenthly.* A quantity of mats or matting, greater than is necessary for the use of the crew of the vessel as a merchant-vessel.

Any one or more of these several things, if proved to have been found on board, shall be considered as *prima facie* evidence of the actual employment of the vessel in the Slave Trade; and the vessel shall thereupon be condemned and be declared lawful prize, unless clear and incontestible evidence, on the part of the master or owners, shall establish, to the satisfaction of the Court, that such vessel was, at the time of her detention or capture, employed in some legal pursuit, and that such of the several things above enumerated, as were found on board her at the time of her detention, or which had been put on board her on the voyage on which she was proceeding when captured, were needed for legal purposes on that particular voyage.

#### ARTICLE V.

In order to bring to adjudication, with as little delay and inconvenience as possible, vessels which may be detained according to the tenor of Article II. of this Treaty, there shall be established, within the space of a year at furthest from the exchange of the ratifications of the present Treaty, two Mixed Courts of Justice, formed of an equal number of individuals of the two nations, named for this purpose by the two High Contracting Parties respectively.

These Courts shall reside, one in a possession belonging to Her Britannic Majesty, the other within the territories of the Granadian Republic; and the two Governments, at the period of the exchange of the ratifications of the present Treaty, declare, each for its own territories, in what place the said Courts shall respectively reside; each of the two High Contracting Parties reserving to itself the right of changing, at its pleasure, the place of residence of the Court held within its own territories; provided, however, that one of the two Courts shall always be held upon the coast of Africa, and the other in the territory of the Granadian Republic.

These Courts shall judge the causes submitted to them, according to the provisions of the present Treaty, without appeal, and in conformity with the regulations and instructions which are annexed to the present Treaty, and which are considered as forming an integral part thereof; and the vessels, the cases whereof shall be brought before these Courts, shall, with all their cargoes, be subject to the penalty of confiscation by sentence of such Courts, if it shall be proved that they have been

engaged in the Slave Trade during the voyage on which they shall have been detained.

#### ARTICLE VI.

In order to regulate the mode of carrying into execution the visit of merchant-vessels of the two nations by the cruisers charged with the duty of preventing the Slave Trade, it is agreed that the commanders of such cruisers shall be furnished with copies of this Treaty, in Spanish and in English, and with copies of the Instructions contained in the Appendix annexed thereto, which Instructions shall be considered as an integral part of the present Treaty.

#### ARTICLE VII.

The two High Contracting Parties mutually engage to make good the damages and losses which may be incurred by the illegal detention of the vessels of their respective subjects; it being understood that the government to which the capturing ship belongs shall pay the damages and losses occasioned to the captured vessel; and that this payment shall be made within the term of one year, reckoned from the day on which the Mixed Court of Justice shall have pronounced a definitive sentence on the vessel, for the detention of which such compensation is claimed.

#### ARTICLE VIII.

If any of the things specified in the Article IV. of this Treaty shall be found in any merchant-vessel detained under this Treaty, or shall be proved to have been on board such vessel during the voyage in the course of which she was detained, no compensation for losses, damages, or expenses consequent upon the detention of such vessel, shall in any case be granted either to her master or to her owners, or to any other person interested in her equipment or cargo, even though the Mixed Court of Justice should not pronounce any sentence of condemnation in consequence of her detention.

#### ARTICLE IX.

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 cruisers, as having been engaged in the Slave Trade, or as having been fitted out for the purposes thereof, and shall, in consequence thereof, be adjudged and condemned by the Mixed Courts of Justice, to be established as aforesaid, the said vessel shall, immediately after condemnation, be broken up entirely, and shall be sold in separate parts, after having been so broken up.

#### ARTICLE X.

The visit and detention of vessels, in pursuance of the Second Article of this Treaty, shall be effected by such of the ships of the British and Granadian navies respectively, as shall be provided with the special Instructions contained in Appendix A. to this Treaty; and each of the two High Contracting Parties shall, from time to time, communicate to the other the names of the ships which have been furnished with such instructions, the force of each ship, and the names of their several commanders.

#### ARTICLE XI.

It is hereby agreed between the Contracting Parties, notwithstanding the engagement contained in Article II. of this Treaty, that, in consideration of the small amount of the existing naval force of the Republic of New Granada, that Republic shall not be bound to send cruisers to assist in suppressing the Slave Trade, if it should be inconvenient to the Republic to do so.

#### ARTICLE XII.

The present Treaty shall continue in force for the space of twenty-five years, at least, from the date of the exchange of the ratification; but as some of the stipulations and regulations contained therein, and which are intended for the purpose of carrying into effect the principles thereof, may, by an alteration of circumstances, require to be re-modelled, it is agreed, that if at any time after the expiration of the said twenty-five years, either of the Contracting Parties shall desire to make an alteration in those parts of this Treaty which relate to the regulations agreed upon for carrying into practical execution the fundamental principles of the Treaty, such Party may give to the other Contracting Party notice thereof; and the two Con-

tracting parties mutually engage, that, as soon as possible after such notice shall have been given, they will concert together, for the purpose of adapting the stipulations of the Treaty more effectually to the accomplishment of the fixed and permanent object which the two Contracting Parties have in view, namely, the entire and perpetual suppression of the Trade in Slaves; but the regulations to which such notice as aforesaid may relate shall not cease to be acted upon until the amended regulations, which are to be substituted in their room, shall have been agreed upon and ratified by the Contracting Parties.

#### ARTICLE XIII.

The Negroes who are found on board a vessel which, having been detained by a cruiser, shall, in conformity with the stipulations of this Treaty, be condemned by the Mixed Courts of Justice, shall be placed at the disposal of the Government whose cruiser shall have made the capture. And the two High Contracting Parties hereby severally agree and engage that the Negroes who shall thus be consigned to their charge shall be immediately set at liberty, and shall be secured in the permanent enjoyment of their freedom.

#### ARTICLE XIV.

The present Treaty, consisting of Fourteen Articles, shall be ratified by the President of New Granada, or by the Vice-President charged with the executive powers, with the consent and approbation of the Congress, and by Her Majesty the Queen of the United Kingdom of Great Britain and Ireland. And the ratifications thereof shall be exchanged at the city of Bogotá as soon as possible within the space of months from this date.

In witness whereof the respective Plenipotentiaries have signed, in duplicate originals, English and Spanish, the present Treaty, and have thereunto affixed the seals of their arms.

Done at  
day of  
(L.S.)  
(L.S.)

this  
in the year of our Lord, 183

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#### APPENDIX A.

Which contains the Instructions for the Ships of the British and Granadian Navies employed in preventing the Slave Trade.

#### ARTICLE I.

THE Commander of any ship belonging to the Navy of Her Britannic Majesty, or of the Republic of New Granada, which shall be furnished with these Instructions, shall have a right to visit and search and British or Granadian merchant vessel, suspected of being engaged in Slave Trade, or of being fitted out for the purposes thereof, or of having been engaged in the Slave Trade during the voyage, in the course of which she is met with; and if from the search it shall appear that the suspicions entertained are well-founded, such Commander shall have the right of detaining such vessel, and shall, thereupon, as soon as possible, send the vessel so captured for judgment before that mixed Court of Justice, established in virtue of the 5th Article of this Treaty, which shall be nearest to the place where the vessel was detained, or which such Commander shall, upon his own responsibility, think can be soonest reached from such place.

#### ARTICLE II.—APPENDIX A.

Whenever a ship of either of the said Navies, duly authorised as aforesaid, shall meet a merchant vessel, liable to be visited under the provisions of the said Treaty, the search of such vessel shall be conducted in the mildest manner, and with every attention which ought to be observed between allied and friendly nations; and the search shall, in all cases, be made by an officer holding a rank not lower than that of a Lieutenant in the Navy of Great Britain, or than the corresponding rank in the Navy of the Granadian Republic, (unless the command shall, by reason of death, or otherwise, have devolved upon an officer of inferior rank,) or by the officer who, at the time, shall be second in command of the ship by which the search is made.

## ARTICLE III.—APPENDIX A.

The Commander of any ship of the two Navies, duly authorised as aforesaid, who may detain any merchant-vessel, in pursuance of the present Instructions, shall leave on board the vessel so detained, the Master, the Mate, or Boatswain, and two or three, at least, of the crew thereof; the whole of the Slaves, if any; and all the cargo

The captor shall, at the time of detention, draw up in writing an authentic Declaration, which shall exhibit the state in which he found the detained vessel; and such Declaration shall be signed by himself, and shall be given in or sent in, together with the captured vessel, to the Mixed Court of Justice, before which such vessel shall be carried or sent for adjudication.

The captor shall deliver to the Master of the detained vessel a certified list of the Papers seized on board the same, as well as a statement of the number of Slaves, if any, found on board at the moment of detention.

In the authenticated Declaration which the captor is hereby required to make, as well as in the certified list of the papers seized, the captor shall insert his own name, the name of the capturing ship, the latitude and longitude of the place where the detention shall have been made, and the number of Slaves, if any, found on board the vessel at the time of her detention.

The officer in charge of the vessel detained shall, at the time when he brings the vessel's papers into the Mixed Court of Justice, deliver into the Court a paper, signed by himself, and verified on oath, stating any changes which may have taken place in respect to the vessel, her crew, the Slaves, if any, and her cargo, between the period of her detention and the time of delivering in such paper.

## ARTICLE IV.—APPENDIX A.

The Slaves shall not be disembarked till after the vessel in which they are found shall have arrived at the place of adjudication, and even after the vessel has arrived at such place, they shall not be landed without the permission of the Mixed Court of Justice.

But if urgent reasons, deduced from the length of the voyage, from the state of health of the Slaves, or from other causes should require, that either the whole or a portion of the Negroes should be disembarked, or should be transhipped, either before the vessel arrives at the place at which one of the said Courts is established, or after her arrival there, and before her adjudication, the Commander of the capturing ship may take upon himself the responsibility of so disembarking or transhipping the Negroes, provided that such necessity and the causes thereof be stated in a certificate in proper form, and that this certificate be entered at the time on the log-book of the detained vessel.

The undersigned Plenipotentiaries have agreed, in conformity with Article VI. of the Treaty, signed by them on this day, the \_\_\_\_\_ of 184 \_\_\_\_\_ that the present Appendix, which contains, in four Articles, the Instructions to be furnished to the Commanders of the ships of the two Navies, destined to prevent the Traffic in Slaves, shall be annexed to the said Treaty, and shall be considered as an integral part thereof.

The \_\_\_\_\_ day of \_\_\_\_\_ 184 \_\_\_\_\_  
 (L. S.)  
 (L. S.)

## APPENDIX B.

*To the Treaty between Great Britain and the Granadian Republic, for the Abolition of the Slave Trade of the Granadian Republic.*

*Regulations for the Mixed Courts of Justice which are to reside on the coast of Africa, and in the Possessions of the Granadian Republic.*

## ARTICLE I.

THE Mixed Courts of Justice to be established under the provisions of the Treaty, of which these Regulations are declared to be an integral part, shall be composed in the following manner. Each of the two High Contracting Parties shall name a Judge and an Arbitrator, who shall be authorised to hear and to



decide, without appeal, all cases of the capture or detention of vessels which, in pursuance of the stipulations of the aforesaid Treaty, shall be brought before them. The Judges and the Arbitrators shall, before entering upon the duties of their office, respectively make oath before the principal magistrate of the places in which such Courts respectively shall reside, that they will judge fairly and faithfully; that they will have no preference, either for the claimants or the captors; and that, in all their decisions, they will act in pursuance of the stipulations of the aforesaid Treaty.

There shall be attached to each of such Courts, a Secretary or Registrar, who shall be appointed by the Government of the country, within whose territories such Court shall reside; such Secretary or Registrar shall register all the acts of such Court, and shall, before he enters upon his office, make oath before the Court to which he is appointed, that he will conduct himself with due respect for its authority, and will act with fidelity and impartiality in all matters relating to his said office.

The salary of the Secretary or Registrar of the Court to be established on the coast of Africa, shall be paid by Her Britannic Majesty; and that of the Secretary or Registrar of the Court to be established in the possessions of the Granadian Republic shall be paid by the Government of that Republic.

Each of the Governments shall defray half of the aggregate amount of the incidental expenses of such Courts.

#### ARTICLE II.—APPENDIX B.

The expenses incurred by the officer charged with the reception, maintenance, and care of the detained vessel, slaves, and cargo, and with the execution of the sentence; and all disbursements occasioned by bringing the vessel to adjudication, shall, in case of condemnation, be defrayed out of the funds arising from the sale of the materials of the broken-up vessel, of the ship's stores, and of such parts of the cargo as shall consist of merchandise; and in case the proceeds arising from this sale should not prove sufficient to defray such expenses, then the deficiency shall be made good by the Government of the country, within whose territories the adjudication shall have taken place.

If the detained vessel shall be released, the expenses, occasioned by bringing her to adjudication, shall be defrayed by the Captor, excepting in the cases specified, and otherwise provided for, by Article VIII. of the Treaty to which these Regulations form an Appendix, and by Article VII. of these Regulations.

#### ARTICLE III.—APPENDIX B.

The Mixed Courts of Justice are to decide upon the legality of the detention of such vessels, as the cruisers of either nation shall, in pursuance of the said Treaty, detain.

These Courts shall judge, definitively and without appeal, all questions which shall arise out of the capture and detention of such vessels.

The proceedings of these Courts shall take place with as little delay as possible; and, for this purpose, the Courts are required to decide each case, as far as may be practicable, within the space of twenty days, to be dated from the day on which the detained vessel shall have been brought into the port where the deciding Court shall reside.

If, in consequence of such proceedings, the vessel whose case is brought before the Court, shall be found to have been employed in the Slave Trade, or to have been fitted out for the purposes thereof, such vessel, her cargo of merchandise, and her equipments, shall be condemned by the Court, and shall be declared lawful prize; and any Slaves who may have been put on board such vessel, for the purposes of traffic, shall be emancipated.

The final sentence shall not, in any case, be delayed beyond the period of two months, either on account of the absence of witnesses, or for any other reason; except upon the application of any of the parties interested, in which case, if such party or parties shall give satisfactory security, that they will take upon themselves the expense and risks of the delay, the Courts may, at their discretion, grant an additional delay, not exceeding four months. Either party shall be allowed to employ such counsel as he may think fit, to assist him in conducting his cause.

All the essential parts of the proceedings of the said Courts, shall be written down in the language of the country in which the Courts shall respectively reside.

#### ARTICLE IV.—APPENDIX B.

The form of the process shall be as follows:—

The Judges appointed by the two Governments respectively shall, in the first place, proceed to examine the papers of the detained vessel, and to take the depositions of the master or commander, and of two or three at least, of the principal individuals on board such vessel; as well as the declaration on oath, of the Captor, should such declaration appear to be necessary, in order to enable them to judge and to pronounce whether the said vessel has been justly detained or not according to the stipulations of the aforesaid Treaty.

In the event of the two Judges not agreeing as to the sentence which they ought to pronounce with respect to the legality of the detention of any vessel, as to the liability of the vessel to condemnation, as to the compensation to be allowed to the owners, or as to any other question which may arise out of any capture; or if any difference of opinion should arise between them, as to the mode of proceeding in the said Court, they shall in any such case draw by lot the name of one of the two arbitrators appointed as is stated in Article I. of this Appendix, and the arbitrator, whose name shall be so drawn, shall, after he has considered the proceedings which have taken place, consult with the two above-mentioned Judges, and the final sentence or decision shall be pronounced in conformity with the opinion of the majority of the three.

#### ARTICLE V.—APPENDIX B.

If the detained vessel shall be restored by the sentence of the Court, the vessel and the cargo, in the state in which they shall then be found, shall forthwith be given up to the master, or to the person who represents him; and such master or other person may, before the same Court, claim to have a valuation made, in order to ascertain the amount of the damages to which he shall be entitled. The Captor himself, and, in his default, his Government, shall remain responsible for the damages which may definitely be pronounced to be due to the master of such vessel, or to the owners of the vessel, or of her cargo.

The two High Contracting Parties bind themselves to pay, within the term of a year, from the date of the sentence, the costs and damages which may be awarded by the aforesaid Court; it being mutually understood and agreed, that such costs and damages shall be made good by the Government of the country of which the Captor shall be a subject or citizen.

#### ARTICLE VI.—APPENDIX B.

If a detained vessel shall be condemned, she shall be declared lawful prize together with her cargo, whatever it may be, with the exception of the Slaves who shall have been found on board; and the said vessel, in conformity with the regulations in Article IX. of the Treaty of this date, shall, as well as her cargo, be sold by public sale, for the profit of the two Governments, subject to the payment of the expenses hereinbefore mentioned.

The Slaves shall receive from the Court a Certificate of Emancipation, and shall be delivered over to the Government, to whom belongs the cruiser which made the capture.

#### ARTICLE VII.—APPENDIX B.

The commander and the crew of a vessel condemned under this Treaty, and all persons found on board who shall have been accomplices in her Slave Trade undertaking, shall, on condemnation of the vessel, be sent as prisoners to the nearest settlement of the country of which they are subjects or citizens, and shall be there delivered over to the Authorities of the place to be tried according to the laws of their country for the offences which they have committed against those laws. The commander of the cruiser which made the capture of the vessel shall, on the requisition of the members of the Mixed Courts of Justice, take charge of the commander, the crew, and accomplices on board of the captured vessel, and shall convey them, and deliver them over as before mentioned.

The charges incurred for the support and return voyage of the commander, the crew and accomplices thus sent as prisoners, shall be defrayed by the Government of which they are the subjects or citizens.

## ARTICLE VIII.—APPENDIX B.

The Mixed Courts of Justice shall also take cognizance of, and shall decide definitively and without appeal, all claims for compensation on account of losses occasioned to vessels and cargoes which shall have been detained under the provisions of this Treaty, but which shall not have been condemned as legal prize by the said Courts; and in all cases, wherein restitution of such vessels and cargoes shall be decreed, (save as mentioned in a subsequent part of these Regulations, and in Article VIII. of the Treaty to which those Regulations form an Appendix, the Court shall award to the claimant or claimants, or to his or their lawful attorney or attorneys for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the owner or owners may have actually sustained by such capture and detention; that is to say:

*First*, In case of total loss.

The claimant or claimants shall be indemnified:

- a. for the ship, her tackle, equipment and stores:
- b. for all freights due and payable.
- c. for the value of the cargo of merchandise if any, deducting all charges and expenses payable upon the sale of such cargo, including commission of sale.
- d. for all other regular charges in such case of total loss.

*Secondly*. In all other cases not total loss, save as hereinafter mentioned, the claimant or claimants shall be indemnified:

- a. for all special damages and expenses occasioned to the ship by her detention, and for loss of freight when due or payable
- b. for demurrage according to the Schedule annexed to the present Article.
- c. for any deterioration of the cargo.
- d. for all premium of insurance on additional risks.

Further, the claimant or claimants shall be entitled to interest at the rate of 5 per cent. per annum, on the sum awarded, until such sum is paid by the Government to which the capturing ship belongs: the whole amount of such indemnification shall be calculated in the money of the country to which the detained vessel belongs, and shall be paid at the rate of exchange current at the time of the award.

The two High Contracting Parties, however, have agreed, that if it shall be proved to the satisfaction of the Judges of the two Nations, and without recourse to the decision of an arbitrator, that the Captor has been led into error, by the fault of the master or commander of the detained vessel, the detained vessel shall in such case not receive for the time of her detention, the demurrage stipulated by the present Article, nor any other compensation for losses, damages, or expenses consequent upon such detention.

*Schedule of demurrage or daily allowance for a vessel of*

			per diem.
100 tons to 120 inclusive,			£ 5
121 .. 150 ..			6
151 ... 170 ...			8
171 ... 200 ...			10
201 ... 220 ...			11
221 ... 250 ...			12
251 ... 270 ...			14
271 ... 300 ...			15

and so in proportion.

## ARTICLE IX.—APPENDIX B.

Neither the Judges, nor the Arbitrators, nor the Secretaries of the Mixed Courts of Justice, shall demand or receive from any of the Parties concerned in the cases which shall be brought before such Courts, any emolument or gift, under any pretext whatsoever, for the performance of the duties which such Judges, Arbitrators, and Secretaries, have to perform.

## ARTICLE X.—APPENDIX B.

The two High Contracting Parties have agreed, that, in the event of the death, sickness, absence on leave, or other legal impediment, of one or more of the Judges or Arbitrators composing the above-mentioned Courts, the post of such Judge or of such Arbitrator shall be supplied, *ad interim*, in the following manner.

*First.* On the part of Her Britannic Majesty, and in that Court which shall sit in one of the possessions of Her said Majesty; if the vacancy be that of the British Judge, his place shall be filled by the British Arbitrator; and either in that case or if the vacancy be originally that of the British Arbitrator, the place of such Arbitrator shall be filled, successively, by the Governor or Lieutenant-Governor resident in such Possession, by the principal Magistrate of the same, and by the Secretary of the Government; and the said Court, so constituted as above, shall sit, and shall proceed to adjudge all cases brought before them for adjudication, and shall pass sentence accordingly.

*Secondly.* On the part of Great Britain, and in that Court which shall sit in some place within the territories of the Granadian Republic, if the vacancy be that of the British Judge, his place shall be filled by the British Arbitrator; and either in that case, or if the vacancy be originally that of the British Arbitrator, the place of British Arbitrator shall be filled successively by the British Consul, and British Vice-Consul, if there be a British Consul or British Vice-Consul appointed to, and resident in such place; and if the vacancy be both of the British Judge and of the British Arbitrator, then the vacancy of the British Judge shall be filled by the British Consul, and that of the British Arbitrator by the British Vice-Consul if there be a British Consul and a British Vice-Consul appointed to and resident in such place; and if there shall be no British Consul or British Vice-Consul to fill the place of British Arbitrator, then the Granadian Arbitrator shall be called in, in those cases in which a British Arbitrator, if there were any, would be called in; and in case the vacancy be both of the British Judge and British Arbitrator, and there be neither British Consul, nor British Vice-Consul to fill, *ad interim*, the vacancies, then the Granadian Judge, and Granadian Arbitrator shall sit, and shall proceed to adjudge all cases brought before them for adjudication, and shall pass sentence accordingly.

*Thirdly.* On the part of the Granadian Republic, and in that Court which shall sit within the Territories of the said Republic, if the vacancy be that of the Granadian Judge, his place shall be filled by the Granadian Arbitrator; and either in that case, or if the vacancy be originally that of the Granadian Arbitrator, the place of such Arbitrator shall be filled, successively, by the highest civil authority, resident in such Possession, by the principal Magistrate of the same, and by the Secretary of the Government; and the said Court, so constituted as above, shall sit, and shall proceed to adjudge all cases brought before them for adjudication, and shall pass sentence accordingly.

*Fourthly.* On the part of the Granadian Republic, and in that Court which shall sit within the Possessions of Her Britannic Majesty, if the vacancy be that of the Granadian Judge, his place shall be filled by the Granadian Arbitrator; and, either in that case, or if the vacancy be originally that of the Granadian Arbitrator, the place of Granadian Arbitrator shall be filled successively by the Granadian Consul and Granadian Vice-Consul, if there be a Granadian Consul, or Granadian Vice-Consul, appointed to, and resident in such Possession; and if the vacancy be both of the Granadian Judge and of the Granadian Arbitrator, then the vacancy of the Granadian Judge shall be filled by the Granadian Consul, and that of the Granadian Arbitrator by the Granadian Vice-Consul, if there be a Granadian Consul and Granadian Vice-Consul appointed to, and resident in such Possessions; and if there be no Granadian Consul or Granadian Vice-Consul appointed to fill the place of Granadian Arbitrator, then the British Arbitrator shall be called in, in those cases in which a Granadian Arbitrator would be called in; and in case the vacancy be both of the Granadian Judge and Granadian Arbitrator, and there be neither Granadian Consul nor Granadian Vice-Consul, to fill, *ad interim*, the vacancies, then the British Judge and British Arbitrator shall sit, and shall proceed to adjudge all cases brought before them for adjudication, and shall pass sentence accordingly.

The highest civil authority of the settlement wherein either of the Mixed Courts of Justice shall sit, shall, in the event of a vacancy arising either of the Judge or of the Arbitrator of the other High Contracting Party, forthwith give notice of the same to the highest civil authority of the nearest settlement of such other High Contracting Party, in order that such vacancy may be supplied at the earliest possible period; and each of the High Contracting Parties agrees to fill up, definitely, as soon as possible, the vacancies which may arise in the above-mentioned Courts from death, or from any other cause whatever.

The undersigned Plenipotentiaries have agreed, in conformity with the Vth Article of the Treaty signed by them on this day, the

18 , that the preceding Regulations, consisting of Ten Articles, shall be annexed to the said Treaty, and considered as an integral part thereof. the day of

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(L.S.)

(L.S.)

No. 122.

(Separate)

*Viscount Palmerston to Mr. Adams.*

SIR,

*Foreign Office, December 31, 1839.*

WITH reference to my other Despatch of this date on the subject of the proposed Treaty between Great Britain and New Granada on Slave Trade, I have to observe to you, that Her Majesty's Government has well considered the question, what shall be the Tribunals which are to try the cases of vessels detained under the Treaty, and Her Majesty's Government is convinced that it is necessary that those vessels should be tried by Mixed Courts of Justice.

You will therefore use every exertion to induce the Granadian Government to agree to this arrangement. If the Granadian Government should, on account of expense, or for any other reason, object to appoint Commissioners to act on the part of the Granadian Republic in the Mixed Courts of Justice to be established under the Treaty, you will answer such objections by proposing the two Articles which I herewith send you, and which if adopted, will form Articles 11 and 12 of Appendix B.

In urging upon the Granadian Government the principle of Mixed Courts, you will point out, that this principle has been agreed to by many States both in Europe and in America, as for instance by Portugal, Spain, Sweden, the Netherlands, Brazil, Chile, Buenos Ayres, and Monte Video.

You will insist on the insertion of the Equipment Article as it now stands; and you will steadfastly resist all alteration in other Articles of the amended Draft forwarded to you with my other Despatch of this date.

You will state generally to the Government of New Granada, that the Treaty now under discussion is not one which has for its object to promote any interests of England, or to obtain for England any advantages at the expense of New Granada; and that consequently this is not a case in which there exists between the negotiating parties, any conflict of opposing interests.

The two Parties have a common object in view, which each is equally desirous of accomplishing, but from the accomplishment of which neither party can derive any other advantage than that which results from the performance of a good deed, and from having been instrumental in preventing a great crime.

The British Government having for many years past given the most anxious attention to this matter, is fully able by its own experience to judge what means are efficacious or necessary for accomplishing the desired result; and Her Majesty's Government hope that in a matter in which no selfish interest of England is concerned, the Government of New Granada will believe, that they would not propose arrangements, more detailed and energetic than are really necessary for the purpose in view; and on the other hand Her Majesty's Government being firmly persuaded that the Government of New Granada desires the proposed end, are convinced that the Granadian Ministers will not object to the means, by which alone that end can be with certainty attained.

I am, &amp;c.

(Signed)

PALMERSTON.

*To W. P. Adams, Esq.**&c. &c. &c.*

First Enclosure in No. 122.

## ARTICLE XI.—APPENDIX B.

It is agreed and understood, that, if there should be any delay in appointing the Judge and the Arbitrator, to be nominated on the part of the Granadian Republic, to act in each of the Mixed Courts of Justice to be established under this Treaty;

or, if those Officers, after being appointed, should at any time be absent, then, and in either of such cases, the Judge and Arbitrator, who shall have been appointed on the part of Her Britannic Majesty, and who shall be present in the said Court shall, in the absence of the Granadian Judge and Arbitrator, proceed to open the said Courts, and to adjudge such cases as may be brought before them under the Treaty; and the sentence pronounced upon such cases by the said British Judge and Arbitrator, shall have the same force and validity, as if the Judge and the Arbitrator, on the part of the Granadian Republic, had been appointed, and had been present and acting, in the Mixed Courts in the cases in question.

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Second Enclosure in No. 122.

#### ARTICLE XII.

It is also agreed, notwithstanding the provisions of the First Article of this Appendix, that so long as no Granadian Judge and Arbitrator shall have been nominated, it will be unnecessary for the Granadian Republic to nominate the Secretary or Actuary mentioned in the said Article; that in the meanwhile the Secretary or Actuary of that Court, which may exist within the territory of the Granadian Republic, shall be named and paid by the Government of Her Britannic Majesty; and that the entire expense of both the Courts to be established under this Treaty, shall be borne by the Government of Her Britannic Majesty.

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## PERU.

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No. 123.

*Viscount Palmerston to Mr Wilson.*

*Foreign Office, June 29, 1839.*

*Sending Papers presented to Parliament.*

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No. 124.

*Mr. Wilson to Viscount Palmerston.*

*Lima, March 24, 1839.*

MY LORD,

*(Received July 24.)*

THE dissolution of the Peru-Bolivian Confederation would appear to point out the expediency of Full Powers being sent to enable me to negotiate a Treaty with the Republic of Peru for the entire suppression of the Slave Trade, and for declaring the crime of Slave Trade to be Piracy ; in substitution of the Full Powers with which I was clothed on the 18th of March, 1838, for concluding and signing such a Treaty with the Peru-Bolivian Confederation ; and Full Powers will also be required for the conclusion of any similar Treaty with the Republic of Bolivia.

Regarding the latter Republic, I do not apprehend that any serious obstacles will be opposed to the conclusion of a Treaty on Slave Trade, but I have instructed Mr. Vice-Consul Masterton, in whose judgment and ability I can place the greatest confidence, fully to ascertain that point from the Bolivian Government, in a Despatch, a copy of which is herewith transmitted.

I fear, however, that as regards Peru great difficulties will occur on account of the strong opposition which will doubtless be made thereto on the part of the slave-holders, notwithstanding, that since the 28th July, 1821, all children born in Peru have been born free ; and no slaves from that date have been allowed to be imported ; and, finally, by the 18th clause of the Treaty concluded on the 16th October, 1829 (see State Papers, Vol. 1828-1829, page 1246), between the Republics of Peru and Columbia, it is stipulated that the crime of Slave Trade shall be considered and treated as piracy.

Still these solemn declarations and acts are more in conformity to the prevailing principles of the age, and of the personal enlightenment and humanity of the rulers and parties by whom these were executed, than with the feelings of the slave-holders in Peru, who exercise over its Government a powerful political influence ; but no exertions on my part shall be wanting to induce the Government of Peru to act upon the principles of humanity proclaimed by them.

But until a Constitutional Government in Peru shall be established, no useful practical result, but, on the contrary, much harm would arise from the agitation by premature discussion, of the question of a Treaty on the Slave Trade.

I profit by this opportunity to acknowledge the Receipt of your Lordship's Despatch of November 9, 1838, marked Slave Trade.

I have, &c.

(Signed) BELFORD HINTON WILSON.

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

&c.

&c.

&c.

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Enclosure in No. 124.

*Mr. Wilson to Mr. Masterton.*

SIR,

*Lima, March 23, 1839.*

UNDER date of the 13th of November, 1835, Viscount Palmerston addressed to me a Despatch, stating that Her Majesty's Government and the Government of Brazil being mutually desirous to put an end to the Slave Trade, had agreed that their agents in Spanish America should unite in a joint effort to persuade all the Spanish American Governments to enter into Treaties for abolishing that Trade and for declaring it to be Piracy; and consequently, instructing me immediately to enter into a negotiation with the Government of Peru, for concluding a Treaty between Great Britain and that Country, on this basis.

This Despatch was received by me in May, 1836, at a time that South Peru had separated from North Peru, and had erected itself into a free and independent state, to become shortly afterwards united with the Republic of Bolivia and North Peru, under the denomination of the Peru-Bolivian Confederation: under such circumstances it would have been manifestly useless to attempt to enter with either of these three States into any Treaty negotiation.

Upon the establishment, however, of the Government of His Excellency General Santa Cruz over the States of North and South Peru in August, 1836, I deemed it advisable to ascertain, from the Secretary-General of His Excellency, the willingness of the Peruvian nation to conclude, at the fitting time, with His Majesty, a Treaty for the entire suppression of the Slave Trade, and for declaring the crime of Slave Trade to be Piracy; transmitting with this view, for the consideration of His Excellency, the Draft of a Treaty thereupon. The Secretary-General in replying, in October, 1836, to this invitation, stated the willingness of the Protectoral Government to conclude with Great Britain, a Treaty upon the principles of the British Draft, which fact having immediately notified to Her Majesty's Government, I received in September, 1838, Full Powers under the Royal sign-manual, dated the 16th of the previous March, to conclude and sign such a Treaty with the Peru-Bolivian Confederation.

Upon the re-establishment, therefore, in this Capital of the Protectoral Government in the following November, I transmitted to them the Copy of a Resolution, which was voted unanimously by the British House of Commons, on the 10th of May, 1838, for an address to Her Majesty upon Slave Trade; also a Copy of the Answer which, on the 23d of the same month, Her Majesty was graciously pleased to return to that Address; and in so doing, I profited by the opportunity to point out the unceasing and anxious desire of the Parliament and Government of Great Britain for the extinction of the traffic in Slaves; a desire which, in justice, I was bound to add, had hitherto been fully sympathized in by the Peru-Bolivian Government in common with those of all the States of the Spanish American Continent; and finally, I again earnestly pressed upon the Peru-Bolivian Government the immediate conclusion of the negotiations with which I was charged upon this subject, and into which His Excellency the Supreme Protector had expressed his readiness to enter, so far back as October, 1836.

The Minister of Foreign Affairs in reply to this proposition, argued that the moment was not propitious for entering upon such a negotiation, however conformable its object with the principles of humanity, christianity, and of his own Government; as any attempt of the kind, so long as a Chilian invading army and a Government established and supported by its bayonets should exist in the Peruvian territory, would be eagerly seized hold of by them as a handle to misrepresent the true character and object of the negotiation, with a view to inflaming the minds of the people of North Peru against the Protectoral Government; but that upon the meeting of a General Congress, his Government would recommend the issue by it of some declaratory deed, to serve as a basis for the conclusion of a Treaty for the entire suppression of the Slave Trade, and for declaring the crime of Slave Trade to be Piracy.

As the danger to be apprehended from the agitation of the Slave question at a moment the country was a prey to a foreign and civil war was undeniable, I was constrained to acquiesce in the propriety of a delay in the Treaty negotiation; but as shortly afterwards the Peru-Bolivian Confederation was "de facto" dissolved, any



future negotiations upon this subject must be concluded separately, with the Governments of the Republics of Peru, and of Bolivia.

It is on this account that, in the furtherance of a negotiation, in the success of which Great Britain takes so deep an interest, I have deemed it advisable to prepare, for your information, the present statement of the negotiations that have taken place upon this subject, in connexion with the name of Bolivia.

In the several interviews I had with His Excellency General Santa Cruz, and his Minister, Don Casimiro Olañeta thereupon, both uniformly assured me that, not the slightest difficulty would occur on the part of Bolivia to the conclusion of a Treaty on Slave Trade, that abominable traffic having there long ceased to exist, and been made punishable by law; and that even the state of slavery would in a very few years be extirpated from Bolivia. I have, therefore, no reason to apprehend that the Government of Bolivia will evince any repugnance, much less offer any serious obstacles to the conclusion of a Treaty on Slave Trade, and of two additional Articles thereto, in conformity to the enclosed Drafts, such as I myself was authorised to conclude with the Peru-Bolivian Confederation.

You will observe that the two additional Articles would have the effect of relieving the Bolivian Government from the necessity of appointing commissioners, and from the expense of maintaining courts under the treaty.

Stipulations similar to these are, in compliance with the request of the Chilean Government, to be annexed to the Treaty between Great Britain and Chile. You will also observe that Annex C, as it stands in the Treaty between Great Britain and Spain on Slave Trade, and as it is proposed to stand in the Treaty with Chile, omits all mention of the treatment of apprentices; but stipulates that the liberated negroes shall be delivered over to the Government to which the cruiser shall belong which captured the vessel on board of which such negroes were found.

This stipulation will virtually place the liberated negroes under the charge of the British Government, and will thus, it is hoped, meet the objections which the Bolivian Government might feel to any stipulations entailing any pecuniary outlay on them.

I have also to draw your attention to the circumstance of the amended version of that stipulation in Article VI., which provides for the condemnation of vessels equipped for Slave Trade. The last-mentioned stipulation, thus altered, is better calculated for its purpose than the stipulation on this subject contained in some of the Treaties formerly concluded by Great Britain.

I have now placed you in possession of all the material instructions touching a Treaty negotiation on Slave Trade, of which I am myself possessed; and have accordingly to request that you will take an early and fitting occasion to ascertain from the Bolivian Minister the willingness of his Government to conclude with Great Britain a Treaty for the entire suppression of the Slave Trade, in which shall be contained a stipulation declaring that the crime of Slave Trade shall be considered and treated as piracy.

Should His Excellency express generally the readiness of Bolivia to conclude such a Treaty, you can then transmit for his consideration the enclosed Draft, with a request that he will be pleased to offer any remarks thereon which, in his opinion, might prove conducive to the success of its negotiation, whenever Her Majesty's Government shall name a Plenipotentiary to that effect; but you must bear in mind that the British Draft is founded upon the experience of the practical working of former Treaties on the Slave Trade, and has been carefully prepared so as to obviate the frauds by which the speculators in this inhuman traffic have attempted to evade the effects of Treaty stipulations: it is, therefore, most desirable that it should be agreed to verbatim, and to the obtainment of this point your efforts should be directed.

In discussing the probability of Great Britain formally proposing to conclude with Bolivia a Treaty upon Slave Trade, you will be cautious to avoid any expression, or more formal compromise which may tend to call in question, or to weaken the validity and obligatory character on Bolivia, of the Treaty concluded between his late Majesty and the Peru-Bolivian confederation; on which account alone I do not myself proceed to Bolivia for the purpose of negotiating this Treaty in virtue of my present Full Powers; and thereby formally recognise the independence of Bolivia, without a previous or simultaneous recognition on her part of the validity of the Treaty concluded with the confederation.

You will of course transmit to Her Majesty's Government, as well as to myself, early and detailed information of your proceedings in the execution of this instruction.

(Signed) BELFORD HINTON WILSON.

To Charles Masterton, Esq.  
&c. &c. &c.

No. 125.

*Viscount Palmerston to Mr. Wilson.*

SIR,

*Foreign Office, August 28, 1839.*

I HAVE received your Despatch on Slave Trade of 24th March, 1839, and I herewith transmit to you Her Majesty's Full Powers for enabling you to conclude on the part of Her Majesty a Treaty with the Republic of Peru for the suppression of the Slave Trade of Peru.

The Draft of amended Treaty, as sent out to you on the 30th April, 1838, for conclusion with the Government of Peru-Bolivia for the suppression of the Slave Trade of that Power, will serve as the model on which the Treaty with the Republic of Peru is to be concluded by you. And the instructions which were given you for the negotiation of the Treaty with Peru-Bolivia, will serve as your guide in the negotiation of the Treaty with Peru.

I am, &c.

(Signed) PALMERSTON.

*Belford Wilson, Esq.*  
&c. &c. -&c.

No. 126.

*Viscount Palmerston to Mr Wilson.*

SIR,

*Foreign Office, August 31, 1839.*

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

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 commanded by Her Majesty to instruct you to communicate these papers to the Peruvian Government, and earnestly to press upon that Government the conclusion of the negotiations with which you are charged on this subject. You will draw the attention of the Government of Peru to the fact that Venezuela, Che, and Buenos Ayres, have already concluded with Great Britain Treaties similar to that which you have proposed on the part of Her Majesty, and Her Majesty's Government hope that Peru will not be the last state in the New World to concur with their fellow Christians in the Old, in putting an end to a system of crime which has so long continued to disgrace the character of civilized nations.

I am, &c.

(Signed) PALMERSTON.

To Belford Wilson, Esq.  
&c. &c. &c.

No. 127.

*Viscount Palmerston to Mr. Wilson.*

*Foreign Office, September 3, 1839*

*Circular sending Act for the Suppression of the Slave Trade.*

(See No. 5, p. 3.)

No. 128.

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

(See No. 10, p. 6)

No. 129.

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

(See No. 11, p. 6.)

## TUNIS.

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No. 130.

*Sir Thomas Reade to Viscount Palmerston.*

*Tunis, March 30, 1839.*

MY LORD,

(Received June 3.)

IN reference to a Circular Despatch, dated the 20th of October, 1835, addressed to me by Lord Glenelg, respecting the transportation of slaves from Barbary to Turkey, I beg leave to inform your Lordship, that a brig under Tuscan colours, whereof Raffaele Loffredo is master, sailed from this place, a few days ago, for Constantinople, with a cargo, consisting of seventy-six slaves, belonging to a person named Mohammed Benayard, for the purpose of being sold in the public market at Constantinople.

This vessel has been frequently employed in operations of a similar nature; and in the Return of Vessels employed in this Traffic, which I transmitted to Lord Glenelg on the 26th of January, 1836, your Lordship will find her in that Return, as having sailed for Constantinople on the 14th of July, 1835, having on board 134 slaves.

The majority of vessels thus employed from this place are Austrian and Tuscan; and it has sometimes happened, but not very frequently, that Russian vessels have also been employed.

I have, &c.  
(Signed) T. READE.

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

&c.                      &c.                      &c.

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No. 131.

*Sir Thomas Reade to Viscount Palmerston.*

*Tunis, April 25, 1839.*

MY LORD,

(Received June 3.)

SINCE I had the honour of addressing my Despatch of the 30th ultimo, I have made inquiries as to the exportation of slaves from this place to Constantinople during my absence, and I find, on the 27th of September, 1837 a Turkish brig sailed with thirty-six; on the 22nd of October, 1837, another Turkish brig sailed with forty-four; and on the 11th of February, 1839, a Greek brig, under Russian protection, left with six.

Both the Ottoman and Russian Consulates here are in charge of the Dutch Consul, who has likewise the charge of the Tuscan one; and therefore the vessels with slaves which have hitherto left for Constantinople, have been despatched from the same Consulate.

Upon the embarkation of each slave, there is a fee of one Tunisian piastre exacted; and this circumstance, I am led to believe, greatly facilitates such operations.

If the Act of Parliament 1 & 2 Victoria, for carrying into effect a Convention of Accession of the Duke of Tuscany to two Conventions with the King

of the French for suppressing the Slave Trade, has been in force, am I not right in my conjecture that the transportation of slaves in Tuscan vessels cannot be authorised?

I have, &c.  
(Signed) T. READE.

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

No. 132.

*Viscount Palmerston to Sir Thomas Reade.*

SIR,

*Foreign Office, November 22, 1839.*

WITH reference to your Despatches of the 30th of March and the 25th of April last, relative to the transport of slaves from Tunis to Constantinople, I herewith transmit to you, for any observations which you may have to make thereupon, a copy of a Despatch, and of its enclosures, from Her Majesty's Minister at Florence; a copy of a Despatch, and of its enclosure, from Her Majesty's Ambassador at St. Petersburg; and also a copy of a Despatch, and of its enclosure, from Her Majesty's Envoy at the Hague, upon the subject of the statements which were contained in your Despatches, above referred to.

I am, &c.  
(Signed) PALMERSTON.

*Sir Thomas Reade,*  
&c. &c.

Enclosures in No. 132.

*First. Hon. H. Fox to Viscount Palmerston. Florence, September 28, 1839.*  
(See Class C.)

*Second. Lord Clanricarde to Viscount Palmerston. St. Petersburg, August 13, 1839.*  
(See No. 42, page 31.)

*Third. Sir E. Disbrowe, to Viscount Palmerston. The Hague, October 8, 1839.*  
(See Class B.)

UNITED STATES.

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No. 133.

*Viscount Palmerston to Mr. Fox.*

SIR,

*Foreign Office, June 11, 1839.*

WITH reference to my previous communications to you, upon the subject of the abuse of the Flag of the United States of America to purposes of Slave Trade, I herewith transmit to you the extract of a Despatch from Her Majesty's Commissioners at the Havana, stating that, in the month of March last, two American vessels, suspected of being engaged in the Slave Trade, were despatched from the Havana for the coast of Africa.

You will take advantage of the information contained in the accompanying paper, to strengthen your representations to the United States' Government, upon the subject of Slave Trade carried on under the Flag of the Union.

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

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

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Enclosure in No. 133.

*Her Majesty's Commissioners to Viscount Palmerston. Havana. April 15, 1839.*

(See Papers presented, 1839, Class A. Further Series, No. 50, page 122.)

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No. 134.

*Viscount Palmerston to Mr. Fox.*

SIR,

*Foreign Office, June 11, 1839.*

WITH reference to my other Despatch to you of this date, transmitting to you an extract of a letter from the Havana, respecting the abuse of the Flag of the United States of America for purposes of Slave Trade, I herewith transmit to you a copy of a communication, which has recently been received at this office upon the same subject from the Admiralty.

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

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

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Enclosure in No. 134.

*Mr. Wood Fox to Mr. Strangways.*

*Admiralty, June 1st, 1839.*

SIR,

*(Received June 5th.)*

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Viscount Palmerston, an extract from a  
CLASS D.

letter from Lieutenant Jenkin, commanding Her Majesty's receiving ship 'Romney,' at the Havana, dated the 15th April last, respecting the Slave Trade.

I am, &c.

(Signed) C. WOOD.

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

Sub-Enclosure in No. 134.

*Extract of a Letter from Lieut. Jenkin of Her Majesty's Ship Romney.*

*Dated April 15th, 1839.*

"You will thus Sir perceive a new feature in this Slave traffic, that of concealing their distinct purpose under the cloak of the American flag, by virtue of a sea letter; the object is to avoid molestation or detention by one of our cruisers on the outward bound voyage; the late prohibition of the Portuguese Government, and the consequent liability to capture, has caused the present substitute; they however, must risk the homeward bound voyage with their cargo of negroes."

No. 135.

*Viscount Palmerston to Mr. Fox.*

SIR,

*Foreign Office, June 25th, 1839.*

I HEREWITH transmit to you Copies of Papers which have been received at this office from the Admiralty, respecting the Spanish vessels "*Eagle*" and "*Clara*" sent to New York, by Commander Tucker of Her Majesty's ship "*Wolverine*" for the purposes and under the circumstances stated in these papers; and I also transmit to you a Copy of the Answer which by my direction has been returned to that communication. You will present to the United States' Government a note containing the substance of the information contained in these papers, and you will express, on the part of Her Majesty's Government, an earnest hope, that the proof which the cases of these vessels afford, that the flag of the United States is now resorted to by the slave traders as a protection for their piratical practices, may induce the United States to concur with Great Britain in admitting, under certain regulations, a mutual right of search of the merchant vessels of each nation, or else that the Government of the United States may be able to devise some other effectual mode, for preventing the flag of the Union from being applied to such iniquitous purposes.

I am, &c.

(Signed) PALMERSTON.

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

First Enclosure in No. 135.

*Sir John Barrow to Mr. Fox Strangways.*

*Admiralty, June 8th, 1839.*

SIR,

*(Received, June 10.)*

I AM commanded by my Lords Commissioners of the Admiralty, to send you herewith, for the information of Viscount Palmerston, the accompanying copies of a Letter dated the 26th of April last, and of its enclosed Documents, from Commander Tucker of the "*Wolverine*," relating to the two Spanish vessels, "*Eagle*" and "*Clara*," which that officer has ordered Lieutenant Fitzgerald to take, together with Her Majesty's brigantine "*Buzzard*" under his command, to New York and the seat of the American Government, for the purposes and under the circumstances therein explained; and I am to request

that you will draw Lord Palmerston's particular attention to the statements set forth in the enclosed correspondence.

I am, &c.  
(Signed) JOHN BARROW.

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

First Sub-Enclosure in 135.

*Commander Tucker to the Secretary of the Admiralty.*

*Her Majesty's Sloop, Wolverine,*  
*Ascension April 26, 1839.*

SIR,

I beg to transmit, for the information of the Lords Commissioners of the Admiralty, the accompanying copy of my letter with the enclosed documents, relating to the two Spanish vessels, which I ordered Lieutenant Fitzgerald to take with Her Majesty's brigantine "Buzzard," to New York, and the seat of the American Government.

I have, &c.  
(Signed) WILLIAM TUCKER, (b) *Commander.*

*To the Secretary of the Admiralty,*  
&c. &c. &c.

Second Sub-Enclosure in No. 135.

*Commander Tucker to Admiral Elliott.*

*Her Majesty's Ship, "Wolverine," at Sea, April 16, 1839.*

*Lat. 1. 44, S. Long. 4. 13. E.*

SIR,

I HAVE the honour to inform you that on my arrival at West Bay, Princes, on the 28th ultimo, I found the two vessels named "Eagle" and "Clara" riding there under Spanish colours, detained by Lieutenant Fitzgerald commanding Her Majesty's brigantine "Buzzard" for the reasons stated in his accompanying declarations, and that, having assumed the duties of senior officer of Her Majesty's vessels employed on the West Coast of Africa on the 3d instant, and received the statement, enclosed in Commander Craigie's letter, of the 4th instant, I considered it my bounden duty to order Lieutenant Fitzgerald to proceed in the "Buzzard" with the said vessels to the seat of Government of the United States of America, to deliver the papers, alleged masters, and the vessels, to the proper authorities, to be dealt with as that Government might deem fit, considering it a duty imperative on one employed on this coast for the suppression of the Slave Trade, to take so decided a line of conduct, the first opportunity that offered with good proofs, to shew to the Government of a power in friendly alliance with my own, the flagrant abuse of the national flag and papers; convinced it cannot, and will not sanction in any way, but will take prompt and strong measures to stop, or immediately agree that all vessels under its flag might on this coast be visited by Her Majesty's vessels employed for the suppression of the Slave Trade, to prevent the gross abuse committed by persons styling themselves its citizens, by which the humane and benevolent intentions of our own Government are almost frustrated, and the laws and treaties with other friendly Governments, obtained and carried into execution at an enormous expense, become nearly, if not quite a dead letter; for so long as a vessel can be protected from seizure and condemnation by the mere use and abuse of another nation's colours and papers, improperly obtained, and illegal by the navigation laws of the country of that flag, so long will the horrid and inhuman traffic in slaves be carried on with impunity.

That it has often been so, I transmit for your information the accompanying list of vessels (Spanish property) which Her Majesty's ships and vessels, employed on this coast, for the suppression of the Slave Trade, have been prevented taking during the last quarter under the Equipment Act, as allowed by Treaty



with the Queen Regent of Spain, because they were covered and protected by the use of the American flag and papers, under the alleged charge of a person styling himself a citizen of the United States, though it has been proved in almost every instance that the said styled citizen was employed for that purpose only, the masters, officers and crew being nearly all Spaniards or natives of Havana.

That the abuse is not confined to the American flag, I beg to state, that the flag of Russia is used by one brig belonging to Havana, and owned by Spaniards, which had a cargo of slaves ready for her at Little Sestos lately, and the Portuguese flag is also used by Brazilian vessels to the southward of the line, the information of which has been obtained from papers found on board prizes and from the coast to the southward of the line, which agree as to the enormous extent to which the horrid traffic is carried on there, 42 vessels being at St. Paul de Loando alone, and nearly all of them Brazilian vessels under Portuguese colours.

With this I transmitted Copies of all the Documents, and of my Letters to Lieutenant Fitzgerald, explaining to him my reasons for sending him to the seat of the American Government, which he is to deliver to the proper authorities, on his arrival, and also a copy of my orders to that officer, that you may have the fullest intelligence on the subject.

Considering it a matter of some moment, and that the Lords Commissioners of the Admiralty would be pleased to have the earliest information possible, that they may send further instructions to Lieutenant Fitzgerald who takes the vessel to New York, should they deem it necessary. I take the first opportunity of transmitting them direct to the Secretary of the Admiralty by Commander Castle of the "Pylades," who, from his having been so long on the coast, can give their Lordships full information of the extent to which the laws and treaties for the suppression of the Slave Trade are subjected to evasion, the "Pylades" having been ordered home by their Lordships' letter of the 29th of December last.

Trusting my proceedings in this novel and delicate undertaking, governed by zeal and anxiety for the faithful discharge of my duties, and by a keen sense of the heavy responsibility incurred by me for the good of the service I am engaged in, by apparently, but not I believe in reality, interfering with the duties which, under other circumstances, might perhaps be considered properly to be those of a naval officer of the United States, will be approved of by you, the Lords Commissioners of the Admiralty, and my own Government, and also by the Government of the United States,

I am, &c.

(Signed) WILLIAM TUCKER, (b.)

P.S. Lieutenant Fitzgerald had orders to take the "*Eagle*" and "*Clara*" to Sierra Leone, for adjudication as Spanish property, as soon as the American Government is satisfied.

(Signed) WILLIAM TUCKER.

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Third Sub-Enclosure in No. 135.

(Signed) WILLIAM TUCKER.

List of vessels under American colours (Spanish property) fitted for the reception of slaves, boarded by the cruisers employed on the West Coast of Africa in the quarter ending the 31st March, 1839.

"*Eagle*,"  
 "*Clara*,"  
 "*Mary Cushing*,"  
 "*Hazard*,"  
 "*Traveller*."

(Signed) WILLIAM TUCKER, (b.)  
 Commander.

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## Fourth Sub-Enclosure in No. 135.

*Commander Tucker to Lieutenant Fitzgerald.*

By William Tucker, Esq., Commander of Her Majesty's Sloop "Wolverine," Senior Officer of Her Majesty's Ships and Vessels employed on West Coast of Africa, &c.

You are hereby required and directed to proceed in Her Majesty's Brigantine under your command, with all possible dispatch, to the seat of Government in the United States, taking under your charge and orders the vessels named "Eagle" and "Clara," detained by you for being concerned in the illicit traffic of Slaves on the West Coast of Africa.

On your arrival at the first port in America, you will immediately proceed to deliver up the detained vessels, their masters, Mr. Joshua William Letig and S. B. Hooker, and papers, to the proper authorities, accompanied by the most full, clear, and distinct statement of the entire business, which may be in your power to give in addition to the documents sent herewith, numbered from 1 to 9. Should you fall in with an American man-of-war, you will wait on her Captain and explain the nature of the service on which you are employed. To enable the vessels under your charge to approach the American Coasts together, and to take port in company with the vessel you command, you will appoint such rendezvous as you may think proper, to carry this into effect. On your arrival in the port in the United States, you will place yourself in communication with the British Consul, or other authority competent in your opinion to advise or direct your proceedings.

The detention of Her Majesty's vessel under your command in the United States, after the delivery of the detained vessels and their masters to the proper authorities, must on no account be prolonged; but you are to return without delay to this place for further orders, calling at Sierra Leone and Accra.

Given under my hand, on board the Wolverine, at West Bay, Princes, this 5th day of April, 1839.

(Signed) W. TUCKER, Commander,  
and Senior Officer.

*To Lieutenant Charles Fitzgerald,  
Commanding H. M. Brigantine Buzzard.*

## Fifth Sub-Enclosure in No. 135.

*Commander Tucker to Lieutenant Fitzgerald.**H. M. Sloop "Wolverine," Princes Island,*

SIR,

*5th April, 1839.*

HAVING as the Senior Commander employed on this station, assumed on the 3rd instant the duties of Senior Officer of Her Majesty's ships and vessels employed on the west coast of Africa, for the suppression of the illicit traffic in Slaves, and having received from Commander Craigie, of Her Majesty's Sloop "Scout," the late Senior Officer, the reports and documents accompanying this, and your Reports relating to the detention of the two vessels named "Eagle," and "Clara," which on my arrival I found riding here under Spanish colours, and which were delivered up to you (for being Spanish property, owned by Spaniards residing at Havana, and fitted for the illicit and inhuman traffic in Slaves), by Mr. Joshua William Lettig of the "Eagle," and Mr. S. B. Hooker of the "Clara," who have stated themselves to be citizens of the United States, and to have been engaged as masters or commanders of these vessels, to cover by their presence, and the use of the American flag and papers, the traffic in Slaves, contrary to the Navigation Laws of the United States; and being convinced that the Government of that country cannot and will not in any way sanction the abuse of their national colours and papers, however they may be obtained, I feel it a duty incumbent on me, as the Senior Officer on this coast, as much out of respect to the American Government as in duty to my own, to represent and forward to you as the principal in this instance, the said vessels with their masters and papers to the seat of Government in the United States, to be dealt with as the authorities of that country may deem fit.

Trusting that it will be considered that my only motive for taking upon myself this delicate interference can be but zeal for a strict discharge of my duty, which renders it imperative on me to take the earliest opportunity of laying before the Government of a friendly power, with proofs, the abuse to which the National flag is subjected to on this coast, in covering and protecting the property of persons (not citizens of the United States) concerned in the inhuman traffic of Slaves which I am employed to suppress; as proved in the instance of the capture of the "*Mary Ann Cassard*," with a full cargo of Slaves, by Her Majesty's Brig "*Brisk*."

It will be proved by some of the documents accompanying this, that the Officers in command of Her Majesty's ships and vessels employed on this station, have at all times observed the greatest delicacy in visiting vessels carrying the American flag.

And being convinced it will also be proved, that the greatest attention has at all times been paid to the Citizens of the United States, and assistance rendered to their vessels whenever an opportunity has offered, as it has been required as in the case of the "*Rosalba*," the papers relating to which are in your possession, I trust it will be considered by the Government of the United States and Great Britain, that I have acted correctly, and discharged this duty in such a manner as will meet their approbation, and tend to increase if possible the friendly feelings existing between them, I therefore forward the accompanying order and documents for your authority and guidance.

I am, &c.

(Signed)

WM. TUCKER,

Commander and Senior Officer.

To Lieutenant Charles Fitzgerald,  
Commanding *H. M. Brigantine Buzzard*.

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Sixth Sub-Enclosure in No. 135.

*Commander Craigie to Commander Tucker.*

*H. M. Sloop "Scout," West Bay, Princes,  
4th April, 1839.*

Sir,

In forwarding the enclosed statement made by Mr. G. S. Boys, mate in charge of the Brigantine "*Eagle*," under American colours, and detained by Her Majesty's Sloop "*Lily*," as a Spaniard under the equipment Article, I think it right to state, that had you not arrived it was my intention to have closely investigated this statement, and if borne out by sufficient evidence, I should have considered it my duty, as Senior Officer on the West Coast of Africa, to have directed the "*Eagle*," to be taken to the seat of the American Government, and delivered over to the proper authorities there, or to the first American man-of-war, together with a full, distinct and correct detail of every circumstance connected with the detention of that vessel, in order that she might be dealt with as the American Government might judge fit.

I was led to this decision;

First. From a belief that if the mere display of the American flag is to insure protection to vessels employed in this iniquitous Trade, it would at once be universally adopted, and thus the exertions of the British Government, in obtaining the recent Treaties with Spain, would be rendered wholly unavailing.

Secondly. From a conviction that it requires but a knowledge of their flag being so prostituted, to insure the most prompt and energetic measures on the part of the American Government in putting an end to this flagrant abuse, and that it would lead, either to an admission of a mutual right of search on this coast under certain limitations, or to the infliction of such punishment upon the offenders as would deter others from following their example.

I think it may be irrelevant to state here a circumstance connected with the aforesaid vessel, "*Eagle*," as evincing the anxiety of the Commander-in-Chief, of myself, and of the officers in command of Her Majesty's ships generally, that the due rights of American citizens should be both respected and protected.

Lieutenant Fitzgerald, in command of Her Majesty's Brigantine, "*Buzzard*," represented to me by letter, dated the 5th January, 1839, that Mr. Aldrick,

chief mate of that vessel, had been intemperate in his conduct when visiting the "Eagle" with other vessels in Lagos Roads, on the evening of the 31st December, 1838.

I immediately caused an investigation to be held on Mr. Aldrick's conduct, and on finding that he had opened the hatches of the "Eagle," in opposition to her commander, Mr. Lettig's wishes, and although I fully believed that Mr. Aldrick had so acted under the firm conviction that the "Eagle" was a Spaniard, (she was even at that time prepared for the reception of her living cargo) yet, lest it might be interpreted as an unfriendly act on our part, or that it should afford a ground of complaint, and thereby tend to lessen the happy and amicable feeling existing between Great Britain and America, I considered it to be my duty to lay the case before the Commander-in-Chief, who, without an instant's hesitation, directed me to discharge Mr Aldrick from his ship, into the first vessel-of-war proceeding to England.

Mr. Aldrick has ever borne the character of a zealous, intelligent, and good officer, served nearly fifteen years in the British navy, and under some of our most distinguished Captains.

In conclusion I beg to inform you, that this is the second instance of Mr. Lettig's gross abuse of the protection of the American flag, by bringing vessels to the coast of Africa, fitted expressly for the Slave Trade.

Mt. Lettig brought the "Teazer," Brigantine, to Lagos, in the month of October, 1837, which vessel subsequently left the Coast of Africa with a large cargo of Slaves.

I have, &c.

(Signed) ROBERT CRAIGIE,  
Commander.

Commander W. Tucker,  
Her Majesty's Sloop, "Wolverine," Senior Officer.

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Seventh Sub-Enclosure in No. 135.

Mr. Boys to Commander Reeve.

Brigantine "Eagle" (under American colours),  
Princes, West Bay, March 8, 1839.

SIR,

THE proceedings of the brigantine "Eagle," under American colours, detained by Her Majesty's ship "Lily" under your command, I beg leave to lay before you. On my arrival at Sierra Leone (21 days after I parted company off Lagos), I handed over to Mr. Dougan, agent, the papers and documents belonging to the "Eagle." On examination of them, Mr. Dougan was of opinion that the said vessel having shown American colours, he thought there would be an objection against her being taken into court, but that there could be no doubt at the same time as to her being a Spanish vessel, and that the American flag was only hoisted as a decoy to the men-of-war, the Mixed Commission having no authority to act over any vessel showing American colours. On the fourth day after my arrival there, a petition was sent into the Court by Mr. Dougan, praying that the "Eagle" might be tried, which petition was thrown out.

After which Mr. Dougan, upon consideration of the circumstances of the "Eagle," considered it advisable that I should proceed back in search of the "Lily," and leave it for your discretion as to the "Eagle's" future destination, it being the general feeling at Sierra Leone, that the American Government would never tolerate her flag to be used upon such disgraceful occasions.

On the 12th of February, having completed six weeks provisions, I weighed, and made sail, and on the 26th of the same month I came to an anchor off Accra, believing I might gain some tidings of the "Lily," but was disappointed, Mr. Bannerman being quite unable to afford me any intelligence respecting the movements of any of the squadron, I continued at anchor till the 28th, in the anxious hope that a man-of-war might arrive.

I now beg leave to lay before you a circumstance which has corroborated the opinions of many as to the "Eagle" being a Spaniard, and that she is a lawful prize to the "Lily" cannot be doubted. On weighing my anchor from Accra, I observed a strange sail to windward, I tacked occasionally for the purpose of closing her, when I observed her to be a barque and to hoist American colours; when she shortly after came to an anchor off the port, I hove to and boarded her for the purpose, if possible, of ascertaining intelligence of any of

our cruisers. The name of this vessel is the "*Active*," of Salem, and trading along the coast. The master appearing to be an experienced person, and a very respectable man, I communicated to him the circumstances relative to the "*Eagle*." Nor would the American Government acknowledge her as any American property. This observation led me to hope that he would give me an impartial statement of a few questions I felt desirous to ask him; he answered me that all the Spanish vessels are now engaging American masters under false papers as a protection to their trade, and that they have no *lawful* documents to prove in any one way that they are Americans and *lawfully* trading under that flag. He expressed his astonishment that we have not sent them to the seat of the American Government. He asked me if I could show him the muster-roll and register, which, upon consideration of the above circumstances, I did. After he had carefully examined them he said, "I solemnly assure you, Sir, those papers are *false*, and a disgrace to an American." He then voluntarily showed me his own; and certainly they were as different as light from darkness. He also produced me the navigation laws of America, wherein it states that no vessel *shall sail* under American colours, unless the captain, first, second, and third mates are American subjects, besides two-thirds of her own crew. Under all these circumstances, together with the "*Eagle*" being so *perfectly* completed for the reception of a cargo of many hundred human beings; *her slave-deck-laid*, provisions on board, besides coppers, irons, &c., will be a sufficient authority for your exposing her before the seat of the American Government.

Being unable to discover your destination at Accra, I proceeded on to this island, where I arrived (without having seen a single vessel) on the 6th instant; and as the nature of the circumstances of the "*Eagle*" under my charge are of such importance, I shall proceed this day to cruise off the Island of St. Thomas, in the anxious expectation of finding some of our cruisers who will inform me in what latitude I can find the "*Lily*" or the senior officer, to whom I shall also address this for his information, in the event of his arrival before my return to this island, which will be in two or three days, should I not be fortunate in falling in with a man-of-war in those latitudes.

The detained master is greatly alarmed about his vessel, and is under the fearful apprehension that she will go to America; I having assured him she will, in the hopes that he may give up any Spanish documents he might have concealed. On two or three occasions he has told me, "Well, boys, they can only put me in prison, and I shall lose all my wages," the tears at this time falling down from his eyes; to this observation my own quarter-master, Charles Rervet, was present, and heard these remarks.

I have avoided the daily position of the "*Eagle*" being made known to the detained crew; for should I have fallen in with any man-of-war, her cruising ground would have been known to them, and would be kept in remembrance for a future time.

A log, containing the proceedings of the "*Eagle*," I have strictly kept, coupled with a track-chart, showing my voyage to and from Sierra Leone.

I have much pleasure in stating the health of my prize crew, and trusting that the measures I have adopted with the "*Eagle*" whilst under my charge, will prove satisfactory.

I have, &c.

(Signed) G. S. BOYES, Mate.

To Commander Reeve, Her Majesty's Ship "*Lily*,"  
or the Senior Officer, Captain Craigie,  
Her Majesty's Ship "*Scout*."

I have, &c.

(Signed) GEO. ARTHUR.

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Eighth Sub-Enclosure in No. 135.

(Declaration).

I, Lieutenant Charles Fitzgerald, commanding Her Britannic Majesty's Brigantine "*Buzzard*," hereby declare that, on this 12th day of March, 1839, being in Clarence Cove, Fernando Po, I detained the brigantine named the "*Eagle*," com-

manded by Joshua Wells Littig, who declared himself to be a citizen of the United States, and that he was not the *bonâ fide* owner of the said brigantine, as set forth in the bill of sale, found amongst her papers; and that the said brigantine and cargo are *Spanish property*; and that she was equipped in the port of Havana, for the purpose of carrying on the Slaye Trade, in May of last year; and that the two persons (whose names, as declared by them respectively, are set forth in a list at foot hereof) now on board the said brigantine, are part of the crew shipped on board at Havana at that time; that the other seamen composing her crew were landed at Lagos, in the Bight of Benin, by Commander Reeve, of Her Britannic Majesty's Sloop "Lily," when that officer detained the said brigantine "*Eagle*," while she was riding at anchor in the said road of Lagos, on the 14th day of January, 1839, that Commander Reeve sent the said brigantine to Sierra Leone, for adjudication in the Court of Mixed Commission at that place, under the charge of Mr. George Sayer Boys, a mate in Her Majesty's sloop "Lily," (at that time a passenger in the "Lily," in order to join the vessel he had been appointed to), and a prize crew; that the said Court refused to take cognizance of the charge laid by Commander Reeve, of the said brigantine "*Eagle*," and that, thereupon, the said Mr. G. S. Boys, the prize master, proceeded with her from Sierra Leone back to Lagos and to this Island, where, upon my boarding the said brigantine this day, he, the said Joshua Wells Littig feeling that he could no longer disguise the true character of the said brigantine "*Eagle*" frankly and voluntarily declared to me in the presence of the said Mr. G. S. Boys, mate, and other witnesses, that he surrendered her to me as Spanish property, both on account of Her Majesty's brigantine under my command being present, and because, that he was boarded by the boats of the "*Buzzard*," in the road of Lagos, and himself and papers strictly examined on the night of the 31st December, 1838, when he the said Joshua Wells Littig refused to acknowledge what he has now voluntarily stated to me.

The said Joshua Wells Littig also declares, that he was engaged by Don Francisco Morales, at Havana, as a citizen of the United States, in order to cover the said Spanish brigantine "*Eagle*," with the flag of the Nation of which he is a citizen, and that he hath no interest nor expected interest in the said brigantine "*Eagle*," further than what his wages might have amounted to at the termination of his expected voyage.

The said Joshua W. Littig further declares that when first boarded by Her Majesty's brigantine "*Buzzard*," and subsequently by Her Majesty's ship "Lily," he was engaged in taking in provisions for the expected cargo of slaves for the said brigantine "*Eagle*," and that when the slaves might have been ready for embarkation, he should have gone ashore at Lagos, and the Spanish flag would have been hoisted by the said brigantine.

The said Joshua Wells Littig further declares, that the said bill of sale, found amongst the said brigantine's papers, was drawn out without his being at all a party to it; and that he gave no consideration money, or other value, for the said brigantine being transferred or sold to him, and that he supposes the whole was transacted in the United States' Consul's Office at Havana, without his being privy to it; and that having sworn to nothing, he does not consider that he is at all a perjured man.

The said Joshua Wells Littig further declares, that an agreement was drawn up at Havana, before the said brigantine "*Eagle*" left that port, between himself and a Don Francisco Morales, a Spaniard, residing in Havana (but believed to have come across to the coast of Africa in the said brigantine, and to be now ashore at Lagos), by which he, the said Joshua Wells Littig, bound himself to obey the orders of the said Don Francisco Morales on board the "*Eagle*," but which document is not now to be found amongst the papers of the said brigantine "*Eagle*," although I found and read it when I examined that vessel's papers, on the morning of the 1st January, 1839.

Given under my hand, on board Her Britannic Majesty's brigantine "*Buzzard*," in Clarence Cove Island, of Fernando Po, this 12th day of March, 1839.

(Signed) CHARLES FITZGERALD,  
*Lieutenant and Commander.*

In witness and testimony to the truth of the above declaration, Joshua Wells Littig hath hereunto set his hand, this 12th March, 1839.

(Signed) JOSHUA W. LITTIG.

Names of the Crew of the " <i>Eagle</i> ," 12th March, 1839.		
Name.	Qualities.	
Joze Megares . . . . .	First Pilot	
Benito Cajigar . . . . .	Major Domo	

## Ninth Sub-Enclosure in No. 135.

(Declaration).

I, Lieutenant Charles Fitzgerald, commander of Her Britannic Majesty's brigantine "*Buzzard*," hereby certify, that being in Clarence Cove, Fernando Po, this day I detained the Spanish brigantine "*Eagle*," unarmed, commanded by Joshua Wells Littig, who declared her to have been detained on the 14th January last, by Commander Reeves, of Her Majesty's sloop, "*Lily*," and stated what is set forth in the declaration, made by me this day, and forwarded to the Court of mixed Commission at Sierra Leone, and that the papers and documents seized by me on board the said brigantine "*Eagle*," being marked from No. 1 to No. 38, are enumerated in the following list:—

- No. 1. Muster roll, dated Havana, 10th May, 1838.
- No. 2. Bill of Sale. 10th May, 1838.
- No. 3. Clearance from Havana.
- No. 4. Clearance from St. Salvador, dated 15th October, 1838.
- No. 9. Clearance from Bahia, dated 15th October, 1838.
- No. 11. Certificate of the United States' Consul, at Bahia, of the embarkation of five African convicts.
- No. 12. Certificate from Bahia, of the "*Eagle's*" having taken in water, casks, and tobacco.
- No. 20. Muster roll from Bahia, dated 15th October, 1838.
- No. 26. Bill of harbour dues of Bahia, dated 17th October, 1838.
- Five log-books not numbered.
- 5, 6, 7, 8, 10, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, miscellaneous.

Given under my hand, on board Her Majesty's brigantine "*Buzzard*," in Clarence Cove, Fernando Po, this 12th March, 1839.

(Signed) CHARLES FITZGERALD,  
*Lieutenant and Commander.*

## Tenth Sub-Enclosure in No. 135.

*Lieutenant Broadhead to Admiral Elliott, C.B.*

SIR, *Her Majesty's brig, "Lynx," at sea, 27th March, 1839.*

WITH reference to my report of capture of the schooner, "*Mary Cushnig*," calling herself American, and wearing the colours of the United States, dated 25th instant, I deem it my duty, conscious of the serious consequences to which an officer renders himself liable, who interferes unnecessarily or vexatiously with a vessel sailing under the American flag, to lay before you the peculiar circumstances which induced me to act by her as by my previous report, above alluded to, I have done.

The vessel was manned entirely (with the exception of the individual calling himself Captain) by subjects of Spain and Portugal, even the supercargo being a Spaniard, incapable of speaking English; she appears, by her papers, to have been originally built and fitted at Baltimore; owned by a person named William Hooper and others, who sent her for sale to Havana by a person called John Tyler, he holding the necessary power of attorney; John Tyler makes her over to Fernando Kyes, a Spaniard, resident in Havana, who held, a power of attorney, or substitute, granting him full power to sell or dispose of her in such manner as he should consider most advisable, and to act in every way for her as he thinks proper.

In tracing through the papers on board this vessel, her log was found written entirely in Spanish, which the master, at first, refused to show—both of the present and former voyages. So far as it is possible to ascertain by her muster rolls, now sent to the Court, she has never had a single American among her crew (except the man called Captain, whose being so may be doubted from his speaking English very imperfectly, and having no American protection with him), but has sailed, manned by Spaniards, from a Spanish port, her cargo solely owned by a Spaniard, and the vessel altogether entirely in Spanish interest, as she is at present under that of Fernando Ryes, her supercargo confessedly a resident at Havana.

I have heard also that she was once detained, for six weeks, by Her Majesty's brig "Wizard," under nearly the same circumstances, at Bahia, and was only discharged in consequence of no slave equipment being found on board. She is now furnished with planks adapted for a slave deck, slave coppers, leaguers, and in general all such things as Slavers generally carry. Under all these circumstances, I could not but consider that the American colours, and the presence of an individual of that nation, calling himself Captain, but who, while I was on board, did not seem to be in any way interested in the navigation or working of the vessel, was but a subterfuge, made use of to evade the search and detention to which, as a Spanish vessel, she is liable; and that I could not, consistently with my duty as an officer cruising for the suppression of the traffic in Slaves, suffer so gross an imposition to be practised, without submitting the case to the Mixed Court of Justice at Sierra Leone, for adjudication.

I have, &c.  
(Signed) H. BROADHEAD,  
*Lieutenant and Commander.*

*To Rear-Admiral the Hon. G. Elliott, C.B.,*  
&c. &c. &c.

Eleventh Sub-Enclosure in No. 135.

*Lieutenant Fitzgerald to Commander Craigie..*

*Her Majesty's Brig, Buzzard.*  
*Princes Island, 3rd April, 1839.*

SIR,

I have the honour to acquaint you, that on the 12th ultimo, being at Fernando Po, I detained the brigantine named the "Eagle," for being equipped for the Slave Trade, and for being Spanish property, as declared to me by the master of her, a citizen of the United States.

On the 18th ultimo I sent my boats up the river Nun, having reason to believe that the master of a Spanish schooner, equipped for the Slave Trade, lying up that river, also a citizen of the United States, would surrender his vessel on hearing the fate of the first-named one. I am happy to say that my conjecture proved true, and I therefore brought the schooner out of the river, and put a prize-crew on board of her, and sent both the vessels to this island, preparatory to their being carried to Sierra Leone for adjudication. I hope this step will meet your approbation, and

I have, &c.  
(Signed) CHARLES FITZGERALD.  
*Lieutenant Commanding.*

*Commander Robert Craigie, Her Majesty's Ship "Scout,"*  
*Senior Officer on the West Coast of Africa.*

Twelfth Sub-Enclosure in No. 135.

(Declaration).

I, Lieutenant Charles Fitzgerald, Commander of Her Britannic Majesty's brigantine "Buzzard," hereby certify, that on this, 18th day of March, 1839, being off the mouth of the River Nun, in latitude 4° 23' north, longitude 6° 5' east, I detained the Spanish schooner "Clara," armed with two guns, 4-pounders, commanded by Samuel B. Hooker, who declared her to be



bound from Havana to the coast of Africa, and equipped for the Slave Trade, with a crew consisting of eleven men besides himself, and having on board provisions for an expected cargo of Slaves, and fittings for Slaves; and that the papers and documents seized by me on board the said schooner being marked from 1 to No. 52, are enumerated in the following list:

- No. 1. Bill of sale.  
 2. Muster-roll from Havana.  
 3. Manifest from Havana.  
 4. Duplicate of a Bill of lading, signed at Havana, 14th November, 1838.  
 5. Candelros of the "*Clara*." (cargo book.)  
 6 to 52. Miscellaneous papers, contents unknown.  
 Five log-books.

(Signed) CHARLES FITZGERALD,  
*Lieutenant Commanding.*

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Thirteenth Sub-Enclosure in No. 135.

(Declaration).

I, Lieutenant Charles Fitzgerald, commanding Her Britannic Majesty's brigantine "*Buzzard*," hereby declare, that on this 18th day of March, 1839, being off the mouth of the Nun in latitude 4° 23' north, longitude 6° 5' east, I detained the Spanish schooner, named the "*Clara*," commanded by Samuel B. Hooker, who declared himself to be a citizen of the United States, and that he is not the *bonâ fide* owner of the said schooner set forth in the bill of sale, found amongst her papers, and that the said Spanish schooner and cargo is Spanish property, and was equipped in Havana for the Slave Trade, in November last year, and that the two persons now on board her are Spanish subjects (their names as set forth by them respectively, are set forth in a list at foot hereof), and were entered at Havana as part of the said schooner's crew. The said Samuel B. Hooker also declares, that he was engaged by Don Pedro Forçade and Company, (Spanish merchants residing in Havana) a citizen of the United States, in order to cover the said Spanish schooner and her cargo with the flag of the nation of which he is a citizen, and that he hath no interest, nor expected interest, in the said Spanish schooner, further than what his wages might have amounted to at the termination of his destined voyage.

The said Samuel B. Hooker declares, that the said Spanish schooner "*Clara*," was lying in the river Nun, taking in provisions for her expected cargo of Slaves, and that about eighty Slaves had been bought and are now in the Baracone, near to where the schooner was lying; and the said schooner would have sailed out of the river Nun in the course of a week or ten days, with at least three hundred Slaves on board, destined for the Island of Cuba.

Given under my hand, on board Her Majesty's Ship "*Buzzard*," at sea, this 18th day of March, 1839.

(Signed) CHARLES FITZGERALD,  
*Lieutenant Commander.*

In testimony of the truth of the above declaration, the before-mentioned Samuel B. Hooker hath hereunto set his hand, this 18th of March, 1839.

(Signed) SAMUEL B. HOOKER.

Names of the Spanish Crew on board the "*Clara*."

NAMES.	QUALITIES.
Tomas G. Parrasco.	The Spanish mate of the " <i>Clara</i> ."

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Second Enclosure in No. 135.

*Mr. Strangways to the Secretary to the Admiralty.*

SIR,

*Foreign Office, 25th June, 1839.*

I received and laid before Viscount Palmerston your letter of the 8th instant, together with its accompanying papers, respecting the two Spanish vessels "*Eagle*"

and "*Clara*," sent to New York by Commander Tucker, of Her Majesty's sloop, "*Wolverine*;" and Lord Palmerston having referred the case to Her Majesty's Advocate-General, I am now directed by his Lordship to acquaint you, for the information of the Lords Commissioners of the Admiralty, that the Queen's Advocate has reported it to be his opinion that Commodore Tucker has acted very discreetly, under the circumstances, in sending the "*Eagle*" and the "*Clara*" to New York.

It is to be hoped that the course which Commodore Tucker has deemed it advisable to pursue in these cases, may lead to the punishment of the parties concerned in the Slave-Trading transactions of the "*Eagle*" and the "*Clara*," and more especially of the American citizens found on board of these vessels, and Her Majesty's Envoy at Washington will be instructed to bring the case of these vessels before the United States Government, and to express the earnest desire of Her Majesty's Government, that the circumstances may induce the United States' Government to concur with Great Britain, in admitting a mutual right of visitation and search of the Merchant-vessels of each nation; or to devise some other effectual mode for preventing the flag of the Union from the disgrace which it now lies under, of being used for the protection of the iniquitous traffic in Slaves.

I have, &c.

(Signed) W. F. STRANGWAYS.

To the Secretary of the Admiralty,  
&c. &c. &c.

No. 136.

*Viscount Palmerston to Mr. Fox.*

*Foreign Office, June 29th, 1839.*

*Circular sending Printed Papers presented to Parliament.*

(See No. 2, page 2.)

No. 137.

*Mr. Fox to Mr. Backhouse.*

*Washington, 11th June, 1839.*

*(Received, 29th June.)*

(Extract.)

I HAVE, upon several occasions, communicated to Mr. Forsyth the facts reported to Her Majesty's Government, regarding the systematic abuse of the American flag, for the protection of the illicit African Slave Trade.

I am now employed, since the receipt of Lord Palmerston's last Despatch, in preparing a detailed and circumstantial recapitulation of all the facts relative to these practices, which have been officially brought to the knowledge of Her Majesty's Government during the course of the last two years and more.

This statement I shall annex to an official Note addressed to Mr. Forsyth, in the terms directed by Lord Palmerston. A collected mass of Evidence will thus be presented to the United States' Government, which I should hope will command their attention. I shall have the honour duly to forward to Her Majesty's Secretary of State, copies of all the correspondence that may pass.

I have, &c.

(Signed) H. S. FOX.

To John Backhouse, Esq.,  
&c. &c. &c.

No. 138.

*Viscount Palmerston to Mr. Fox.*

*Foreign Office, July 2nd, 1839.*

SIR,

I HEREWITH transmit to you a Copy of a Despatch, and of its Enclosure, which I have received from Her Majesty's Commissioners at Sierra Leone, containing an account of the case of the schooner, "*Dolcinea*" captured under Portuguese

colours by Her Majesty's Sloop "Pelican," Brunswick Popham, Esq., Commander, on the 31st of October, 1838, with 253 Slaves on board, bound for Cuba, and condemned in the Mixed British and Foreign Court of Commission at Sierra Leone, as a good and lawful prize.

The Papers which were found on board this vessel show that she had wrongfully assumed the flag of Portugal, and that the illegal adventure, in the course of which she was captured, was in its character essentially Spanish.

Two Certificates of Mr. Trist, the United States' Consul at Havana, were attached to the matricula, or muster-roll of the crew of the "Dolcinea." One of these Certificates declared that the individual who acted as master of the vessel, had received his appointment to that office from the Agent of M. Caldas, the person who was named in the register of the "Dolcinea," as Portuguese owner of the vessel; and the other Certificate stated, that the Schooner "Dolcinea" carried a crew of sixteen men.

In contradiction of the first-mentioned certificate, the master himself declared, that he had received his appointment from M. Silva, a Brazilian subject, settled at the Havana, and the master declared further, that M. Silva was sole owner of the vessel and owner of the greater part of the cargo. The other certificate appears to have been framed solely for the purpose of supporting the matricula, or muster-roll; but that document was very irregular and suspicious, since it was drawn up according to the form of the muster-rolls of Slave Vessels, without mentioning the name of a single officer of the vessel; and it bore no marks of having been submitted to the Spanish authorities of the port from whence the vessel sailed.

Thus the United States' Consul at the Havana appears, on the face of these documents, to have lent his seal and signature to attest untruths, and to sanction irregularities, intended to cover undertakings in Slave Trade. You will bring these circumstances to the notice of the United States' Government, and you will, in the Note which you will present on that occasion to the Minister of the United States, express the earnest hope of Her Majesty's Government, that the President may see reason to cause inquiry to be made into this transaction, and that the American Consul at the Havana may be directed to take more care in future not to attest Documents which may be meant to cover the traffic in Slaves.

I am &c.  
(Signed) PALMERSTON.

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

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Enclosure in No. 138.

*Her Majesty's Commissioners to Viscount Palmerston, Sierra Leone,  
December 5, 1838.*

(See Class A., No. 59, page 88.)

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No. 139.

*Mr. Fox to Viscount Palmerston.*

(Extract.)

*Washington, July 4, 1839.*

*(Received, July 21.)*

HER Majesty's brig-of-war "Buzzard," Lieutenant Fitzgerald, Commander, arrived in the harbour of New York, from the African station, on the 12th ultimo, having in charge two American vessels, the "Eagle" and "Clara," of Baltimore, detained by Commander Fitzgerald, on the west coast of Africa, while engaged in the illicit traffic in Slaves.

These vessels, when detained by Her Majesty's ship "Buzzard," were sailing under American colours, but furnished with fictitious American papers.

It appears they are both *bonâ fide* Spanish property, belonging to owners (well known Slave Traders) residing at the Havana; that they were navigated by crews, all Spanish or Portuguese; and that no American citizen was found on board of either vessel, excepting the two persons calling themselves Captains, by name, "Joshua W. Littig," and "Samuel B. Hooker"; both of whom have confessed that

they have no share, part, or property in the vessels, but had been merely hired for the voyage by the Spanish owners, for the purpose of protecting the vessels from capture or detention by British cruisers, under cover of the American flag.

Under the above circumstances, as the Courts of Mixed Commission established at Sierra Leone, are obliged to decline all cognisance of Slave-Trading vessels, protected by the American flag, and in the absence from the coast of Africa of any United States' ship-of-war, Commander Fitzgerald rightly determined himself to conduct the "*Eagle*" and "*Clara*" to an American port, to be there delivered over to the judicial authorities of the United States, and dealt with according to law.

I have the honour herewith to enclose a copy of Commander Fitzgerald's official communication to me, with several documents annexed, detailing the particulars of this important case: I also enclose copies of the official correspondence upon the same subject, which has ensued between the United States Government and myself.

The case is now in the hands of the judicial authorities, and will be proceeded with according to law.

Whatever the result may be, a great advantage will have been gained to the cause of humanity by the notoriety which will be given, throughout the United States, to the fact of the present extensive abuse of the American flag, for the protection of the Slave Trade; and a remarkable corroboration and support will have been obtained for the representations, which under your Lordship's recent instructions, I am preparing to address upon the same subject to the President's Government.

Subsequently to the enclosed correspondence between the United States' Acting Secretary of State and myself, a third American Slave vessel, the "*Wyoming*," has been brought into New York, in charge of a British prize crew, having been detained on the Coast of Africa, by Her Majesty's Ship "*Harlequin*," Lord Francis Russell, Commander, under circumstances nearly similar with those of the "*Eagle*," and "*Clara*;" I have the honour to inclose an official Letter from Lieutenant Beddoes, the officer in charge, communicating to me the particulars of the case of the "*Wyoming*." I have laid the case also before this United States' Government, and I apprehend that it will be proceeded with in the same manner as the cases of the "*Eagle*," and "*Clara*."

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First Enclosure in No. 139.

*Lieutenant Fitzgerald to Mr. Fox.*

*Her Majesty's brigantine, "Buzzard,"*  
*New York, 12th June, 1839.*

SIR,

I HAVE the honour of reporting to you the arrival, at this anchorage, of Her Majesty's brigantine, under my command, with two vessels named the "*Eagle*" and "*Clara*," of Baltimore, detained by me on the west coast of Africa, under American colours, but with *fictitious* American papers, both vessels being *bonâ fide* Spanish property, owners living in the Havana, and the crews all Spaniards or Portuguese,—there not being one citizen of the United States on board either vessel, saving the two persons calling themselves Captains, by name "Joshua W. Littig," and "Samuel B. Hooker," both of whom, immediately on detention by me, admitted that they have no share, part, or property in the vessels,—notwithstanding they are called *owners* in the American bills of sale; that they were merely *hired* for the voyage by the Spanish owners, with the view of covering these vessels from capture or detention by British cruisers by the mere display of the American flag. They both further admit that the vessels were intended for a Slave-cargo, and were fitted up, and are now in every way ready and provisioned for the reception of Slaves,—the captain of the "*Clara*," S. B. Hooker, acknowledging that he belongs to the house of Forçade and Co., of Havana, and that had I taken her a week later, it would have been with a living cargo of upwards of 300 human beings on board, bound to Cuba: with depositions so strong, and such convincing proofs of the false character of these vessels, and knowing that the act of aiding in the transport of Slaves, by any of its citizens, is by the laws of the United States made piracy, I did not hesitate to detain both vessels, determined, in the absence of any American vessel of war on that coast, to take in this instance, under my protection the honour of

the American flag, and save it from the stigma that would attach, were its mere display to be permitted for a moment longer to protect those engaged in this iniquitous and inhuman traffic.

On joining Captain Tucker, the officer in immediate command of Her Majesty's squadron on the west coast of Africa, and stating to him all the above circumstances, he did not hesitate in ordering me here, enjoining me to lay the whole case, through your Excellency, before the American Government, confident that so wicked an attempt to basely prostitute the flag of a nation distinguished by its *early* repudiation of the Slave Trade, had only to be made known to its Government, to insure the promptest measures to crush a proceeding, alike injurious to the great cause of humanity as disgraceful to the parties engaged in it, and a proceeding that, if persisted in, would so completely nullify all the Treaties that Great Britain has interchanged with Spain and Portugal on the Slave Trade,—treaties for the fulfilment of which, I trust, the whole civilized world feel deeply interested.

Suffer me, therefore, through your Excellency, to call the attention of the United States' Government to the circumstance of both these vessels, as also to make known the profligate conduct pursued by many of its citizens on the west coast of Africa, in repeated attempts, similar to the present, to bring disgrace on the flag of their nation.

I have brought with me the two American citizens, or so-called captains of these vessels, and have this day surrendered them to the civil authorities of this city. Both vessels I am prepared to deliver to the American Government, if claimed as American property; if not, I intend returning with them to Sierra Leone, and there give them in as Spanish vessels for adjudication in the Court of Mixed Commission, under the late Treaty between Great Britain and Spain, dated 26th June, 1835.

I have, &c.  
 (Signed) CHARLES FITZGERALD,  
 Lieutenant and Commander.

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

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Second Enclosure in No 139.

*Mr. Fox to Mr. Vail.*

SIR,

*Washington, June 18, 1839.*

I HAVE the honour to acquaint you that Her Britannic Majesty's brig of war "Buzzard," Lieutenant Fitzgerald, Commander, arrived in the harbour of New York on the 12th instant, having in charge two vessels, the "*Eagle*" and "*Clara*," of Baltimore, detained by Commander Fitzgerald on the west coast of Africa, while engaged in the illicit traffic in slaves.

It appears that the said vessels, when detained by Her Majesty's ship "Buzzard," were sailing under American colours, but furnished with fictitious American papers; that both of them are *bonâ fide* Spanish property, belonging to owners living at the Havana; that the crews were all Spaniards or Portuguese; and that no American citizen was found on board of either vessel, excepting the two persons calling themselves Captains, by name "Joshua W. Littig" and "Samuel B. Hooker," both of whom have confessed that they have no share, part, or property in the vessels, but had been merely hired for the voyage by the Spanish owners, for the purpose of protecting the vessels from capture or detention by British cruisers, under cover of the American flag.

Under these circumstances, and with the knowledge that the laws of the United States have pronounced the crime of Slave-trading, by American citizens, to be Piracy, Commander Fitzgerald rightly determined, in the absence from the coast of Africa of any United States' ship-of-war, himself to conduct the slave-vessels "*Eagle*" and "*Clara*," together with their reputed captains, to an American port, to be there delivered over to the judicial authorities of the United States, and dealt with according to law.

The two individuals above named, Littig and Hooker, have already been delivered, by Commander Fitzgerald, into the custody of the United States district attorney at New York. The vessels "*Eagle*" and "*Clara*" will likewise be delivered over to the authorities of the United States, if the Courts of the United States can legally take cognisance of them as captured American slave-vessels. If, on the contrary, the Spanish character of the ownership and property of the vessels shall be found to stand in the way of their condemnation by the Courts of the United States, Commander Fitzgerald will in that case carry the said vessels to Sierra Leone, for trial before the British and Spanish Court of Mixed Commission there established.

I have the honour herewith to enclose, for the information of the United States' Government, a Copy of the Letter addressed to me from New York, by Commander Fitzgerald, a Copy of the Instructions addressed to Commander Fitzgerald by Captain Tucker, Her Majesty's Senior Naval Officer on the coast of Africa, also Copies of two official declarations by Commander Fitzgerald, respecting the detention of the slave-vessels, to which declarations are annexed the confessions, signed by themselves, of the American citizens, "Littig and Hooker." These different papers contain, together, full and circumstantial details of the important case of which I have had the honour to state to you the outline.

Having thus placed the whole matter before you, for the consideration of the President's Government, I have only to request that you will favour me with as early an intimation as may be possible of the course which the United States authorities will find themselves justified in pursuing, in order that the Commander of Her Majesty's ship may regulate his proceedings accordingly.

I have, &c.

(Signed)

H. S. FOX.

Aaron Vail, Esq.  
&c. &c.

Third Enclosure in No. 139.

*Lieutenant Tucker to Lieutenant Fitzgerald.*

*Her Majesty's Sloop "Wolverine,"*

*Prince's Island, April 5, 1839.*

(See page 125.)

Fourth Enclosure in No. 139.

*Mr. G. S. Boys, R.N. to Commander Reeves, H.M.S. "Lily."*

*Brigantine "Eagle," under American Colours,*

*Princes West Bay, March 8, 1839.*

(See page 127.)

Fifth Enclosure in No. 139.

*Lieutenant Fitzgerald's Declaration—"Eagle."*

(See page 128.)

Sixth Enclosure in No. 139.

*Lieutenant Fitzgerald's Declaration—"Clara."*

(See page 131.)

Seventh Enclosure in No. 139.

*Mr. Vail to Mr. Fox.*

SIR,

*Department of State, Washington, June 20, 1839.*

I HAVE the honour to acknowledge the receipt of your Note of the 18th instant, with enclosures, apprising me of the arrival at New York of Her Britannic Majesty's brig-of-war "Buzzard," Lieutenant Fitzgerald Commander, having in charge two vessels, the "Clara" and "Eagle," Spanish property, though sailing under American colours, and fictitious American papers, detained by Lieutenant Fitzgerald on the Coast of Africa, while engaged in the illicit traffic in Slaves, and, with two American citizens found on board of the said vessels, brought to this country to be delivered over to the judicial authorities of the United States, and dealt with according to law.

Having laid your communication before the President, I have been by him directed to state to you that, impelled by the same feelings of abhorrence of the inhuman traffic these men are alleged to have been engaged in, which appear to have induced their detention by Her Britannic Majesty's naval officers, and anxious that no means within his reach should be left untried to prevent or punish infractions of the laws of the United States for the suppression of the Slave Trade, the President has directed that copies of your Note, and the documents accompanying it, be transmitted to the public prosecutor, with orders to institute, before the proper tribunal, such proceedings against the individuals referred to, as existing laws and the circumstances of the case shall authorise.

With regard to the vessels, the Attorney of the United States is further instructed that if, upon the papers being submitted to him, it shall appear that they are fictitious, and that the courts of this country cannot take cognisance of the property as vessels of the United States engaged in the Slave Trade, the officers having them in charge may proceed with them as they shall think proper.

I avail myself, &amp;c.

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

(Signed)

A. VAIL, Acting Secretary of State.

Eighth Enclosure in No. 139.

*Lieutenant Beddoes to Mr. Fox.*

SIR,

*British Consulate, New York, June 29, 1839.*

HAVING been ordered by the Right Honourable Lord Francis Russell, Commander of Her Majesty's sloop "Harlequin," to take charge of, and bring direct to New York, the American brigantine "Wyoming," detained by the "Harlequin" in the River Gallinas, on the west coast of Africa, on the 17th of May last, on suspicion of her being engaged in the illicit traffic of Slaves, I have the honour to acquaint you that I arrived with the said brigantine "Wyoming" in this port last night.

The "Wyoming" had on board, at the time of her capture, besides her captain (an American), and ten Spaniards, her crew, 14 Spanish passengers from the Havana, by the captain's report, Slave-factors.

Her fittings are in all respects similar to those of other vessels engaged in the Slave Trade, she having on board enormous casks for water (capable of containing three tons each), a slave-deck, marked and numbered, and a very large quantity of rice.

I have delivered such papers as were in my possession, relative to the detained vessel, to the British Consul at this port, who has laid them before the Attorney-General.

Should it be necessary for me to proceed to Washington, I am prepared to do so instantly.

I have, &amp;c.

(Signed)

J. H. BEDDOES,  
Lieutenant, H. M. S. "Harlequin."

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

No. 140.

*Mr. Buchanan to Viscount Palmerston.**Her Majesty's Consulate, New York, June 29th, 1839.*

MY LORD,

*(Received July 22.)*

I HAVE the honour to forward a copy of a communication from Lord Francis John Russell, upon receipt of which I immediately waited upon Mr. Butler, the United States' Attorney for this district, and submitted the evidence which can be adduced for the condemnation of this vessel. I have, with the privity of Mr. Butler, used exertions to discover those citizens who are engaged in this traffic; for from the numerous vessels which it is now ascertained have proceeded from the United States, there is little doubt but some of the citizens are interested. There seems every disposition on the part of the Executive here to stop the abuse of their flag. The act of sending this vessel with the two brought in by the "Buzzard," is regarded as a manifestation of kindly feeling and respect for the United States' flag.

The course to be pursued has not yet been decided on, as the laws are very defective, and only by construction reach the case of any of these vessels; for though fitted out as Slavers, and avowedly on the coast for the purpose, yet no Slaves being found on board, nor the ship fitted out in the United States for Slaves, there is a difficulty in the technicality of the statute of reaching these particular cases. I shall have the honour of informing your Lordship of the steps which will be taken.

I have, &amp;c.

(Signed)

J. BUCHANAN.

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

&amp;c.

&amp;c.

&amp;c.

Enclosure in No. 140.

*Lord F. J. Russell to Mr. Buchanan.**Her Majesty's sloop, "Harlequin,"**Off the River Gallinas, West Coast of Africa, May 17th, 1839.*

SIR,

I BEG to inform you that having this day detained the brigantine, "Wyoming," fitted out in all respects for the illicit traffic in Slaves, and bearing American colours, I have deemed it expedient to send her to America to be there dealt with; with a view to which I have placed her in charge of Lieutenant Beddoes, of Her Majesty's sloop under my command, and directed him to proceed to New York direct. The said officer will communicate with you on his arrival, and afford you every information on the subject of the detention of the said vessel.

I have, &amp;c.

(Signed)

FRANCIS JOHN RUSSELL,  
Commander.*To James Buchanan, Esq.,*

&amp;c. &amp;c. &amp;c.

No. 141.

*Viscount Palmerston to Mr Fox.*

SIR,

*Foreign Office, August 3, 1839.*

I HAVE received your Despatch, marked "Slave Trade," of July 4, 1839, enclosing a correspondence with the United States' Government, respecting certain Slave Vessels under the United States' flag, which had been brought from Africa to New York by Her Majesty's cruisers.



It is satisfactory to Her Majesty's Government to perceive that the United States Government has taken up this matter, in a spirit becoming that determination which it has professed, to put down the African Slave Trade.

But the number of vessels bearing the American flag, which have been found pursuing that abominable trade, has of late been so great, as to make it evident, that the Slave-taders now believe that to hoist American colours gives them the fairest chance of escaping the punishment which their occupation deserves; and, unless the Federal Government will show by some public act that those hopes are unfounded, there is every reason to expect that the Coast of Africa will shortly swarm with vessels disgracing the flag of the Union, by assuming it for purposes of Slave Trade.

I have, therefore, to instruct you to represent these circumstances to the President; and to express the hope of Her Majesty's Government that the United States' Government will consent to declare, by an official Note, that vessels sailing under the United States' flag, and found engaged in Slave Trade, either with Slaves on board, or equipped for the reception of Slaves, shall not be considered as American property, unless they are manned according to the law of the United States, which requires that the captain, first, second, and third mate, and two-thirds of the crew shall be American; and further that Slave Vessels, which are not so manned and navigated, and which shall nevertheless pretend to be American property, may be dealt with according to their real Nationality.

I am, &c.

(Signed) PALMERSTON.

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

No. 142.

*Viscount Palmerston to Mr. Fox.*

SIR,

*Foreign Office, August 14, 1839.*

THE accompanying Papers from the Colonial Department contain a statement so particular in its details and so strongly corroborated that there seems no reason to doubt its truth. These papers show that a British subject, inhabitant of Sierra Leone, named Sack M'Jaie, a person of much respectability and of considerable property in that colony, is detained in a state of Slavery at Mobile, in the United States of North America.

I have to desire that you will bring to the knowledge of the United States Government, the facts connected with this case, as detailed in the enclosed papers, and that you will express the confident hope of Her Majesty's Government, that the United States Government will cause a searching inquiry to be made into the circumstances stated, and that if it shall be found that a subject of Her Majesty is detained in bondage, orders will be given to set him at liberty forthwith.

I am, &c.

(Signed) PALMERSTON.

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

First Enclosure in No. 142.

*Mr. Stephens to Mr. Strangways.*

*Downing Street, July 27, 1839.*

SIR,

I AM directed by the Marquis of Normanby to transmit to you, for the consideration of Viscount Palmerston, copies of a Despatch and of its enclosures, which have been received from the Governor of the Colony of Sierra Leone, relating to a person named Sack N'Jaie, an inhabitant of the Colony, who is stated to be detained in a

state of Slavery at Mobile, in North America; and I am to request that, in laying these papers before Lord Palmerston, you will move his Lordship to take such measures as may be necessary for asserting the liberty of that individual.

I am, &c.

(Signed) JAMES STEPHEN.

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

Second Enclosure in No. 142.

*Lieut.-Governor Doherty to Lord Glenelg.*

MY LORD,

*Government House, Sierra Leone, April 5, 1839.*

I HAVE the honour to transmit for your information, the accompanying letters and evidence, which have been received by this Government, relative to the detention, in Slavery, at Mobile, in North America, of an inhabitant of Sierra Leone, named Sarc N'Jaie, a person of much respectability, who is possessed of property in the Colony, and who was otherwise established in it by marriage and by length of residence. His case excites great interest, and I trust Her Majesty's Government may feel itself authorised to adopt some course, having for its object his restoration to liberty and to his family.

I have, &c.

(Signed) R. DOHERTY.

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

Third Enclosure in No. 142.

*Mr. Macaulay to Lieut.-Governor Doherty.*

SIR,

*Sierra Leone, April 4, 1839.*

I AM much obliged to you for the perusal of the papers respecting Sarc N'Jye, which I have now the honour to return.

Charles Smith, the seaman examined by Mr. Cole, was also examined by myself, some days previously, with the intention of making use of his deposition for the restoration of Sarc to his family, if possible, through the intervention of the British Consul at Mobile.

But when I found that the matter had been taken up by the Colonial Government; I willingly left it in their hands. Sarc N'Jye has been well known to me for a number of years, and he is one of the most honest and trustworthy men of his class that I ever met with. He is a tall powerful man, unusually black, and remarkably handsome and well formed. He is a good seaman, and an experienced pilot on this coast, having commanded one of Valentine's vessels for a long time. He has made several voyages to England on board British merchant vessels, and was possessed of a comfortable property.

Shortly before his leaving Sierra Leone, in July, 1837, he had purchased two houses, one in Maroon-town, and one in Water-street, next door to the Custom-house, for both of which he paid nearly £200.

He was also married in this Colony, on the 10th of November, 1836, as appears by a certificate of that date, No. 155: one girl, born at Freetown and christened at St. George's Church, was the fruit of this marriage, on account of whom an application was lately made to your Excellency, as Chancellor of the Colony.

Sarc N'Jye had thus become completely identified with Sierra Leone, by holding considerable landed property in it, and by his marriage. He was much esteemed by all who knew him, and by none more than myself; and I cannot, but believe, that the British Government will consider this a case, in which it may properly exert itself to restore so valuable a man to his afflicted wife and family, and to the Colony.

None, but those who knew Sarc's wife, can form an idea of the deep distress which

the poor woman has suffered on account of her husband's loss; nor could she ever mention him without tears, for many months after his disappearance had led every one to conclude that he was drowned at sea. Should Her Majesty's Consul succeed in his humane efforts to discover Sarc N'Jye, and should his ransom or his value as a Slave be required, (though I do not see how that can be, as he was a free subject of Sierra Leone) I am quite willing to be personally answerable for the amount, if necessary, as I am convinced that Sarc would himself joyfully repay to me the price of his freedom.

I have, &c.  
(Signed) H. W. MACAULAY.

*His Excellency Colonel Richard Doherty,*  
*Governor in Chief,*  
*&c. &c. &c.*

Fourth Enclosure in No. 142.

*Mr. Cole to Governor Doherty.*

SIR,

*Secretary's Office, Freetown, February 2, 1839.*

I HAVE the honour to bring under your Excellency's especial notice, the accompanying copy of a letter, dated the 7th ultimo, received from an inhabitant of this town, named Pharaoh Moses, upon the subject of his son, Sack N'Jaie, whom he represents as having been discovered in a state of abject Slavery at Mobile, in America, by a coloured man, named Charles Smith, who had been at that place about the middle of last year, and returned to Sierra Leone a few weeks back, in the merchant barque "*Lord Wellington.*"

It appears that, Sack N'Jaie left this Colony in a small hired sloop, belonging to one Piere Saye, (a joliff,) in July, 1837, for the purpose of proceeding direct to the Rio Nunez to bring down some money for a Mr. D'Erneville, to pay for a vessel which he had purchased. At the time of his leaving, it is stated that there were several severe tornadoes, and Sack N'Jaie never having been heard of from the time he left Sierra Leone, until the arrival of the said Charles Smith, a few weeks back, the family concluded that the sloop had capsized in one of those heavy storms, and that all hands were lost.

Having carefully taken the depositions of Charles Smith, and all others, whom I thought capable of giving information confirmatory of his testimony, I beg to submit the whole case for your Excellency's consideration, with a view to such steps being taken for the restoration to liberty of Sack N'Jaie, as you may deem proper.

The difference in the name of the father, Pharaoh Moses, and the son, Sack N'Jaie, is fully explained in the evidence given by the brother, Anthony Moses.

I have, &c.  
(Signed) THOMAS COLE,  
Colonial Secretary.

*His Excellency Governor Doherty,*  
*&c. &c. &c.*

Fifth Enclosure in No. 142.

*Pharaoh Moses to Mr. Cole.*

SIR,

*Freetown, Sierra Leone, 7th January, 1839.*

I BEG to represent to you, for the information of His Excellency the Governor, that about the 14th day of July, 1837, my son, Sack N'Jaie, left this port in a small sloop for the Rio Nunez, with a crew of six men, viz. :—

Thomas Saak, an apprentice to Captain Sack N'Jaie.  
John Saak . . ditto . . ditto  
Piere in Bah, a ship carpenter.  
Hose . . a tailor.  
Piere . . a cook.  
Pharaoh Obienne, a sailor.

That neither he, nor any of the crew, or the vessel, had been heard of since that

period, until a few days ago, when a man of the name of Charles Smith, who is now on board Mr. Kidd's vessel, bound to the West Indies with troops, came to my house and stated that he sailed from Bathurst, St. Mary's, River Gambia, three days after Christmas, 1837, in the "*William and Robert*," belonging to Mr. Hatfield, for New York, where he stopped about two months, and then went in an American barque, of which he does not know the name, Captain Parker, first to St. John's, New Brunswick, where she stopped about three weeks, from thence to Mobile. A few days after he got to Mobile he was asked by one of his shipmates named Frederick, to accompany him to a public-house, here he was interrogated by three young men if he was a free man, and if he had his protection; he answered that he was a free man, and belonged to Sierra Leone, but said he had no free pass, being under the apprehension that if he showed his protection which he had from the British Consul, at New York, they would destroy it: upon his saying he held no free paper, he was giving in charge of the police. After being detained three days at the police-station, he was taken away without being taken before a magistrate, about 12 o'clock in the night, and carried to a plantation, where he arrived about 9 o'clock in the morning, and where he was employed in passing cotton along, was kept in chains at the same place about two months, and has still the marks of the chains upon his arms, when he was liberated by the magistrates, before whom he was brought, through his protection; that he afterwards got back to New York; from thence to Liverpool; and that he walked from that place to London, and came out here in the "*Lord Wellington*," Captain Tate, a few days ago. Charles Smith also says that on the day he arrived at the plantation, he met with a man he knew, named Booray, belonging to the River Gambia, who told him that a man was there belonging to Sierra Leone, of the name of Sack N'Jaie—which is Jack Jaie's native name—a tall man, and the same day he saw Sack N'Jaie in chains a short distance from him, who asked him what ship brought him there; that the person who had charge over the slaves prevented them speaking, but occasionally they were able to do so to each other, in the absence of that person; that Sack told him he had been picked up by a Portuguese brig, laden with salt, from St. Jago; did not give the particulars of what had followed, but said that he was landed at Mobile, and the other people carried to Charlestown; that, after the first day, they were prevented from speaking to each other: he says also, that after he was liberated, he saw Captain Freebody, who is well known, but who, I understand, since died at Cape Coast, at Mobile, who told him he had accidentally met with Sack N'Jaie when he was out hunting; that he, Captain Freebody, was first seen and known by Sack N'Jaie, and that he had tried all he could to redeem him, and bring him home; that he had offered 400 dollars, but could not prevail on the people to give him up. This information has caused a hope in my breast that my son may be restored to me: I therefore most respectfully and earnestly pray and solicit the interference of Her Majesty's Government, that such measures may be taken as will lead to Sack N'Jaie's being liberated and restored to his afflicted wife, children, and family.

I have, &c.

(Signed) PHARAOH MOSES, ✕ his mark.

To the Hon. Thomas Cole,  
&c. &c. &c.

(A true Copy) THOMAS COLE, Colonial Secretary.

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Sixth Enclosure in No. 142.

(Deposition.)

(Colony of Sierra Leone.)

*Secretary's Office, Freetown, 31st January, 1839.*

CHARLES SMITH sworn: states that he is a native of Old Calabar; was taken in a slave ship by a man-of-war about twelve years ago; was brought up to Sierra Leone, and shortly afterwards sent to the Gambia to be located; that he has employed himself as a seaman for several years, and he went in that capacity to the Gambia, in December, 1837, in a schooner belonging to Mr. Hatfield; the master and deponent, however, not agreeing together when they reached that place, he left the schooner and joined the brig, "*William and Robert*," also belonging to Mr. Hatfield, and proceeded to New York, in America; he shipped as an able seaman, and was to

receive at the rate of twelve dollars per month, with the understanding that a passage was to be found him back to Sierra Leone from New York; the voyage to New York occupied about a month and a half, and after the brig had remained there three weeks, the master intimated his intention to proceed to other parts of the coast of America; but as deponent had expressly agreed to go no further than New York, he applied for, and obtained, his discharge; deponent resided at New York about two months, and having procured a protection or free paper from the British Consul at that city, he joined an American barque—the name of which he does not recollect—as steward, and proceeded to Mobile, which place they reached after a month's passage: whilst the barque was lying at Mobile, deponent was persuaded by one of his white shipmates to go on shore, and they both entered a public-house, where they found several people fiddling and dancing in the tap-room; one of these people seeing deponent was a black man (and deponent afterwards learned that people of his colour were never allowed to sit down in a public-house, at Mobile, but had to drink what they called for outside), asked him where he was born, where he came from, and if he had a protection: to which he replied that he was born at Sierra Leone and had come from New York, but said nothing about his protection; fearing that if they got hold of it they might destroy it, and he would get into trouble; after he had answered these interrogatories two constables were sent for, by whom he was seized and carried to a police-station, and locked up for the night.

The next morning he was sent to gaol and placed in a cell with two white men, where he remained five days; no investigation took place during this time, and on the sixth day he was placed in a fly cart and conveyed to a plantation situated a considerable distance up the country; he was handcuffed before he was put in the cart, and kept so until he reached the plantation. He exhibits a scar caused by the chafing of one of the irons on his left wrist. He does not recollect the name of the plantation, or that of the owner to whom it belonged; he was detained upon it two months, and employed in carrying bales of cotton to carts; at the end of the two months, one of the principal overseers of the plantation attended to muster the slaves and to issue clothing, and having then ascertained that deponent had a protection, he forthwith caused him to be carried to the custom-house, at Mobile, and on the officers examining the protection, he was told that he was set at liberty, and that he must endeavour to get out of the country as soon as possible: there was no British Consul at Mobile. Deponent further states that, while he was on the plantation before mentioned, he met with a black man belonging to the Gambia, named Booray, who was detained in slavery, and in the course of conversation with him he learnt that deponent's acquaintance, Sack N'Jaie, formerly belonging to this colony, and supposed to have been wrecked in a small sloop, and all hands lost, off the Rio Nunez or Pongas, about eighteen months back, was also kept in a state of slavery on the same plantation: deponent eventually found him in a small shed, in a miserable condition, his legs put in stocks, and his hands in irons, and deponent learned from him that he had been so kept for a long time; Sack N'Jaie also told him that a brig, belonging to St. Jago and laden with salt, picked them up at sea, and carried him to Mobile; and his crew, consisting of six men, to Charlestown; this was all the information he could obtain from him, as the overseer of the slaves prevented them from conversing any longer together. Deponent says that it is impossible for any one to escape from the plantation, as there are so many people employed to watch the negroes, day and night; and at Mobile, even, a free black man is forced to take off his hat in the street and remain still until the white people pass by. Deponent further states that, desirous of profiting by the advice given by the officers at the custom-house, at Mobile, to get away as soon as possible, he immediately after being set at liberty proceeded to the docks; an- seeing British colours flying on board two vessels, he went on board the nearest, which he found to be a London barque, commanded by Mr. Freebody, whom he knew, as he had been several times at Sierra Leone. Deponent was questioned by Captain Freebody as to who he was, and where he came from; and having told the whole of the circumstances, as before related, the Captain asked deponent if he had seen Sack N'Jaie, his countryman, on the plantation: deponent said that he had; and Captain Freebody remarked, that he knew him very well on the coast of Africa, and expressed his sorrow, notwithstanding he had used every effort, and made an offer of 400 dollars to procure his liberty, he had not succeeded. Captain Freebody also told deponent that he could not take him on board, as the barque was bound to the northern coast of America, where the cold was too severe for deponent. Deponent then went to the second vessel, which proved to be the "*Sarah Nixon*," belonging to Sunderland, the master of which agreed to ship deponent as steward; the "*Sarah Nixon*" sailed,

shortly after he had joined her, to New York; and taking on board a cargo of cotton, they proceeded thence to Liverpool, where they arrived in the month of ; after deponent was paid off from the "*Sarah Nixon*," he walked up to London and procured a passage to the colony, in the merchant barque, "*Lord Wellington*," which reached Sierra Leone four weeks back.

Peter Hadfield, of St. John's, New Brunswick, but at present carrying on mercantile pursuits in this colony, on being sworn, deposes that Charles Smith, a coloured seaman, went with him, in the month of December, 1837, to the Gambia, where he was discharged; deponent remained in the Gambia until the 16th January, 1838; and by the bills of lading, now in his possession, of the cargo laden on board the brig "*William and Robert*," belonging to this deponent, he finds that she sailed for New York, on or about the 8th February, 1838, but does not know whether Charles Smith was or was not engaged by the master for that voyage.

Anthony Moses, of Freetown, in the Colony aforesaid, on being sworn, deposes that his father, Pharaoh Moses, who is at present at the Gambia, is a native of the island of Goree; that he had been removed from that place when a young man, and carried to America as a slave, leaving behind him, at his native place, his son, Sack N'Jaie, and a daughter, named Mary N'Jaie, deponent's father's original name was Pharaoh N'Jaie, but having been for many years the slave of a Jew merchant at Charlestown, called "Miah Moses," he assumed that name, and has continued to go by it ever since. Deponent was born at Charlestown, while his father was in slavery, but his mother's freedom had been purchased before that event. His father having succeeded several years ago in purchasing his own freedom, the whole of the family, consisting of his two parents, himself, and a sister, left America in the year 1832, and came over to the American settlement, "*Liberia*," but, not finding that place to answer their purposes, they left it in 1835, and finally settled in this colony. Sack N'Jaie, deponent's brother, who had been for many years following the avocations of a sailor, and had been sent from this Colony and the Gambia, in small craft, to trade along the coast, was engaged by a Mr. D'Erneville at this place, in July 1837, to proceed to the Rio Nunez in a small sloop, hired of one "Pierre Saye," a joliff, to fetch down some money to pay for a condemned vessel which he had purchased at a prize-auction; and as it was the tornado season at that time, and never having heard of his brother until the arrival of Charles Smith in the Colony, the family concluded that the sloop must have got capsized in one of those storms, and all hands lost. Sack N'Jaie is married in the Colony, and has two children, who were all dependent upon him for support: since he left the Colony in July, 1837, their relatives and friends have afforded them some assistance.

Pierre Saye, a native of Goree, appeared, and, on being sworn, deposes that he has long been acquainted with Sack N'Jaie. They were both born at Goree. That at the beginning of the rains before the last, Sack N'Jaie asked deponent for the loan of his sloop, as his, Sack N'Jaie's, pulling-boat was hauled up at the Isles de Loss, to have her guard-broad streak repaired. That he told deponent that he wanted to go to the Rio Nunez to get some gold for Mr. D'Erneville, to enable him to pay for a schooner which he had bought from Mr. Fisher. Deponent agreed to let him have the sloop, which was of  $4\frac{1}{2}$  tons burthen, and was then lying in Susan's Bay, but nothing was to be paid for her hire. Sack N'Jaie took six men with him, viz. :—

1. Pierre N'Bah . . . A carpenter belonging to Goree.
2. John Saak . . . A Sherbro lad, apprenticed to Sack N'Jaie.
3. Tom Saak . . . ditto ditto
4. Hose . . . . A sailor, native of Senegal.
5. Pierre . . . . A cook, native of Senegal, and had been employed by Mr. D'Erneville at that Colony.
6. Pharaoh Obeah . . A sailor, native of Goree.

That he had not heard of Sack N'Jaie since he left until the arrival of Charles Smith, who reports that he had seen him at Mobile, in America.

Deponent states that various rumours had been circulated regarding the loss of Sack N'Jaie; some, that he had been taken by Portuguese or American vessels, and others, that he had been wrecked; but, notwithstanding he made strict inquiry at every part of the coast he touched since Sack N'Jaie left, he could obtain no information to be relied upon. Deponent believes that what Charles Smith has stated is true, as he knew Sack N'Jaie well.

(Signed)

THOMAS COLE,  
Colonial Secretary.

No. 143.

*Viscount Palmerston to Mr. Fox.*

SIR,

*Foreign Office, August 14, 1839.*

I TRANSMIT to you herewith a Copy of a Despatch, and of its Enclosure, from Her Majesty's Commissioners at Sierra Leone, containing an Abstract of Papers found on board the schooner "*Hazard*," Russell Barber, master, which was fallen in with, under American colours, on the 4th of January, 1839, by Her Majesty's brigantine "*Forester*," and was detained on the ground that she was equipped for Slave Trade, and that there were reasons for supposing her to be a Spanish vessel.

These reasons were, that her apparent owner, who accompanied her as supercargo, was a Spaniard; her master, and every single man of her crew, were Spaniards, excepting her "*Captain of the Flag*;" she was despatched from the Spanish port of the Havana for a Slave-trading voyage to Lagos; and there was nothing to connect her with America but her register, which she had obtained at Baltimore, a day previous to her departure thence for Cuba.

You will, in a Note to the United States' Government, give the substance of the information contained in the enclosed Papers; and you will urge that government to take measures for putting an end to that abuse of its Flag for purposes of Slave Trade, of which the case of the schooner "*Hazard*" furnishes so flagrant an instance.

I am, &amp;c.

(Signed)

PALMERSTON.

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

Enclosure in No. 143.

*Her Majesty's Commissioners to Viscount Palmerston. Sierra Leone,*  
*January 31, 1839.*

(See Class A, No. 26, page 28.)

No. 144.

*Viscount Palmerston to Mr. Fox.*

SIR,

*Foreign Office, August 15, 1839.*

I TRANSMIT herewith to you Copies of two Despatches from Her Majesty's Commissioners at Sierra Leone, respecting the schooner "*Florida*."

This vessel was visited in the River Gallinas, on the 13th of January, 1839, by Lieutenant Hill, of Her Majesty's brig "*Saracen*," and found to be completely fitted up for the Slave Trade.

The Papers on board this vessel showed, that an American register had been taken out for her at Baltimore, in June 1838, by G. Elvear; that she was despatched from Baltimore to the Havana, and made over to a partner of the Slave-trading firm of Mansaneda; that a fictitious sale was executed at the Havana to one Williamson, who was to assume the character of owner and the duties of master; and who was to receive a small monthly stipend for assisting, by his name and presence, in concealing a Spanish Slave Trade adventure under an American cover.

The "*Florida*" had no colours hoisted at the time when she was visited: but Williamson, who was on board another vessel close by, came to the "*Florida*," and declared that she was an American vessel, and that he was the master of her. Two days afterwards Williamson applied to Lieutenant Hill for protection against his own crew, who were all Spaniards, and who had threatened his life. Lieutenant Hill thereupon, at Williamson's request, carried the vessel to Sierra Leone. The Mixed Commission at that place declined to take cognisance of the case, because the Papers of the "*Florida*" set forth that she was an American vessel.

Williamson, however, having obtained at Sierra Leone protection from the threats of his crew, determined to abandon the "*Florida*" altogether. He accordingly removed to an American merchant-vessel lying in the port, and then caused the "*Florida*" to be hauled on shore, dismantled, broken up, and sold; and he declared

his intention to apply the produce, in the first instance, to pay to himself the wages due to him for his outward voyage, and then to hand over the balance to the real owners of the "*Florida*" whenever he should meet with them.

You will embody, in a Note to the United States' Government, the substance of the statement contained in the enclosed Papers.

You will point out to that government the want of caution shown by the United States Consul at the Havana in verifying the Papers of the "*Florida*;" and you will urge the United States Government to take some effectual step, in order to prevent the Flag of the Union from being thus used to protect the Slave Trade.

I am, &c.

(Signed) PALMERSTON.

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

Enclosures in No. 144.

*First, Her Majesty's Commissioners to Viscount Palmerston. Sierra Leone,  
January 31, 1839.*

[*Second, Ditto*

*Ditto*

*February 12, 1839.*

(See Class A, No. 25, page 26.)

( ,, No. 28, page 34.)

No. 145.

*Viscount Palmerston to Mr. Fox.*

SIR,

*Foreign Office, August 15, 1839.*

I TRANSMIT herewith to you a Copy of a Despatch, and of its Enclosure, from Her Majesty's Commissioners at Sierra Leone, containing an abstract of Papers found on board the "*Eagle*," which was visited by Her Majesty's ship "*Lily*," and detained by her on the charge of being engaged in the Spanish Slave Trade.

The "*Eagle*" bore, when detained, the United States' colours, and had on board a crew of 22 men and 6 other persons, who, in the ship's books, were termed passengers; but these 28 persons were, excepting the master, all Spaniards.

The "*Eagle*" cleared out on the 9th May, 1838, from the Havana, with a regular slave equipment. Her clearance states that she was bound for the Island of St. Thomas; but her log shows that her real destination was Lagos, to which port she proceeded, and, as it appears, embarked there a cargo of Slaves, which she took to Brazil and landed near Bahia.

By your Despatch, "Slave Trade," of the 4th July, 1839, I learn that the "*Eagle*" has been carried to the United States, and has there been delivered up to the American authorities; who will probably have disposed of the case of that vessel before this Despatch reaches America.

I send to you, however, the enclosed Papers, in order that you may embody the substance of them in a note to the United States' Government.

I am, &c.

(Signed) PALMERSTON.

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

Enclosure in No. 145.

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

(See Class A. No. 27, page 30.)



No. 146.

*Viscount Palmerston to Mr. Fox.*

SIR,

*Foreign Office, August 22, 1839.*

I HEREWITH transmit to you Copies of a Despatch and of its Enclosures, from Her Majesty's Commissioners at Sierra Leone, containing a report of the case of the brig "*Victoria*," condemned in the Mixed British and Spanish Court of Commission, at that Colony, on the ground of her being a Spanish vessel equipped for Slave Trade.

I have to desire that you will embody in a note to the United States' Government, the principal facts of the case, as contained in the accompanying Papers, drawing the attention of that Government to the proceedings of the United States' agents at the Havana, in assisting the despatch of vessels, which are evidently intended to be either Slavers or Pirates.

I am, &amp;c.

(Signed) PALMERSTON.

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

Enclosure in No. 146.

*Her Majesty's Commissioners to Viscount Palmerston. Sierra Leone,*  
*January 31, 1839.*

(See Class A. No. 35.)

No. 147.

*Viscount Palmerston to Mr. Fox.**Foreign Office, August 25, 1839**Circular, sending Address of the House of Lords.*

(See No. 4, page 2.)

No. 148.

*Mr. Fox to Viscount Palmerston.**Washington, July 30, 1839.*

MY LORD,

*(Received August 29.)*

I HAVE the honour to enclose the Copy of a Letter, which I addressed to the Acting Secretary of State of the United States, upon the subject of the American vessel "*Wyoming*," brought into the harbour of New York, in charge of a British officer and prize crew, the same having been detained on the West Coast of Africa, by Her Majesty's ship "*Harlequin*," Lord Francis Russell, Commander, while engaged in the illicit traffic in Slaves. The arrival of this vessel at New York was reported by me in my Despatch, "*Slave Trade*," of the 4th of the present month.

I also enclose the reply of the United States Secretary of State to the above communication.

The case of the "*Wyoming*" has been referred for prosecution to the United States District Attorney, at New York, in the same manner as the other cases of the American Slave-vessels, "*Clara*," and "*Eagle*," which had been previously brought into New York by Her Majesty's ship "*Buzzard*."

I understand that the present United States' District Attorney at New York, Mr. Butler, who was formerly, for some time, Attorney-General of the United States, is of opinion that all these vessels may be proceeded against as American Slavers, with a reasonable prospect of their conviction under the law of the United States, which pronounces Slave-trading to be Piracy; for that the fact of their having been found sailing under the American flag will be sufficient evidence against them, unless the real Spanish owners should come forward, in Court, with contrary evidence, to claim the property. Now, by so doing, the Spanish owners would only be proving their own wrong, and furnishing evidence for the condemnation of the Vessels, before a Mixed British and Spanish Court of Commission. In whichever way, therefore, the judicial

proceedings may terminate, I think there is now a fair prospect of the ends of public justice being obtained.

The trials will probably take place before the United States' District Court at New York, in the month of September.

The case of the captured vessels is, in the mean time, exciting much interest in the United States, and the general notoriety which will thus be given to the fact, admitting of no disguise or contradiction, that the American flag is extensively and scandalously employed for the protection of the African Slave Trade, will be productive of very great advantage; it will, I hope, have the effect of stimulating the Government of the United States and the Houses of Congress, to active efforts for the suppression of the iniquity.

I have, &c.

(Signed)

H. S. FOX.

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

&c.

&c.

&c.

First Enclosure in No. 148.

*Mr. Fox to Mr. Vail.*

SIR,

*Washington, July 5th, 1839.*

I HAVE the honour to acquaint you that subsequently to the date of my last letter, relating to the cases of the Slave vessels "*Eagle*" and "*Clara*," a third vessel, the "*Wyoming*," has been brought into New York, in charge of a British officer and prize crew, under nearly similar circumstances.

It appears that the brigantine "*Wyoming*," John Edwards, an American Master, sailing under American colours, but navigated by a Spanish crew, and fitted for the illicit Spanish traffic in Slaves, was detained on the 17th of May last, in the river Gallinas, on the west coast of Africa, by Commander Lord Francis Russell, of Her Majesty's ship "*Harlequin*," and was by him ordered to be conveyed direct to a port of the United States, to be there delivered over to the judicial authorities of the United States, and, if claimed as American property, to be dealt with according to law.

I herewith enclose a letter addressed to me by Lieutenant Beddoes, the British officer in charge of the "*Wyoming*." I presume that the United States' Government will see fit to place this case in like manner with those of the "*Clara*" and "*Eagle*," in the hands of the competent judicial authorities of the Republic.

As it appears that in the present instance of the "*Wyoming*," the American reputed Master, John Edwards, died shortly after the detention of the vessel, it is the case of the vessel only that will be to be dealt with. I conceive that the main object gained, for the vindication of public justice, will be this: the British and Foreign Courts of Mixed Commission, established at Sierra Leone, and at other stations, for the adjudication of cases of illicit Slave Trade, are, in the unfortunate absence of any Convention for such object between Great Britain and the United States, obliged to refuse to take cognizance of Slave-trading vessels detained under the American flag; but if it be legally substantiated that a vessel detained under those circumstances, after being brought into an American port, and full notice given, has not been claimed as American, it is to be hoped that the Courts of Mixed Commission will be enabled to deal with such vessel as the property of Spaniards, or as the property of the subjects of whatever other nation, having a Slave Trade Convention with Great Britain, the vessel may be found, upon sufficient evidence, really to belong to.

I avail myself, &c.

(Signed)

H. S. FOX.

*Aaron Vail, Esq.,  
Acting Secretary of State,  
&c. &c.*

Second Enclosure in No. 148.

*Mr. Forsyth to Mr. Fox.*

SIR,

*Department of State, Washington, 16th July, 1839.*

I HAVE the honour to acknowledge your note of the 5th instant, and its enclosure, in relation to the vessel "*Wyoming*," which has been recently brought into the port of New York in charge of a British officer and prize crew, under circumstances nearly similar to those connected with the Slave-ships, "*Clara*" and "*Eagle*," the subject of your communication of the 18th ultimo; and to inform you that copies of those papers have been transmitted with the necessary instructions, to the District Attorney of the United States at New York.

I have, &c.

(Signed) JOHN FORSYTH.

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

No. 149.

*Viscount Palmerston to Mr. Fox.*

*Foreign Office, September 3, 1839.*

*Circular, sending Act for the Suppression of the Slave Trade.*

(See No. 5, page 3.)

No. 150.

*Viscount Palmerston to Mr. Fox.*

SIR,

*Foreign Office, September 6, 1839.*

I HEREWITH transmit to you a copy of a communication, which I have received from Her Majesty's Consul General at the Canary Islands, giving an account of the arrival of the brig, "*Two Friends*," at the Island of Teneriffe.

From the documents enclosed in Mr. Bartlett's letter it appears, that the vessel, "*Two Friends*," left the Havana, bound for New Orleans, with a Spanish captain and a crew of eleven men, and with a Spanish flag flying; that at New Orleans American papers were procured, an American flag hoisted, and a new crew of sixteen men were entered as Americans, although none of them were natives of the United States, and the Spanish captain and crew were then, as is customary on Slave-trading voyages, entered on the papers of the vessel as passengers.

The vessel was navigated under a bill of sale and a custom house clearance from New Orleans, but she had no log-book on board. From New Orleans she proceeded to Cabanas in Cuba, and shipped at that place, leg-irons, coppers, and bags of rice. She then sailed for Africa, and landed these Slave-trading articles at Gallinas, and thence proceeded to Santa Cruz, where some of the crew, having found that the vessel was in the Slave Trade, left her.

You will embody in a note to the United States' Government, the information contained in the accompanying Papers, and you will call the earliest attention of the President to this case, as furnishing a new instance of the perversion of the flag of the Union to cover Slave Trade.

I am, &c.

(Signed) PALMERSTON.

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

Enclosure in No. 150.

*Mr. Bartlett to Viscount Palmerston. Teneriffe, July 31, 1839.*

(See Class B.)

No. 151.

*Mr. Fox to Viscount Palmerston.**Washington, August 10, 1839.**(Received September 9.)*

MY LORD,

I HAVE the honour to enclose the Copy of a Letter, together with my reply to the same, which has been addressed to me from New York by Lieutenant Fitzgerald of Her Majesty's Ship "Buzzard," in relation to a correspondence which had passed between Señor Calderon de la Barca, Spanish Minister to the United States, and himself, regarding the case of a Spaniard of the name of "Garcia Panaseo," who was found on board the American captured Slave-vessel "Clara." It would appear, that, in the instance referred to, Señor Calderon de la Barca was imposed upon by the gross misrepresentations and falsehoods of the Spanish subject who applied to him; for I am persuaded that he is one of the last persons who would willingly interfere to screen or defend an individual, of any nation, implicated in the crime of Slave Trade.

I have, &amp;c.

(Signed)

H. S. FOX.

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

&amp;c

&amp;c.

&amp;c.

First Enclosure in No. 151.

*Lieutenant Fitzgerald to Mr. Fox.*

SIR,

*Her Majesty's Ship "Buzzard," New York, July 25, 1839.*

I HEREWITH transmit Copies of a Letter from Her Catholic Majesty's Minister, as also my answer, relative to a Spaniard, on board one of the detained vessels, calling himself only a passenger, but in truth the mate, who escaped a few days back; and I trust you will deem my reply a sufficient one.

I have, &amp;c.

(Signed)

CHARLES FITZGERALD,

Lieutenant Commanding.

*To H. S. Fox, Esq.,*

&amp;c.

&amp;c.

Second Enclosure in No. 151.

*Señor Calderon de la Barca to Lieutenant Fitzgerald.*

SIR,

*New Brighton, Staten Island, July 19, 1839.*

TOMAS GARCIA PANASCO, a Spanish subject, presented himself to me a few days ago, claiming my protection as Minister of Her Catholic Majesty.

He stated that, having embarked at Havana on board the American Schooner "Clara," for St. Thomas, as a passenger, the said vessel having been captured by the ship under your command; he was kept prisoner, badly treated, had more than one hundred dollars taken from his trunk, and was frequently ill-used, until you granted him permission to land, under a caution of 500 dollars.

Although I did not give full credit to his statement, still I was inclined to think he might be innocent, since, enjoying as he did, his liberty, he might safely have crossed over to New York, absconded there, and gone away; for he appears aware of the penalties that await upon Slave-traders. His having kept his parole betokens, I think, his honesty, simple as such a fact is among persons of honour.

He begged me to interfere in his favour, that he might recover his liberty, and his property; and promised that he would remain in New York, where he would abide by the judgment of the Court, which is to decide the case of the "Clara." Not that he considers himself one of the crew, but because his testimony may be required.

The Spanish Consul assured me that, having made inquiries at the Attorney-General's Office, nothing was found there against M. Penasco; and, concluding, of course, that he had been detained under the Quarantine Laws, I told him to remain quiet, and that I supposed he would be permitted to go unmolested, when the term of detention, prescribed by the sanitary regulations, should have expired. Under these circumstances he has written me, that he has been taken up in the

streets of the Quarantine, with violence and blows, taken on board your ship, and is there detained a prisoner.

Whatever be the case, I have considered that, in obedience to the duty imposed on me by my situation of affording protection to Her Catholic Majesty's subjects, I could not possibly pursue a more proper course than to address myself frankly to you, as an officer of Her Britannic Majesty, the ally and friend of my august Mistress, the Queen of Spain; requesting you to be so kind as to forward me a statement of the true state of the question, and if it is in your power to act in favour of this Spanish subject, to restore him to liberty, and to order his property to be restored to him.

The high opinion I entertain of your justice, and of your disposition to do all the good in your power, corroborated by those who have the pleasure of your acquaintance, induces me to hope that you will have the goodness to give me a speedy and favourable answer.

I have, &c.

A. CALDERON DE LA BARCA.

(Signed)

To Lieutenant C. Fitzgerald,  
&c. &c. &c.

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Third Enclosure in No. 151.

*Lieutenant Fitzgerald to Señor A. Calderon de la Barca.*

*Her Majesty's Brig, "Buzzard," New York,  
23rd July, 1839.*

SIR,

I HAVE the honour to acknowledge the receipt of your Letter relative to Don Tomas Garcia Panasco, mate of the "*Clara*," whose desertion from that vessel on Sunday last, I presume, renders any lengthened explanation on my part no longer necessary.

I beg to assure your Excellency that there is scarcely a word of truth in all he has said, and that I know myself to be incapable of permitting any subject of Her Catholic Majesty, the friend of my august Mistress the Queen of Great Britain, to be beaten, or evil intreated while under my command.

Don Tomas Panasco never passed any bond to me. He did so, I hear, to the Health Officers, but his escaping to Havana is no breach of the sanatory laws of this country.

The money he speaks of is now in security on board the "*Buzzard*," awaiting the decision of the American Courts, or the Spanish Mixed Commission Court, as the case may be.

I have, &c.

(Signed)

CHARLES FITZGERALD,  
Lieutenant Commanding.

*His Excellency the Minister of Her Catholic Majesty,*  
&c. &c. &c.

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Fourth Enclosure in No. 151.

*Mr. Fox to Lieutenant Fitzgerald.*

*Washington, August 8, 1839.*

SIR,

I HAVE to acknowledge the receipt of your Letter of the 25th ultimo, inclosing to me copies of a correspondence which has passed between Her Catholic Majesty's Minister to the United States and yourself, in relation to the case of a Spaniard found on board one of the captured Slave-vessels, now under your charge. Your letter to the Spanish Minister appears to be quite proper and sufficient.

Señor Calderon de la Barca was probably deceived in the instance referred to, by the gross misrepresentations and falsehoods of the Spanish subjects who applied to him; but I can assure you that I believe His Excellency to be one of the last persons in the world who would willingly screen or defend an individual, of whatever nation, implicated in the crime of Slave Trade.

Señor Calderon was Under Secretary of State for Foreign Affairs at Madrid,

during the negotiation of the last Slave Trade Convention between Great Britain and Spain, through means of which a large portion of the illicit Spanish Slave Trade has been already suppressed. He was, I believe, mainly instrumental in carrying through the negotiation on the part of his Government, and for his efforts on that occasion, the thanks of Her Majesty's Government, and of all the friends of humanity are justly due to him.

I have, &c.  
(Signed) H. S. FOX.

To Lieut. Fitzgerald, R.N.,  
Commanding H.M.S. "Buzzard," New York.

No. 152.

Mr. Fox to Viscount Palmerston.

Washington, August 18, 1839.

(Received September 9.)

MY LORD,

I HAVE the honour herewith to inclose the Copy of an official Letter, which has been addressed to me by the Acting Secretary of State of the United States, communicating a Report received at the Department of State from the United States District Attorney at New York, in relation to the vessels "*Eagle*" and *Clara*, brought into New York a short time since by Lieutenant Fitzgerald, of Her Majesty's Ship "*Buzzard*," by whom they had been detained, on the Coast of Africa, for being engaged, under the American flag, in the illicit traffic in Slaves.

It will be seen that the United States' District Attorney now gives it as his formal opinion, after an examination of the papers and evidence submitted to him, that the vessels detained by Lieutenant Fitzgerald cannot be proceeded against as American property, but must be considered as owned by subjects of Spain, all the documents which lead to establish the fact of American ownership being found to be fictitious.

With regard, on the other hand, to the case of the surviving American citizen, found serving as reputed master on board one of the captured vessels, the United States District Attorney reports his opinion, that the said offender can be prosecuted in the courts of this country, under the United States' Law for the prevention of the crime of Slave Trade of the 10th May, 1800.

The above opinion agrees very nearly with the view of the case, which I had expected would be taken by the judicial authorities of the United States, when the Slave-vessels "*Eagle*" and *Clara*" were first brought into New York. Although information afterwards received through the Department of State led me for a time to believe, that the District Attorney would attempt to bring the vessels, as well as the persons of the masters, under the action of the American law.

As the circumstances of the Slave-vessel "*Wyoming*" detained on the Coast of Africa, while sailing under the American flag, by Commander Lord Francis Russell, and brought into New York in charge of a British officer, are similar to those of the "*Eagle*" and "*Clara*." I presume that the opinions delivered by the United States District Attorney in relation to the "*Eagle*" and "*Clara*," must be considered as applying equally to the case of the "*Wyoming*," which was, in like manner with the others, referred to him for prosecution; although I have not yet received a separate communication from the Government in regard to that case.

Under the circumstances, as above reported, I expect that the officers in charge of the detained vessels will decide either to carry them for adjudication, as Spanish property, before one of the British and Spanish Courts of Mixed Commission, or else to convey them to England, to be there dealt with by the British Court of Admiralty.

I have the honour to inclose the Copies of Letters, which I have addressed to Lieutenant Fitzgerald and Lieutenant Beddoes, the officers in charge of the Slave-vessels, conveying to them the legal Report of the United States' District Attorney, as officially communicated to me for their information by the Department of State at Washington.

I have, &c.  
(Signed) H. S. FOX.

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

First Enclosure in No. 152.

*Mr. Vail to Mr. Fox.*

*Department of State, Washington,  
August 14, 1839.*

SIR,

I HAVE the honour to enclose a Copy of a Letter from the Attorney of the United States for the District of New York, communicating to this Department the result of his examination of the cases of the vessels called the "*Eagle*" and "*Clara*," which formed the subject of your Note of the 18th June last, and of my answer to it, dated the 20th of the same month.

I have, &c.

(Signed) A. VAIL,  
*Acting Secretary of State.*

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

Second Enclosure in No. 152.

*Mr. Butler to Mr. Vail.*

*United States District Attorney's Office,  
New York, August 9, 1839.*

SIR,

I HAVE had the honour to receive your Letter of the 20th of June last, in relation to the two vessels called the "*Eagle*" and "*Clara*," shortly before brought into this Port by the British brig-of-war "*Buzzard*," under the command of Lieutenant Fitzgerald, together with the Copies of Correspondence enclosed therein.

The Papers found in each of these vessels have been placed in my hands by Lieut.-Commandant Fitzgerald, and I have examined the same, for the purpose of ascertaining the real character of the property. The following matters appear on these Papers:—

1st. That the vessels were built and registered at Baltimore. The register of the "*Eagle*" is dated 1st December, 1837, and that of the "*Clara*," 27th July, 1838.

2nd. That the vessels being afterwards in the Port of Havana, they were transferred at the Office of the American Consul in that Port; the "*Eagle*" to Joshua W. Lettig, and the "*Clara*" to Samuel B. Hooker: the bill of sale in each case being executed by the master of the vessel named in the register, acting by virtue of a power of attorney from the owners.

3rd. Lettig and Hooker are represented by the Papers to be American citizens; they respectively assumed the command of the vessels transferred to them, as the masters thereof, and they were in command when the vessels were examined and detained by the British cruisers.

4th. Although, on the face of the Papers, the vessels are thus represented as American property, there is the best reason to believe that they were really owned by Spanish subjects, and that the names of the American citizens were used as a mere cover to conceal the true ownership; and such, after a careful and deliberate examination of the subject, is my own decided belief.

This conclusion is founded, not only on the full acknowledgments made by Lettig and Hooker to Lieut.-Commandant Fitzgerald; and the other facts set forth in the documents laid before the State Department; the particulars of which need not be repeated by me; but on an inspection of various memoranda and other documents in the Spanish language, laid before me with the ship's papers, and which strongly confirm the Spanish ownership; I have, therefore, the honour to report, as the result of my examination and inquiries, that the documents by which these vessels are represented to be American property are in fact *fictitious*; and that each of the vessels is really Spanish property.

Under these circumstances, I do not think myself authorised by your instructions to proceed against the vessels, and have so intimated to the British Consul, and to Lieut.-Commandant Fitzgerald; but I have, as yet, made no formal communication on the subject to either, partly because I am not instructed to do so, and partly from an impression, that the Department may itself prefer to communicate to the British minister the decision which shall have been made.

Hooker, one of the American citizens found in these vessels, died soon after their arrival in this Port; against the other, Lettig, I have obtained an indictment founded on the 2nd and 3rd Sections of the Act of the 10th of May, 1800. In the view which I first took of the case, I did not believe that this Act applied, because no slaves were ever *actually* transported in, or brought on board of or procured for Lettig's vessel, and I am yet strongly inclined to this opinion. But, as it has been held by Mr. Justice Story, in an information against a vessel under the 1st Section of this Act, that it is not necessary to constitute an offence against that Section, that Slaves should have been taken on board, I have so far changed this opinion as to procure the Indictment.

Previous to this, I had instituted a civil suit against Lettig for the penalty imposed by the Act of 1794, which applies where vessels are fitted out in the United States *with intent* to engage in the Slave Trade; which Act, and the like one of 1818, I had supposed the only ones applicable to the case, and that only in the event of its being proved that the "*Eagle*" had been prepared in Baltimore with the *express design* of being employed as a Slaver, a fact which, it very soon appeared, could not be proved; as Lettig was discharged on bail in the penal action, before I thought of preferring an Indictment against him, he is not now in custody, but a warrant has been issued for his arrest.

I am, &c.

(Signed) B. F. BUTLER,  
United States District Attorney.

Aaron Vail, Esq.,  
&c. &c. &c.

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Third Enclosure in No. 152.

*Mr Fox to Lieut. Fitzgerald, R.N.*

SIR,

*Washington, August 16, 1839.*

THE Acting Secretary of State for the United States has addressed to me an official letter, dated the 14th instant, enclosing a communication received by him from the United States District Attorney at New York, to whom had been referred for prosecution, as I previously informed you, the cases of the vessels, "*Eagle*" and "*Clara*," detained by you on the Coast of Africa, for being engaged under the American flag in the illicit traffic in Slaves. I herewith forward to you certified copies of the above official communications. You will perceive that the United States District Attorney now gives it as his formal opinion, upon an examination of the papers and evidence submitted to him, that the vessels cannot be legally proceeded against as American property, but must be considered as owned by subjects of Spain. With regard, on the other hand, to the surving American citizen, found serving as reputed master on board one of the vessels, the United States District Attorney reports it as his opinion, that the offender can be prosecuted under the United States Law for the Prevention of the Crime of Slave Trade, of the 10th of May, 1800, and it appears that proceedings are about to be instituted against him accordingly.

Under the circumstances here stated, I presume that you will decide, either to carry the vessels, "*Eagle*" and "*Clara*," for adjudication, as Spanish Slave vessels, before one of the British and Spanish Courts of Mixed Commission; or else to convey them to England, to be there dealt with by the British Court of Admiralty.

The certified copy of the United States' District Attorney's opinion, which I herewith officially transmit to you, will probably serve as a record equally authentic as if the same had been communicated by him directly to yourself.

If, however, you should deem it expedient, as an additional security for the ends of justice, that the District Attorney's opinion should be delivered to yourself individually, I have no doubt that an application to that effect, addressed to him by you, will be complied with. I request that you will be so good as to communicate the contents of this letter, and its enclosures to Lieut. Beddoes, the officer in charge of the Slave vessel, "*Wyoming*." As that vessel was detained by one of Her Majesty's cruisers under circumstances similar to those of the "*Eagle*" and "*Clara*," and as the case was equally referred by the United States Government to their District Attorney at New York, it is to be presumed that the opinion



delivered upon the case of the "*Eagle*" and "*Clara*" must be considered as applying equally to that of the "*Wyoming*," although I have not yet received a separate official communication to that effect.

I address a letter upon the subject, by this day's post, to Lieut. Beddoes, informing him that I have requested you to make the abovementioned communication.

I have, &c.  
(Signed) H. S. FOX.

*Lieut. Fitzgerald, R. N.*  
*H. M. S. Buzzard.*

Fourth Enclosure in No. 152.

*Mr. Fox to Lieutenant Beddoes.*

SIR,

*Washington, August 16, 1839.*

I HAVE requested Lieutenant Fitzgerald of Her Majesty's ship "*Buzzard*," to make known to you the contents of an official Letter, with its Enclosures, which I have this day addressed to him, conveying a communication to myself from the United States' Government, in relation to the cases of the slave vessels "*Eagle*" and "*Clara*".

As the slave vessels "*Wyoming*", of which you are in charge, was detained under circumstances similar to those of the "*Eagle*" and "*Clara*", and as the case was equally referred by the United States' Government to their District Attorney at New York, it is to be presumed that the legal opinion, which the District Attorney has delivered with respect to the "*Eagle*" and "*Clara*", must be considered as applying to the case of the "*Wyoming*". Although I have not received a separate official communication from the Government to that effect.

Since, however, it may probably be expedient, as an additional security for the purposes of public justice, that you should be put in possession of the legal opinion of the United States' District Attorney, in reference separately and distinctly to the case of the "*Wyoming*", I would recommend that you should apply to him officially to that effect: and, in case of any difficulty or demur, I will, if you inform me thereof, make the application through the Department of State at Washington.

I have, &c.  
(Signed) H. S. FOX.

*Lieutenant Beddoes, R. N., New York,*  
*&c. &c. &c.*

No. 153.

*Viscount Palmerston to Mr. Fox.*

*Foreign Office, October 12, 1839.*

*Circular, on Negotiations with Portugal.*

(See No. 10, p. 6.)

No. 154.

*Mr. Fox to Viscount Palmerston.*

*Washington, September 25, 1839.*

MY LORD,

(Received October 16.)

IN my Despatch, marked Slave Trade, No. 4, of the 18th of August, I had the honour to inclose the copy of an official letter, addressed to me by the Acting Secretary of State, communicating the legal opinion, finally reported to the Department of State, by the United States' District Attorney for the State of New York, in relation to the cases of the vessels "*Eagle*" and "*Clara*," brought a short time since into the harbour of New York, by Lieutenant Fitzgerald of Her Majesty's ship "*Buzzard*," by whom they had been detained on the West Coast of Africa, for being engaged under the American flag, in the illicit traffic of Slaves.

I have now the honour to enclose a further communication addressed to me by the Acting Secretary of State, on the 19th of August, conveying the legal opinion of the United States' District Attorney, in relation to the case of the "*Wyoming*," which vessel was detained on the Coast of Africa by Commander Lord Francis Russell, and sent into the harbour of New York, under circumstances similar to those of the "*Eagle*" and "*Clara*."

It will be seen, that in the case of the "*Wyoming*" as in the similar cases of the "*Eagle*" and "*Clara*", the District Attorney delivers it as his final opinion that proceedings cannot be instituted in the courts of this country, against the vessel as American property, but that the same must be considered as owned by subjects of Spain

I herewith enclose the Copy of a Letter which I addressed to Lieutenant Beddoes, the officer in charge of the "*Wyoming*", communicating to him the legal opinion above recited; also a Copy of the Letter addressed to me by Lieutenant Beddoes in reply. I further enclose a letter recently received from Lieutenant Fitzgerald of Her Majesty's ship "*Buzzard*", in which he informs me that his presence at New York, during the trial of the American master being no longer considered necessary, it is his intention, according to instructions received from the Lords Commissioners of the Admiralty, to conduct the detained slave-vessels under his charge, to Bermuda, to be there brought for adjudication before the Court of Vice-Admiralty.

I presume that Lieutenant Beddoes will follow the same course with respect to the slave-vessel "*Wyoming*" now under his charge.

I have, &c.

(Signed) H. S. FOX.

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

First Enclosure in No. 154.

*Mr. Vail to Mr. H. S. Fox.*

*Department of State, Washington,*  
*August 19, 1839.*

SIR,

I HAVE the honour to enclose a Copy of a Letter from the Attorney of the United States for the Southern District of New York, communicating the result of an investigation of the case of the brigantine "*Wyoming*," which, as you were informed by a letter from the Secretary of State, of the 16th ultimo, he had been directed to institute.

I have, &c.

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

(Signed) A. VAIL,  
Acting Secretary of State.

Second Enclosure in No. 154.

*Mr. Butler to Mr. Vail.*

*United States' District, Attorney's Office,*  
*New York, August 15, 1839.*

SIR,

PURSUANT to the Instructions contained in your Letter of the 9th ultimo, I have examined the case of the brigantine "*Wyoming*," recently brought into this port in charge of a British Naval officer and prize-crew; and have the honour to report that, although the only papers found on board the vessel are an American register, and a list of persons composing her crew, in which she is described, in accordance with the register, as the brig "*Wyoming*," of New York, I am yet entirely satisfied that the vessel was, in point of fact, owned by a Spanish subject or subjects resident in the island of Cuba.

The register bears date the 22nd of December, 1838, and was granted, in the port of New York, to *Joseph A. Scovell*, of this city, as sole owner. *Nicholas Christopher* is described therein as then being master of the vessel. By the certificate of *J. A. Smith*, the American Vice-Consul at Havana, dated 4th

March, 1839, it appears that *John C. Edwards*, an American citizen, took the oaths required by law, and on that day became the master of the vessel in place of *Christopher*. The crew, as appears by the list made by Edwards on the 7th of March, 1839, was composed exclusively of Spanish subjects resident at Havana. In addition to this circumstance, it is stated by Lieutenant Beddoes, the British officer in charge of the vessel, that, at the time of her detention, there were on board 14 Spanish passengers from the Havana, stated by the captain to be slave-factors. The facts above mentioned are well calculated to induce the belief that the vessel had been disposed of, at the time of the change of masters, to some person or persons resident at Havana, and such as I am informed by *Mr. Scovell*, of this city, her former owner, was really the case. This gentleman, soon after the arrival of the "*Wyoming*" in this port, submitted to my inspection sundry letters, written from Havana in the beginning of the present year, by *Captain Christopher*, detailing the particulars of a sale, and of the disposition of its proceeds, of the brig in question, under a letter-of-attorney from the owner, *Mr. Scovell*. From these letters, and the other part of the correspondence and other papers exhibited to me by *Mr. Scovell*, it appears that the vessel was sent to Havana with a cargo, and that *Captain Christopher* was instructed, after disposing of his cargo, to sell the vessel if he should be able to find a purchaser; and that he did accordingly, as attorney for the owner, make such sale to *Francisco Rocosa*, a Spanish subject residing at Havana.

In this state of the case I have not thought it proper to institute any proceedings against the vessel; but, for reasons similar to those mentioned in my letter of the 9th instant, in relation to the "*Eagle*" and the "*Clara*," have made no formal communication to Lieutenant Beddoes.

I have, &c.

(Signed)

B. F. BUTLER.

*Aaron Vail, Esq.*  
&c. &c. &c.

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Third Enclosure in No. 154.

*Mr. Fox to Lieutenant Beddoes, R.N.*

SIR,

*Washington, August 20, 1839.*

I HAVE the honour to transmit to you the Copy of an Official Letter which has been addressed to me by the Acting Secretary of State of the United States, communicating a report from the United States District-Attorney at New York, in relation to the case of the slave-ship "*Wyoming*," brought by you into the harbour of New York, the same having been detained by one of Her Majesty's cruisers on the coast of Africa, for being engaged, under the American flag, in the illicit traffic in slaves. You will perceive that the United States' District-Attorney reports it to be his opinion, upon grounds similar to those which caused him to form a like opinion in respect to the slave-ships "*Eagle*" and "*Clara*," that proceedings cannot be instituted in the Courts of this country against the "*Wyoming*," as American property, but that the vessel must be considered as owned by subjects of Spain.

The certified copies which I herewith officially transmit to you, of the Acting Secretary of State's note to me, and of the opinion of the United States' District-Attorney, will, I apprehend, serve as authentic documents for legal purposes, in the same manner as if they had been addressed directly to yourself. The last sentence in the present report from the United States District-Attorney refers, as you will perceive, to part of the statement which he had made to the Acting Secretary of State, in his previous report upon the cases of the "*Eagle*" and "*Clara*."

I would therefore recommend that you should retain in your possession a copy of that report also, of which a certified copy was furnished by me to Lieutenant Fitzgerald, of Her Majesty's ship "*Buzzard*."

I have, &c.

(Signed)

H. S. FOX.

*Lieutenant Beddoes, R.N., New York.*  
&c. &c. &c.

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Fourth Enclosure in No. 154.

*Lieutenant Beddoes to Mr. Fox.*

SIR,

*New York, August 23, 1839.*

I HAVE the honour to acknowledge the receipt of two Letters from your Excellency, the one dated the 16th, and the other, containing Enclosures, the 20th instant.

I shall take care to provide myself, as you direct, with a copy of the Report made by the United States' District-Attorney, in the cases of the "*Eagle*" and "*Clara*."

From the weak and leaky state of the upper works of the "*Wyoming*," from the decayed and defective state of her masts, sails, and rigging, and from the reduced number of the prize-crew, of whom, out of 14, 9 have deserted, together with all the Spaniards, excepting the mate, I think it prudent to await the sailing of the "*Buzzard*," and to proceed under her convoy, to such port as Lieutenant Fitzgerald may determine to take his own prizes to.

I have, &c.

(Signed) J. H. BEDDOES,

*Lieutenant of Her Majesty's ship "Harlequin," in charge of "Wyoming."*

*To H. S. Fox, Esq.*

*&c. &c.*

Fifth Enclosure in No. 154.

*Lieutenant Fitzgerald to Mr. Fox.*

*Her Majesty's brig "Buzzard,"*

SIR,

*New York, 21st September, 1839.*

I HAVE the honour to acquaint your Excellency, that the American Captain of the "*Eagle*," having represented to Mr. Butler, the District Attorney, that his mother lately died at Baltimore, where he now is, and requested, through his counsel, that his trial may be postponed for a few weeks, Mr. Butler has consented thereto; but on the condition that the evidences of myself and officers are taken *now*, in order to avoid the further detention of Her Majesty's brig under my command in this port, and which has been done this day by commission; so that I am now at liberty to proceed to Bermuda, whither I am ordered to go by the Lords Commissioners of the Admiralty, and to place the two Slave vessels in the Court of Vice Admiralty in that island. I have already informed your Excellency that the "*Eagle*" was blown ashore in the gale of the 16th ultimo, but I have now some hopes that she will be got off again.

I have, &c.

(Signed) CHARLES FITZGERALD,

*Lieutenant Commanding.*

*To His Excellency H. S. Fox, Esq.,*

*&c. &c. &c.*

No. 155.

*Viscount Palmerston to Mr. Fox.*

*Foreign Office, November 2d, 1839.*

*Circular communicating Orders issued under the Act for the Suppression of the Slave Trade.*

(See No. 11, p. 6.)

No. 156.

*Mr. Fox, to Viscount Palmerston.**Washington, October 5, 1839.*

MY LORD,

*(Received November 7.)*

WITH reference to my Despatches of the Slave Trade Series, of the 18th August and 25th September, and to the correspondence therein enclosed, I have further the honour to forward herewith, the copy of a letter addressed to me by Lieutenant Fitzgerald of Her Majesty's Ship, "Buzzard," dated New York, the 22nd August, which forms a part of that correspondence.

I have, &amp;c.

(Signed) H. S. FOX.

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

&amp;c. &amp;c. &amp;c.

Enclosure in No. 156.

*Lieutenant Charles Fitzgerald to Fox.**Her Majesty's Brig, "Buzzard,"**New York 22nd August, 1839.*

SIR,

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 16th instant, and the accompanying enclosures. I regret exceedingly this new determination of the American Government. I had some days back received, informally, a communication from Mr. Butler, that such would be the line of proceeding, as any other would be surrounded by so many delicate and difficult considerations, that it was deemed prudent to adopt this plan, particularly as I concurred in thinking the vessels foreigners and not Americans. To these observations, I replied, that I sincerely regretted such a change of intention, as it would place me in a much worse position than I was in before my arrival in New York, as to condemning the vessels in a Spanish Mixed Court; inasmuch as the best and only proof I had of their Spanish character, was the testimony of the two American captains, which was no longer available, there being no Spanish papers, and now no Spanish crew, all having deserted; and that I was really at a loss what to do with the vessels; and from what I knew of the Mixed Court at Havana, there was little chance of condemning them there, even were it prudent to take vessels in their crazy state to that port, in this the hurricane season; and that, of course, it was of no use my taking them to Sierra Leone, as the simple circumstance of the American Government declining to take them into the American Courts, would not be considered additional evidence of their Spanish character, by the Mixed Court at that place; particularly when one of them had already been rejected, in common with many others, in similar circumstances.

Having stated this opinion to Mr. Butler, the more I reflect upon it the more I am confirmed in it; and consequently that my only hope of preventing these vessels being again let loose upon the seas as slavers, to the still greater encouragement of the prostitution of the American flag, is to place them in the Admiralty Court of Great Britain.

Should I be lucky enough to find you at all concur with me in these opinions, I shall deem myself fortunate.

I regret to say that one of the slave-vessels blew on shore in the late easterly gale, where she still remains bilged, and if ever got off it will be at some expense. I must not omit to state, that I appeared before the Grand Jury, who have found true bills against Littig, the remaining American captain. The trial comes on in September.

I have, &amp;c.

(Signed)

CHARLES FITZGERALD,

*Lieutenant Commanding.**To His Excellency H. S. Fox, Esq.*

&amp;c. &amp;c. &amp;c.

No. 157.

*Mr. Buchanan to Viscount Palmerston.**Her Majesty's Consulate.**New York, October 19, 1839.**(Received November 7.)*

MY LORD,

I HAVE the honour to enclose a printed report of the proceedings which took place in relation to the American schooner "*Catherine*," sent in here by Lieutenant Holland, from the coast of Africa, whose communications I had the honour to send to your Lordship upon the 10th instant, I have very little doubt but this vessel will be condemned, as owned by citizens of the United States.

I have, &amp;c.

(Signed) J. BUCHANAN.

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

&amp;c. &amp;c. &amp;c.

Enclosure in No. 157.

(Extract from an American Newspaper.)

*United States Circuit Court, before Justice Kirtland.*THE case of the slave schooner "*Catherine*."

A few days since, the British brig of war "*Dolphin*," commanded by Robert Hamilton Dundass, arrived in our harbour, from the coast of Africa, bringing in with her as a prize, the American schooner "*Catherine*" captured as a slaver. The prisoners brought home in her were the captain, Frederic Adolph Peterson, an American, and the Spanish supercargo, named Joseph Perejra, the latter of whom committed suicide on Saturday last, by cutting his throat.

Peterson was yesterday brought before Justice Kirtland, for examination on the charge.—Commander Dundass was sworn on the part of the United States, and stated, that the "*Catherine*" was captured on the 13th of August last about twenty miles off the harbour, of Quittah, a small town on the coast Africa, a well known depôt for trading vessels, but not known as a depôt for the Slave Trade. The "*Catherine*" was chased by the "*Dolphin*," for some time, and several shots fired into her: she, however, at length hove to, and was boarded by the *Dolphin*. They found on board of her the prisoner acting as commander, and a crew of six American seamen named per register as follows: Ebenezer Tucker, of Salem, master; Joseph Mackie, of Portland; William Manning, of Baltimore; James Williams, of New Orleans; John Francis, and Henry Elliot. There were also on board twenty-five Spaniards registered as passengers. The Spaniards, with all the seamen above named, made their escape at Quittah, (this we understood to be the case, but the fact did not appear on the examination) on board the vessel was found a cargo consisting of tobacco and spirits, and some 2500 dollars in species. There was also on board the frame of a complete slave deck, in sections, marked for framing, and around the interior of the vessel's sides were cleets, on which to lay the timbers for the support of the deck. The medicine chest too was found very large. There was also on board a large quantity of rice and other food usually furnished to slaves, with sets of very large cooking coppers, and some 400 pewter spoons, with other articles indicative of the intentions of the persons on board or tending to show that the voyage was intended for a traffic in Slaves. There was also on board an African, said to be the son of a Prince, who had been educated in Havana, and was probably to be used as an interpreter.

On the person of the prisoner was found a secret letter of instructions, which was surrendered by him with great reluctance, and of which the following is a copy.

"The main thing for you to do on the voyage is, to be ready in case you are boarded by a man-of-war, to show your log-book, which must be regularly kept from the time you leave here; your ship's papers, your charter-party for the voyage, your ship's roll, and instructions, and you are in that event to take all command with your American sailors according to your roll, all the others are to be

passengers, you are to be very careful that in any cross questions you do not commit yourself, always stick to the same story, When the vessel is discharged, you must at once cut your register in two pieces; one piece you must endorse, direct and send to Messrs. Thomas Wilson and Co., Baltimore, the other piece you will bring with you, and give to me when you return here; you must be very particular about that: and do not let any time pass after the cargo is out before you cut the register in two pieces, and be careful to keep them separate; throw one piece overboard, if you are obliged to, by being boarded by a man-of-war."

This letter was apparently in the hand-writing of Charles Syng, who in other papers subscribed himself as agent of the owners of the vessel.

Among other papers and documents found on board; were two log-books, one in the Spanish and the other in the English language. A regular letter of instructions, signed by J. S. Thrasher; the ship's register signed by S. A. Smith, vice consul, (in the office of United States' consul, N. P. Trist, at Havana), a protection belonging to William Manning, one of the seamen; a draft of the sections of the slave deck, (corresponding with the deck itself), the ship's company roll, signed by Robert William Allen and John Henderson, of Baltimore, represented as the owners; the charter-party with sundry documents in the Spanish language, &c. &c. The charge, Mr. Attorney Butler, said was founded upon the Act of May, 1800, and he contended sufficient proof had been elicited already, to hold the prisoner to answer the charge.

Mr. F. B. Cutting, counsel for the prisoner said, that as the Act of Congress referred to contained several sections, it was necessary to fix upon some particular clause in order to sustain the charge. He, however, contended that the true application of the Act was, to make it penal in cases only where the persons accused were detected in the act of traffic in Slaves, which had not been shown in the present case.

Mr. Butler cited, in support of his position, the case of the brig "*Alexander*," in 3rd Mason's Reports, p. 175, wherein Judge Storey had given a construction upon the law of Congress in question.

Mr. Justice Kirtland decided, that the prisoner must be held to bail in the sum of 3000 dollars, for his appearance for trial, and in default thereof he was committed. Mr. Dundas was also required to recognise in the sum of 500 dollars for his appearance to testify on the trial.

No. 158.

*Mr. Buchanan to Viscount Palmerston.*

*Her Majesty's Consulate, New York, October 10th, 1839.*

MY LORD,

(Received November 11.)

I HAVE the honour to forward for your Lordship's information a Copy of a communication addressed to me by Lieutenant Holland, commanding the brigantine "*Dolphin*," on the West Coast of Africa, which I received by the hands of Mr. Dundass, who arrived here in charge of the American schooner "*Catherine of Baltimore*," with the view to the condemnation of that vessel and the cargo on board, as fitted out for carrying on the Slave Trade. I immediately placed the documents and proofs, in the hands of Mr. Butler, the United States attorney for this district, and from the evidence, he is of opinion (no doubt in his mind of) the vessel and cargo being condemned. I had the honour to address Mr. Fox in relation to this vessel. An examination is to be had before the Court of the United States to morrow, but as a packet is sailing in the morning, I deem it proper to apprise your Lordship of the occurrence; the trial will not take place before November; it will not be necessary to retain any persons here but Mr. Dundass and two British seamen, who entered, one as mate, and the other before the mast, at the Havana, ignorant of the destination of the vessel, of which I have been perfectly satisfied, as also Mr. Dundass and Mr. Butler, while their testimony is of importance in the condemnation of the vessel; under this conviction, I deemed it prudent to relieve them from any fear of prosecution for being ranked as citizens of the United States, the ground of such persuasion I am prepared to lay before your Lordship if required; such orders as Mr. Fox may please to send shall be faithfully observed.

I have, &c.

(Signed)

J. BUCHANAN,

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

&c.

&c.

&c.

Enclosure in No. 158.

*Lieutenant Holland to Mr. Buchanan.**Her Majesty's brigantine "Dolphin," West Coast of Africa,*

SIR,

*August 14th, 1839.*

I HAVE the honour to inform you that being in command of Her Majesty's brigantine "Dolphin" and employed on the West Coast of Africa for the suppression of the Slave Trade. I have detained the Spanish schooner "*Catharine*," who was attempting to carry on that traffic under the colours of the United States; and I am induced to send her to New York, and to request your assistance to lay her case before the United States' Government in order to obtain their decision as to her nationality, that she may eventually be tried before the British and Spanish Mixed Commission Court, for a breach of the Treaty between Great Britain and Spain on the subject of the Slave Trade.

You will be aware of the refusal of that Court to adjudicate Spanish vessels who have assumed the United States' flag. As the result has been the sending over to New York some other vessels similarly situated to the present; and I feel myself the more justified in this seizure, from having, little more than two months since, detained a schooner lying at anchor in British Accra roadstead, under precisely similar circumstances. This vessel, named the "*Jack Wilding*," of Baltimore, was tried by the Mixed Commission Court, on the ground of her detention being strictly legal, as she was seized in British waters; and it having been clearly proved that she was Spanish property, and that the United States' flag was only used to evade the Treaty before mentioned, she was condemned and confiscated accordingly.

The circumstances of the "*Catharine*" of Baltimore, the schooner now seized, are as follows:—

She sailed from the Havana with a cargo shipped at that place by a person residing there; she produces a register from the United States, and has a master and crew of six men, who claim to be Americans; but she has also 25 other persons onboard styled, Passengers, who are all Spaniards or Portuguese; 21 of whose passports are herewith transmitted, the other four not being found; these 25 names will be found to agree with a list of the Spanish crew, numbered 39, apparently written by the captain who stands first on the list, and who is sent over with the vessel, as he avows himself to be supercargo of the "*Catharine's*" present voyage.

This man has been recognised by some of the "*Dolphin's*" crew, as having been captain or supercargo of a schooner, named the "*Primrose*," taken with a cargo of Slaves by the "*Dolphin*" about two years since; and others of the crew have also been identified, as having been part of the crews of different Slave-vessels, taken by the "*Dolphin*" since I have commanded her.

The papers I have signed and herewith transmitted, are numbered from 1 to 50; those from 1 to 30 were delivered to me by the ostensible American master. All the remainder were found among the effects of the other people on board, except Nos. 32 and 33, which were taken out of the above-mentioned master's pocket in the presence of Mr. R. H. Dundas, the officer in charge of the "*Catharine*," and who will be able to afford you any further information you may require. But I wish to call your attention to the two last-mentioned documents, as they throw a strong light on the true state of the case.

The letters, numbered from 43 to 50, show the true destination of the "*Catharine*," viz., Onin or Lagos, which is one of the principal slave establishments on this part of the coast; they relate almost entirely to vessels and persons concerned in this abominable traffic; and I would here beg to remark, that in these letters, whenever the word "*Vultus*," or "*Bultus*," occurs, it invariably means slaves. As you doubtless know the great extent to which the Slave Trade is now carried on under the protection of the United States' flag, I need not enlarge more on that subject, than to say that numerous cases within my knowledge, have occurred of vessels coming on this Coast under that flag, and leaving it with cargoes of slaves chiefly within the last nine months.

As I conjecture the "*Catharine*" will be disposed of in the same manner as the other vessels under similar circumstances, I have only to request, that if the



officer in charge should require it, you will provide him and his crew with a passage, either to the Coast of Africa or England, as he may deem advisable.

I have, &c.

(Signed) EDWARD HOLLAND,  
*Lieutenant and Commander.*

*To the Consul, or Chief Authority on the part of  
Great Britain, at New York or Washington.*

No. 159.

*Mr. Fox to Viscount Palmerston.*

*Washington, October 29, 1839.*

*(Received, December 1.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches of the Slave Trade Series to that of the 6th of September of the present year inclusive.

I herewith inclose the Copy of a detailed Official Note, which I have this day presented to the Government of the United States, upon the subject of the scandalous extent to which the American flag is now employed for the protection of the barbarous and inhuman traffic in African Slaves.

I have endeavoured in this note, in a manner which I hope will be approved of by Her Majesty's Government to carry out the spirit of the several instructions which I have recently had the honour to receive from your Lordship, and to embody the substance of the various reports from Her Majesty's Civil and Naval Authorities employed for the suppression of the Slave Trade, which contain evidence of the employment in that trade of the American flag, and of which Copies were transmitted to me by your Lordship.

I subjoin a Schedule of the different Documents, furnished to me in your Lordship's Despatches, of which I have transmitted Copies or Extracts to the Government of the United States, to accompany the inclosed Official Note.

I have, &c.

(Signed) H. S. FOX.

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

*&c.*

*&c.*

*&c.*

First Enclosure in No. 159.

*Mr. Fox to Mr. Forsyth.*

*Washington, October 29, 1839.*

THE Undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has been instructed by his Government to transmit to the Secretary of State of the United States, the enclosed Papers, consisting of numerous official Despatches received by Her Majesty's Government, which contain evidence of the surprising and deplorable extent to which the American Flag is now employed, for the protection of the inhuman traffic in African Slaves.

Her Majesty's Government are well persuaded that a knowledge of the frauds and evasions of the law, which these papers disclose,—frauds and evasions practised for the purpose of covering the most cruel and sordid acts of barbarity against a portion of the human race,—will excite feelings of as deep sorrow and indignation in the Government of the United States, as the discovery of them has occasioned to Her Majesty's Government, and that the Government of the United States will not delay to take resolute and effectual steps, either singly or in concert with Great Britain, for suppressing this dreadful system of crime, and for rescuing the respected Flag of the Republic from a reproach which the vilest enemies of mankind are seeking to cast upon it.

It was naturally to be expected, that the first information upon facts relating to the African Slave Trade, although connected with the flag of a foreign nation, should be conveyed through the officers of the British Government. The various and long-continued efforts of Great Britain for the suppression of the Trade, the extensive control exerted through the Conventions with Foreign Powers, and the Special Courts of Commission established in different quarters of the Globe, have given to Her Majesty's Government superior means of intelligence to what can be possessed by the Government of any other country.

It does not appear that the American Flag began to be extensively employed

for the protection of the Slave Trade, until between two and three years ago ; but from that time to this, the abuse has continued to increase in a regular and terrible proportion. Various circumstances, which are clearly pointed out in the inclosed papers, appear to have contributed to produce this effect ; but it is chiefly to be ascribed to the following cause :—through the persevering efforts of Great Britain, nearly all Christian nations, with the exception of the United States, have been induced to engage in a common league for the suppression of the Trade. Most of the maritime powers have now conceded the right of search, under due regulations, to Her Majesty's cruisers, and new conventions, negotiated with Foreign Governments, are every day adding to the extent of the combination. The miscreants who drive the detested traffic in human beings are thus gradually losing their former support, and are betaking themselves to the remaining flag, whose protection can avail them. It will be seen that Spanish, Portuguese, and Brazilian Slave Traders, with out-laws and pirates of all nations, are now flocking under the cover of the American Flag. The great bulk of the trade will soon be carried on under that protection alone ; and unless severe measures of repression be adopted, the astonishing sight will be shown to the world, of the flag of that nation which to its great honour was amongst the first to abolish the Slave Trade, becoming, nevertheless, its chief support and protection.

The Undersigned will now proceed to point out to the Secretary of State of the United States, some of the leading cases, of which the particulars are detailed in the enclosed papers.

In the year 1837, the attention of Her Majesty's officers was excited by the discovery that various vessels, intended for the African Slave Trade, were built and equipped in ports of the United States, from whence they had proceeded under the American flag, either to Havana, or to the Cape Verd Islands, or direct to the Slave Coast of Africa ; being there for the first time, and generally by fraudulent means, transferred to some Spanish or Portuguese owner ; and making the return voyage, with cargoes of Slaves on board, under the Spanish or Portuguese Flag.

It will be found by the enclosed Reports, that, in the month of October, 1837, two vessels of the above description, named the "*Washington*" and the "*Joseph Hand*," sailed from Havana for the Cape Verd Islands, under the flag of the United States, their ultimate destination being the coast of Africa, and their employment the illicit traffic in Slaves. These vessels were followed in the month of November of the same year by the American schooner the "*Cleopatra*," whose destination and character, and the criminal objects of the voyage, proved to be the same as in the cases preceding.

But one of the earliest and most marked cases of illicit Slave Trade under the protection of the American flag, to which the Undersigned is desirous of drawing the attention of the United States' Government, is the case of the "*Venus*" of Baltimore. This vessel was built at Baltimore in the beginning of 1838 ; destined, there is full reason to believe, expressly for the Slave Trade. In July, 1838, she was despatched from Baltimore for Havana, consigned to a well-known and shameless Slave-Trader of that place of the name of "*Mazorra*." On the 4th of August following, she again sailed from Havana, under the American flag, fully equipped for the Slave Trade, and bound ostensibly to Bahia in Brazil, where she was transferred to the Portuguese flag. Instead of proceeding, however, to Bahia she sailed to the coast of Africa, and returning in the short space of four months to the coast of Cuba, landed a cargo of no less than 860 slaves in the immediate neighbourhood of Havana. The name of the vessel had in the mean time been changed to the "*Duquesa de Braganza*," and upon her return to Cuba she bore the Portuguese flag, but it does not appear that any valid or legal transfer took place ; in any case, her outward voyage, with equipment for the Slave Trade, was protected by her American character. The illegal objects for which this vessel was employed, and the fraudulent transfer of ownership and flag, were assisted, there is no doubt, though it is to be hoped unintentionally, by the circumstance of the United States' Consul at Havana, exercising at the period in question, the functions of Portuguese Consul also. The *Venus* was reported at the time to be one of the fastest sailing vessels ever built, and to be capable of conveying the enormous cargo of 1100 slaves. The guilty partners in the voyage above recounted are believed to have made a clear profit, by that one voyage, of 200,000 dollars, the fruits of their inhuman crime. Most assuredly, as long as such an amazing amount of profit can be acquired, the same crimes will be committed, unless some means can be found to amend and strengthen the law,

or unless far more vigilant and strenuous exertions be used to enforce the law as it exists.

It will be found that all the above particulars, which were first reported by Her Majesty's authorities at Havana, namely, the Slave-trading adventure of the "*Venus*" to the African coast, her protection on her outward voyage, though equipped for Slave Trade, under the American flag, the shipment of 1,100 Slaves, and the fraudulent substitution of the Portuguese for the American flag, when the Slaves were actually on board, are fully and remarkably confirmed by the statement of a British officer on the African station, Lieutenant Popham of Her Majesty's ship "*Pelican*," which will be cited in a subsequent part of the present note.

By referring to the series of correspondence herewith enclosed, it will be seen, that Lieutenant Kellett, commanding Her Majesty's brig "*Brisk*," in a despatch dated 23rd of October, 1838, calls the attention of Rear-Admiral Elliot to the case of the United States' schooner "*Mary Hooper*," Charles Bergstian master and owner, belonging to Philadelphia. This vessel sailed from Havana on the 28th, 1838, for Porto Praya, consigned to a notorious Slave-dealer at the Gallinas; when last boarded by the "*Brisk*," she was lying off Trade Town, ready to take in a cargo of Slaves.

"This," observes Lieutenant Kellett, "is not the first instance in which the flag of the United States has been made use of for the purpose of screening offenders from Her Majesty's ships. If this case is successful, I fear the difficulties of Her Majesty's squadron, in suppressing the Slave Trade on this coast, will be greatly increased, as I feel confident we shall, in the succeeding season, have numerous vessels carrying on the traffic in a similar manner, when it can be done with such impunity. I am satisfied she has also Portuguese papers, which the master partly admitted (when I first boarded her) he had received at Porto Praya: if she were to meet on her arrival in the West Indies a United States' ship of war, she has Portuguese papers; and American papers for Her Majesty's ships, which, in all probability, will be the means of her being successful." It is to be observed, that the United States' Consul at Havana assisted in clearing out the "*Mary Hooper*" from that port, when bound upon the voyage of illicit Slave Trade above denounced.

In a further Despatch, addressed to Rear-Admiral Elliot by Lieutenant Kellett, dated Sierra Leone, October 29, 1838, that officer states as follows:—"On the 27th inst., Lat. 8° 22' N., long. 13° 30' W., I boarded and seized the schooner '*Mary Ann Cassard*,' under American colours. I have to state that this vessel was lately sold by Gilbert Cassard, of Baltimore, by power of attorney, to Messrs. Hernandez and Basden, of Matanzas. The crew are composed of one British subject, the master, who was formerly in Her Majesty's brigantine '*Lynx*,' on this coast, and was paid off in her; the remainder are all Spaniards. This vessel I have put into the Spanish Mixed Commission Court for adjudication, being clearly of opinion that she is Spanish property, fitted and equipped for the Slave Trade."

Rear-Admiral Elliot, commanding Her Majesty's forces on the African station, in a Despatch, dated 6th February, 1839, calls the attention of Her Majesty's Government "to the protection which Slave vessels receive from assuming the flag of the United States," and in referring to the case of the "*Mary Ann Cassard*," reported by Lieutenant Kellett, in his Despatch of the 29th October, 1838, the Rear-Admiral states as follows:—"The seaman who passed for the American captain was, I believe, an American by birth, though wishing to be received on board the '*Lynx*,' he had passed himself as an Englishman in that vessel: the man was unable to navigate any vessel, and was merely engaged to pass as the American captain when boarded by a British man-of-war. She (the '*Mary Ann Cassard*') had her Portuguese colours on board all the time, as was proved, when she was captured a month afterwards, by the same vessel ('*Brisk*') which she mistook for a French brig cruising on the same part of the coast, and consequently assumed the Portuguese character, having her Slaves then on board. Several of the Slave-dealers have declared their intention to have an American sailing master in each vessel, and American colours, and some have had the impudence to assert that the Government of the United States would not discountenance such practices, by any *Act* or Agreement which could prevent such gross abuse of the American flag, and such direct violation of their own laws. Her Majesty's sloop '*Lily*' has sent in a Spanish vessel under American colours, her whole crew Spanish, but with a pretended American captain on

board. I was also informed by the American barque 'Active,' that the 'Saracen' had detained a Spanish Slave vessel at the Gallinas under American colours. The probable object of using the American flag will be to protect the vessels up to the time of the cargo being ready for shipment, then to go through the farce of selling the vessel to a Portuguese or a Spaniard. The actual sale of nearly all the Slave-vessels in question takes place at the Havana, where one man is engaged to personify an American captain; but they seem very indifferent as to having any American papers. The mere flag, in their opinion, is sufficient; and as they are all provided also with their proper national flag, they are prepared, in case of meeting an American vessel of war. I must crave their Lordships' early instructions on this growing evil and abuse, which I feel is much too disgraceful to meet with any countenance, direct or indirect, from the Government of the United States."

In a further Despatch to Her Majesty's Government, dated from the African station, the 13th February, 1839, Rear-Admiral Elliot states:—"I have the honour to forward the copy of a letter from Lieutenant J. L. R. Holt, commanding Her Majesty's brigantine 'Bonetta,' from which and my former letters, it will be observed, that the use of the 'American flag' is becoming rapidly more general in the protection of Spanish Slave-vessels. Of American flags used for this purpose there are more than twice as many at present on this coast; and in so barefaced a manner do they proceed, that some have not even an American to personify the captain, but satisfy themselves with furnishing one of the crew with a certificate of naturalization for the occasion. If Her Majesty's ships were at liberty to send some of the pretended Americans to the United States, and the Government of that country were to uphold the honour of their flag, by subjecting such lawless felons to prosecution and punishment, it would soon put an end to the nefarious usurpations of their flag by the most notorious Slave-dealers belonging to Spain and Portugal."

It will also be seen, that similar complaints have been offered, and that similar violations of the laws of the United States, and abuse of the American flag for the protection of illicit Slave Trade, have been denounced by Her Majesty's naval officers employed on the Brazilian station. Lieutenant Birch, commanding Her Majesty's brig "Wizard," in a Despatch addressed to Commodore Sullivan, senior naval officer at Rio Janeiro, dated off Bahia, November 12, 1838, makes a report to this effect:—"I beg to submit to your notice the following statements relative to the extensive share the American flag has in forwarding and covering the traffic in Slaves, carried on by parties in the Port of Bahia. The American brig 'Dido,' of Baltimore, her master Phillips, and Manuel, supercargo, when under American colours, and *vice versa* when under Portuguese colours, left the Havana about March, 1837, with a general Slave cargo of arms, ammunition, spirits, tobacco, &c., touched at Port-au-Prince, St. Domingo, also at Bonavista, Cape Verd Islands, where it is probable she got Portuguese papers, after the usual sham sale had been effected; from thence she proceeded to Oney River, Lagos, in the Bight of Benin, and after having there disposed of her cargo, visited Wydah, where she provisioned, returning to Lagos. She finally sailed with 575 slaves on board; her crew consisting of Phillips master, Manuel supercargo, second mate a relation of Phillips, an American mulatto, a Sicilian (since murdered at Bahia), a Norwegian, two Portuguese, and one Englishman. After a three-weeks' passage, she made the Sand-hills to windward of Bahia: on reconnoitring the Port, Her Majesty's sloop, 'Sparrow-Hawk' was observed at anchor; upon which they hauled off; hoisting, however, her distinguishing flag forward, and American colours abaft, which was acknowledged from the village outside the Bar; that same evening 570 Slaves (five having died in the passage) were landed close to the point Itaparica, at the village. During the night the 'Dido' was cleared out and made her appearance in Bahia next day under American colours. The above confirms what I had before learnt from report off Bahia. The Englishman, James Fox, now serving on board the 'Wizard,' states that he would have no objection to make oath to the truth of the above statement, provided security was warranted against his being tried for a misdemeanour, or otherwise punished for his share in the transaction. James Fox received 75 dollars a month, as wages, and 100 dollars bounty when Slaves were landed. The 'Dido' was under Portuguese colours at Lagos. The 'Dido' left Bahia again on the 27th of July with a general cargo for the coast, and was expected by the 'Mary Cushing' of Baltimore, as having been left by her in September in Lagos River, in the Bight of Benin."

In a Despatch of the same date, also addressed to Commodore Sullivan, Lieutenant Birch further reports as follows:—"I boarded, on the 16th of September, off Point St. Antonio, Bahia, the '*Eagle*,' of Baltimore, a two-topsail schooner of 210 tons, under American colours, I. Littig, master, with crew and passengers, in all 21 men, from St. Thomas-on-the-Line, in ballast: her American papers were produced, and I did not conceive myself warranted in searching her: it was reported in Bahia that she had landed Slaves to the northward, and her appearance, on boarding, warranted the suspicion." The same officer, in a further Despatch, dated off Bahia, December 20, 1838, addressed to Commodore Sullivan, states, "I have the honour to report, that on the 9th of November I boarded the American schooner, '*William Ridgway*,' John Chase, jun., master and part owner, with flour for the market; after discharging, she was offered for sale, and would have been sold to parties for the Slave Trade, but the bills tendered could not be negotiated, and she left Bahia on the 19th of December for Baltimore. John Chase, jun, last voyage, sold the '*Juliana*' schooner to parties in Bahia, she sailed for the coast of Africa about the 30th of July, with a great cargo: it is said he will take Slaves to the Havana: John Chase, jun., told me he had on the stocks a vessel to be called the '*Mariana*,' nearly ready, built expressly for the Slave Trade; and that, by God! he would build as long as he could find purchasers."

Again, in another Despatch, dated off Bahia, December 20th, 1838, the same officer makes the following report with respect to the American schooner, the '*Mary Cushing*:'—"I boarded on the 10th of November, off Bahia, the '*Mary Cushing*,' of Baltimore, schooner, of 140 tons, under American colours, Reynolds, master, with a crew of 10 men, all either Portugese or Spaniards, from Lagos and Princes Island, in ballast, bound to Bahia. Her master volunteered leave to inspect: between decks four leaguers, and about 20 water-casks were observed in her hold, and also a quantity of loose plank; her range and coppers were larger than those generally used in merchant-service. In Bahia it was known she had been sold to parties at the Havana for the purpose of Slaving; that her former American master remained on board with his register, that she might still bear the flag of the United States. From Havana she went to Onin, river Lagos, for the purpose of taking in Slaves; but being closely watched by one of Her Majesty's cruisers, she, after a stay of some weeks, sailed, and finally came to Bahia in ballast: she is expected shortly to sail for the coast with a general cargo, and the first good opportunity that offers will ship Slaves, when the American Master will leave with his register, and the first mate take charge with the sale policy effected in Havana. The Master observed to the boarding officer, upon some allusion being made to the American colours he had flying, that, had he negroes on board, we should not see those colours up.

Upon referring once again to that portion of the enclosed correspondence which relates to the Coast of Africa, it will be found that Captain Popham, commanding Her Majesty's sloop "*Pelican*," in a Despatch addressed to Rear-Admiral Elliot, dated the 24th of December, 1838, states as follows:—"The active and undisguised assistance given to the Slave Trade, by citizens of the United States of America, is as notorious as it is disgraceful. The American flag has, in many instances, given protection to Spanish and Portuguese traffickers in human beings. The last instance was too shameful to pass unnoticed. A ship called the '*Venus*,' of 450 tons, built at Baltimore, on the most approved model for swift sailing, arrived at Lagos on or about the 5th of November last; about the 24th of the same month, she sailed from Lagos with a very large cargo of Slaves, said to amount to 1150. The American flag and papers (in possession of Mr. Phillips, the Commander of Baltimore,) protected her until a few days before she sailed, when he left, and the Portuguese flag was substituted for the American. It is therefore evident that, under the American flag, she was perfectly ready for the reception of Slaves. On the 28th of November, about 100 miles south of Lagos, the '*Pelican*' chased this ship, and at first gained on her, but she was lightened by throwing her deck-cargo and spars overboard, then sailed away from us with ease, although every effort was made to come up with her. On the 30th, somewhat S. E. of where our chase commenced, we picked up two spare topmasts, a topsail yard, and maintop-gallant mast, of very large dimensions, quite new, and evidently but a day or two in the water: this confirmed what I heard in Lagos respecting the '*Venus*.' We boarded then a large American brigantine, discharging a cargo for the purchase of Slaves; W. Littig, the (*soi-disant*) owner and commander, said the cargo was Portuguese property, and that he hoped the brigantine soon

would be : this is the third vessel brought out (the first and second sold for the Slave Trade) by the same individual.

“The ‘Pelican’ sailed from West Bay, Prince’s Island, on Saturday the 15th of December, for Ascension : on Monday the 17th, at daybreak, a suspicious sail was reported as being very close to us. She immediately tacked ; we made all sail in chase, and at 7 P.M. detained the Portuguese slave-schooner ‘Magdalena,’ with a cargo of 320 Slaves, from the river Brass, or Nun. Amongst her passengers was a citizen of the United States (Mr. Huntingdon), who had, on the 1st of December, made over to a Spaniard the schooner ‘Ontario,’ of Baltimore. Her sale was no doubt effected at Havana, although the bill of sale mentioned it to have taken place in Brass. In this instance the American flag gave unqualified protection to the Slave Trade, for the ‘Ontario’ was boarded by the boats of Her Majesty’s Ship ‘Viper,’ in November, and she was then reported as preparing for the reception of Slaves, but having American papers and colours. After a little conversation with the Portuguese commander of the ‘Magdalena,’ he informed me that the ‘Ontario’ was in company on Sunday afternoon ; this information was taken immediate advantage of, and sail made on a N.W.-by-W.  $\frac{1}{2}$  W. course. Tuesday, at daybreak (after a fine run), a sail was seen to the westward ; the morning was thick and rainy, but at 10 A.M., the weather cleared up, and I despatched Lieutenant March with the two gigs, to capture the ‘Ontario ;’ this he did at 11h. 30m. A.M., with 220 slaves on board. She was under Spanish Colours, but had no papers whatever ; ‘Ontario of Baltimore’ was painted in large letters on her stern. Both these vessels I sent to Sierra Leone for adjudication, informing the British Commissioners of my intention to detain the American, Huntingdon, until I received your orders respecting the disposal of him : however, on a careful perusal of the Instructions in my possession, and of the Correspondence between Great Britain and the United States of America, on the subject of the Slave Trade, I was induced to alter my intention, feeling that I should not be borne out in interfering with a citizen of the United States, which it appears to me the American Government evinced no disposition to tolerate, *even in very extreme cases*. I do not doubt, from all I hear, that the citizens of the United States (generally of Baltimore) are more deeply interested in the Slave Trade to Havana and Brazil than is generally supposed.”

In a Despatch addressed to Her Majesty’s Government by the British Commissioners at Havana, on the 1st of February, 1839, of which an extract is amongst the enclosed Papers, it will be found reported that, in the year 1837, 11 American vessels, and that, in the year 1838, no fewer than 19 American vessels were employed in the illicit Slave Trade between Cuba and the African coast. It is also stated in the same Despatch, and the fact is deeply to be regretted, that the demand for newly-imported slaves from Africa has been enhanced, and the temptation to violate the Law in like proportion heightened by the large increase in the number of sugar-plantations which has recently taken place in the Island of Cuba, chiefly through the investment therein of American capital and American industry. A due consideration of this fact will assuredly prompt the United States’ Government to exert unremitting efforts for preventing the abuse of the National Flag ; for it is impossible to suppose that any portion of the American people, who have so often and so solemnly pronounced their abhorrence of the Slave Trade, should desire to be allowed, either directly or indirectly, to reap benefit from the continuance of it.

Some of the remaining cases, to which the Undersigned will now direct the attention of the United States’ Government, not only contain evidence of the audacious abuse of the American Flag by reckless and unauthorised men, the outcasts of society, who follow the profession of the Slave Trade after the manner of public robbers and pirates,—but they disclose circumstances of a painfully suspicious character with respect to the practices followed in the Consulate of the United States at the Havana, practices which have no doubt had the effect of affording material assistance to the detested traffic, and which have a moral tendency, still more deplorable, of inducing the world to believe that the authorities and Government of the United States are not in earnest resolved to labour for its extinction. Her Majesty’s Government are unwilling to believe that any authorised agent of the United States would intentionally aid or favour the prohibited African Slave Trade ; but in cases like these, where the temptations that urge men to violate the Law are so powerful ; where the devices resorted to are so variously and artfully contrived ; and where a system of crime is to be dealt

with of such extreme and barbarous atrocity, it is clear, that an habitual carelessness and want of vigilance on the part of public functionaries may produce almost the same degree of mischief as the sin of actual connivance.

Rear-Admiral Elliot, in a Despatch, dated from the Island of Ascension, January 1, 1839, addresses the Lords Commissioners of the Admiralty as follows:—  
“I beg leave to call their Lordships’ attention to the American Consul at Havana affixing his signature to the papers of vessels about to be engaged in the Slave Traffic under the Portuguese flag, as stated by Lieutenant Kellett, of Her Majesty’s brig ‘Brisk,’ and in the report of Lieutenant Oliver of the ‘Fair Rosamond,’ as well as to the said Consul signing blank forms, to be filled up at the pleasure of the persons in command of these vessels.”

Lieutenant Kellett, in a Despatch, dated Sierra Leone, August 8th, 1838, makes the following report, “I have to state to you that during my late cruise to the ‘Gambia’ I boarded the Portuguese schooner the ‘Senhora de bon Viagem,’ from the Havana, at which place she cleared out for Porto Praya, but did not call there, and was on her way to the Island of St. Thomas. I beg to state that I examined her papers, and found that the American Consul at Havana had signed all her papers; his reason for so doing being expressed in them, viz., there being no Portuguese Consul or other authorised agent there from the Portuguese Government to do so.”

It will be further seen that Lieutenant Oliver commanding Her Britannic Majesty’s Ship “Fair Rosamond,” on the African coast, reports, that on the 19th of July, 1838, he boarded the Portuguese Slave-schooner the “Constitucão” lying in Accra roads, when “the captain produced a Cape Verd Island paper, dated the 10th of December, stating the vessel to be American built, in which the name of the captain differed from that on the muster-roll; and there were likewise found Spanish Custom-house clearances, to which were affixed the name of Mr. Trist, as American Consul, there being no Portuguese at Havana. “Her passengers, eleven in number, had Spanish passports, and evidently held the highest offices on board. One stated himself to be the owner of both vessel and cargo. In his desk was found a certificate of his birth as a Spaniard, and several printed forms signed by Mr. Trist left blank for them to fill up at pleasure.”

Commander Reeve, of Her Britannic Majesty’s sloop “Lily,” in a Despatch to the Secretary of the Admiralty, dated Gambia, April 2, 1839, makes the following statement:—“Having captured a vessel under American colours, lying at Lagos, called the ‘Eagle,’ the entire crew of which were Spaniards, with the exception of a man calling himself both master and owner. I sent her to Sierra Leone for adjudication, but the Mixed Commission Court have refused to decide, on the ground that the ship’s papers produced, set forth that she was an American vessel: when captured, she was last from Havana, and answered the description sent by the Admiralty to the Commander-in-Chief of a vessel employed in the Slave Trade, called the ‘Tres Amigos’ under Portuguese colours about to sail from Maranham. She was sold at the Havana, and the American Vice Consul attested the sale, and granted American papers: three other vessels had been captured under like circumstances by the ‘Brisk,’ ‘Saracen,’ and ‘Forester,’ and the Court has acted in like manner, one of which was afterwards taken with Slaves on board. She then hoisted Portuguese colours. I have to request that you will be pleased to acquaint my Lords Commissioners of the Admiralty with the circumstance, that immediate steps may be taken to check the protection of that flag to the Slaver, or it will be useless for Her Majesty’s cruisers to be employed in the suppression of that inhuman traffic.”

The case of the schooner “Florida,” which occurred in the beginning of the present year, offers a glaring example of the systematic abuse of the American flag, and of the facilities which are afforded for the continuance of this scandal, by a want of proper caution in the office of the United States’ Consulate at the Havana, where it might have been hoped that the utmost vigilance would be exercised, to prevent the flag of the Republic from being lent to such vile and criminal purposes.

It will be found that the “Florida” was visited in the river Gallinas, on the 13th of January, 1839, by Lieutenant Hill, of Her Majesty’s brig “Saracen,” and discovered to be completely fitted up for the Slave Trade. The papers which were found on board showed that an American register had been taken out for the vessel at Baltimore, in June, 1838, by G. Elvear; and she was despatched

from Baltimore to the Havana, and made over to a partner of the notorious Slave Trading firm of Manzanedo ; that a fictitious sale was executed at the Havana, to one Williamson, who was to assume the character of owner, and the duties of master, and who was to receive a small monthly stipend, for assisting by his name and presence, in concealing a Spanish Slave Trade adventure under an American cover. The British and Spanish Mixed Commission at Sierra Leone, declined to take cognizance of the case of the "*Florida*," because the papers, although upon the strongest grounds believed to be fictitious, gave an apparent character to the vessel.

The subsequent fate of the "*Florida*" is remarkable. The reputed American master, Williamson, after soliciting and obtaining from the British captor, personal protection against his own Spanish Crew on board the "*Florida*," who had mutinied, determined upon his arrival at Sierra Leone, to break up and abandon the vessel altogether.

He accordingly removed on board an American merchant ship lying in the port, and then caused the "*Florida*" to be hauled on shore, dismantled, broken up and sold ; declaring his intention to apply the proceeds in the first instance to pay himself the wages due to him, and then to hand over the balance to the real owners of the vessel, whenever he should meet with them.

The British Commissioners at Sierra Leone, in reporting to Her Majesty's Government the above case of the "*Florida*," in their Despatch of the 31st of January, 1839, offer the following important observations :—"It will be seen, that George Elvear of Baltimore, took out an American license for his schooner "*Florida*" in June, 1838, and immediately dispatched her to Havana for sale, under the charge of the Captain, Matthew Kelly, who was appointed the agent of the owner, with power of substitution. Kelly appointed Don Juan Manzanedo, of the firm of Manzanedo and Abrisqueta, his substitute, and within three months and a half from the date of the American register, a bill of sale of the "*Florida*" was executed by Manzanedo to D. B. Williamson the present master. Such are the representations of the ship's papers ; unfortunately however for the credit of the Bill of Sale, another paper was discovered, shewing that Williamson, instead of being the owner, was to receive from the well known Slave trading firm of Manzanedo and Abrisqueta (who, if not themselves the owners of the "*Florida*," were at any rate the agents of the owners) a small monthly stipend for assisting by his name and presence in concealing a Spanish Slave Trade adventure under an American cover. The pay of this man was only to continue until the vessel should be ready to receive her return cargo, when, owing, we presume, to an intention to change the flag to Portuguese or Spanish, his services would be no longer of use ; but even then he was to be allowed his passage back to Havana free of expense. The equipment of the "*Florida*" for the Slave Trade, was complete, and the captor would have possessed ample means of convicting his prize of being an essentially Spanish vessel, engaged in the illicit traffic, had he been permitted to take advantage of the information acquired by his unauthorised search. The aforesaid Williamson acknowledged, that, so far as the Bill of Sale related to himself, it was false, and that he had no claim whatever to the character of owner ; and he attempted to clear himself of being a party to the fraud, by declaring that he had not been aware of the existence of this false document until some time after he left Havana. We have little doubt that the American Register and Muster-roll are as fictitious as the paper, the falsehood of which is admitted : they are however recognised by American authorities as true and valid, entitling the vessel which carries them to all the privileges of an American character ; and in our views of the matter, the fact of such a recognition is sufficient to protect from search and detention an apparent American vessel, so long as America persists in refusing to our cruisers the right of visitation. The tenderness with which the independence of the flag of the United States' has been treated under so much provocation, will we trust have its proper effect. Of the actual existence of the evils which were anticipated from America's determined denial of the privilege of search, no doubt can now be entertained ; and it is to be hoped that some remedial measures will be at any rate adopted by herself, to check and punish the abuse which has clearly resulted from her retention of a right which other nations have consented, under certain circumstances, and for a well defined and humane object, to waive without any injury to their National honour. We will here only recommend one measure to which America can offer no reasonable objection. It is that a force of small brigs, brigantines, or schooners-of-



war, should be sent on this Coast by the American Government, each of which should cruise and visit the Slave Trading Rivers and Stations in company with one of our vessels.

Cruising singly would have comparatively little effect, as the same vessel which would show American Colours and Papers to a British Officer, might shew Portuguese or Spanish Papers and Colours to an American Officer. The crews of such vessels are always composed of Spaniards, with the exception of one American, who in the presence of the British cruiser of his own nation would declare himself a passenger, and would probably produce a passenger's passport from Havana. Cruising in couples, on the contrary, would remove the possibility of such evasion, if the American Flag and Pass were assumed by a slaver, she would be taken charge of by the one, and if she declared herself, or if she could be proved to be, Spanish, Portuguese, or Brazilian, she would be a prize to the other man-of-war. At present, however, the coast swarms with vessels apparently American, and a rich harvest of Prizes would follow the arrival of a squadron of American cruisers, armed with authority to capture on the ground of equipment."

The undersigned earnestly invites the attention of the United States' Government to the remarks and suggestions of Her Majesty's Commissioners at Sierra Leone above cited. Those gentlemen possess a thorough knowledge of the frauds and devices resorted to by the miscreants who now carry on the illicit Slave Trade; and they are the best possible judges of the means which ought to be employed to counteract them. The earnest wish of Her Majesty's Government to obtain the concurrence of the Government of the United States, in an agreement for the exercise of a mutual right of search under proper regulations, is sufficiently well known.

If this concurrence cannot be obtained, the employment along the Slave Coast of a combined force of British and American cruisers upon the plan above suggested by the British Commissioners would no doubt effect a speedy and material diminution of the Trade. The undersigned, however, would respectfully suggest that no time ought to be lost in amending the United States law against Slave Trade, to the extent of making that law applicable to vessels manifestly equipped for the Slave Trade, even when no slaves are found actually on board. The addition of this Clause to the British Law, and the insertion of an analagous Article in many of the recent Slave Trade Conventions concluded between Great Britain and Foreign Powers, have been found of material service in repressing the trade. By means of this Equipment Article and Law, not only are many Slave Traders punished by the loss of their vessels, which they would otherwise save from condemnation; but what is of far more importance to the cause of humanity, Slave Trade adventures are thereby frustrated before the fulness of the crime has been committed, and consequently before the unfortunate Africans, the destined victims of the crime, have been doomed to the horrors of embarkation as slaves, and to the chances of misery and destruction that follows.

The same Despatch from the British Commissioners contains also, with reference to the case of the "*Florida*," the following remarks upon the conduct of the United States' Vice Consul at Havana, as exhibited by the papers found on board the vessel "He (the American Vice Consul) recognised as a valid document a register which had apparently been cancelled, and of which only the left half had been produced to him; and he acknowledged Williamson as owner of the '*Florida*' and the purchaser of that vessel, although no power of Attorney, or power of substitution was forthcoming to prove the right, which either Kelly, the alleged agent, or Manzanedo, the alleged substitute and seller, had received from Elvear, the original named in the mutilated Register, to dispose of the property in question. Nor does it seem to have excited any doubt in the mind of Mr. Smith, that a vessel fully equipped for the Slave Trade, and bound for the most notorious slave mart on the Coast of Africa, should, be cleared out from Havana, by one of the most extensive Slave Merchants in Cuba, with a crew of which the Captain of the Flag was the only person who professed to be an American citizen."

A reference to the Abstract of Papers found on board the "*Florida*," which is annexed to the Despatch of the British Commissioners, will satisfy the United States' Government, that the above remarks are neither unjust nor unnecessarily severe.

Another gross and flagrant instance of the abuse of the United States' Flag for purposes of illicit Slave Trade is furnished by the case of the schooner

"*Hazard*" of Baltimore, Russell Barber, master, which vessel was fallen in with on the Coast of Africa, under American colours, by Her Majesty's brigantine "Forester," and detained on the ground that she was equipped for Slave Trade, and that there were sufficient reasons for believing her to be a Spanish vessel. The "*Hazard*" was brought for trial before the British and Spanish Mixed Court of Commission at Sierra Leone; but the fact of the vessel having been detained while sailing under the Flag and Pass of the United States rendered it improper, in the opinion of the Court, to sanction the prosecution.

The British Commissioners at Sierra Leone, in reporting the case to Her Majesty's Government in their Despatch of 31st January, 1839, (to which Despatch is annexed an Abstract of the Papers found on board the "*Hazard*"), make the following statement. "The '*Hazard*' received an American Register at Baltimore on the 11th of May, 1838, and on the following day she was despatched to Havana for sale. On the 19th of September Don Francisco Montero, a merchant at Havana, who has since accompanied the vessel in the ostensible character of supercargo, received full power to dispose of the vessel, when, where, and how he pleased. There is little doubt Montero had in fact become the owner of the property over which he possessed such absolute control, and the power of Attorney under which that control was exercised, was a mere blind. Barber, the American, was also it appears, only 'Captain of the Flag,' the real master who cleared out the vessel from Havana, whose name was endorsed on the clearance as captain, being Don Benito Sandez, who is described in the muster-roll as first mate. Although cleared out for St. Thomas, the destination of the '*Hazard*' was the slaving port of Lagos in Africa, and she carried from Havana letters for various persons at that place; and the fittings of the vessel sufficiently demonstrated the illegal objects of the voyage. The American captain died on his passage to this port, and the '*Hazard*' was then left to navigate the seas, without having on board one citizen of the nation to which she claimed to belong. The crew were all foreigners; a Spanish merchant exercised over her all the rights of ownership; and she received her outward cargo and her Slave-trading equipment in a Spanish port, to which, according to the declaration of the late master, she intended to return, when her business on the coast is completed.

"There is nothing to connect her with America, but her Baltimore register, and the recognition of her American character by Mr. Smith, the United States' Vice Consul at the Havana; nor could she ever have been intended, to be employed in the commerce of America, for on the day after the American Register was obtained, she sailed for Havana, with a power of Attorney on board to sell her forthwith. Under these circumstances, all that the captor required to procure the condemnation of the '*Hazard*' as a Spanish vessel engaged in the Slave Trade, was the right to avail himself of discoveries produced by his visitation and search."

Annexed to the Despatch of the British Commissioners, from which the above is an extract, will be found an abstract of the various papers and letters discovered on board the "*Hazard*." The especial attention of the United States' Government is invited to these papers, as not only containing evidence of the nefarious employment of the American flag in this one instance, but as throwing important light upon the constant and regular system of fraud, which is now practised for the purpose of covering the African Slave Trade by the use of the American flag, and for the prevention of which, the United States' Consular agents at the Havana have certainly not exerted the necessary vigilance.

It will be seen by reference to a correspondence, which took place in the month of January last, between Her Majesty's Commissioners at the Havana and the United States' Consul at that Port,—copies of which correspondence are amongst the enclosed papers,—that the United States' Consul, at the Havana, continues to receive with reluctance and ill will, and with a singular want of courtesy, whatever evidence and information are tendered to him by Her Majesty's Commissioners, respecting the evasions and violations of the American law for the suppression of the Slave Trade. Her Majesty's Government have reason greatly to regret this disposition on the part of an authorised agent of the United States. It is to be remembered that the two Governments have mutually engaged to each other, by the 10th Article of the Treaty of Ghent, that they will "use their utmost endeavours to promote the entire abolition of the Slave Trade," and it would seem to be no more than was required by the respect which the agents of each country must feel for the other, that they should not only themselves act in strict accordance

with the spirit of the engagement which their own Government has contracted, but that they should with readiness and cordiality furnish to and receive from the agents of the other Government, any evidence or information which may be calculated to enable that other Government more effectually to accomplish the common purpose.

It will likewise have been observed, that the United States' Consul at the Havana, is reported to have been in the habit, during the absence of a regular Portuguese agent, of exercising the functions of Portuguese as well as American Consul for that port. The extreme imprudence of this arrangement will surely be acknowledged, when it is considered that the subjects of Portugal are the most inveterate and audacious Slave dealers that infest the ocean, and that the port of Havana has long been one of the most notorious and offensive Slave marts of the globe.

It also appears, as will have been seen by the official reports above cited, that the United States' Consul at Havana, when clearing out vessels notoriously about to be employed in the Slave Trade, has followed the extraordinary practice of affixing his name to *blank forms*, to be filled up at pleasure by the persons in command of those vessels. Her Majesty's Government would deeply regret to discover that an authorized agent of the United States, possessing apparently the confidence of his Government, had directly and intentionally lent his assistance to the detested traffic in Slaves; but the undersigned must repeat that the extraordinary and unaccountable conduct here reported, must inevitably produce the same effect as wilful and criminal connivance.

With reference to this part of the subject, the United States will next call the attention of the United States' Government to certain facts connected with the conduct pursued in the American Consulate at Havana, which transpired upon the trial of the Portuguese slave vessel the "*Dulcinea*," an official report of which trial, furnished by the British Commissioners at Sierra Leone, and annexed to their despatch to Her Majesty's Government of the 5th December, 1838, is placed amongst the enclosed papers.

The "*Dulcinea*" was captured North of the Line, under Portuguese colours, with 253 slaves on board, by Commander Popham, of Her Majesty's ship "*Pelican*," on the 31st October, 1838, and having been brought for adjudication before the British and Portuguese Mixed Court of Commission at Sierra Leone, was condemned as a good and lawful prize, on the 3rd December of the same year. The papers found on board this vessel, showed that she had wrongfully assumed the Portuguese flag, and that the illegal adventure in the course of which she was captured, was in its character essentially Spanish. Two certificates, signed by Mr. Trist, United States' Consul at Havana, acting apparently in the character of Portuguese Consul also, were attached to the matricula or muster-roll of the crew of the "*Dulcinea*;" one of these certificates declared that the individual who acted as master of the vessel, had received his appointment to that office from the agent of M. Caldas, the person who was named in the register of the "*Dulcinea*" as Portuguese owner of the vessel, and the other certificate stated that the "*Dulcinea*" carried a crew of 16 men. In contradiction to the first mentioned certificate, the master himself declared, that he had received his appointment from M. Silva, a Brazilian subject settled at Havana, and the master declared further that M. Silva was sole owner of the vessel, and owner of the greater part of the cargo. The other certificate seems to have been framed solely for the purpose of supporting the matricula or muster-roll; but that document was very irregular and suspicious, since it was drawn up according to the form of the muster-rolls of Slave vessels, without mentioning the name of a single officer of the vessel, and it bore no marks of having been submitted to the Spanish authorities of the port from whence the vessel sailed.

It is possible that both the declarations, the one attested in the certificate as well as the one sworn to by the master, were false; but in any case it appears upon the face of these documents, that the seal and signature of the United States' Consulate were lent to attest gross inaccuracies, and to sanction fraudulent practices devised for covering illicit Slave Trade. Her Majesty's Government earnestly hope that the Government of the United States will order a strict investigation to be made into the facts here denounced, and will cause such regulations to be enforced for the future as may prevent a repetition of such culpable practices.

The undersigned regrets to add that the case of the "*Victoria*," a vessel condemned at Sierra Leone, in the month of January last, as a Spanish Slaver, although wrongfully and fraudulently assuming the Portuguese flag, furnishes further and more recent evidence of the extraordinary practices followed in the Consulate of the United States at Havana, which have afforded the sanction of the seal and signature of that Consulate to notorious and almost avowed undertakings of Slave Trade and piracy. The details of this case are given in full amongst the enclosed papers, in a despatch from Her Majesty's commissioners at Sierra Leone, dated the 31st of January, 1839, with a report of the trial annexed.

With reference to the case of the Slave trading vessel, the "*Eagle*" of Baltimore, which was recently brought into the harbour of New York in charge of a British officer and prize crew, and which has finally been delivered back into the hands of the captor as Spanish property, by the judicial authorities of the United States, some important additional information respecting the character of that vessel, and respecting her previous Slave trading voyage between Africa and Brazil under the protection of the American flag, is furnished by the British commissioners at Sierra Leone, in a despatch to Her Majesty's Government of the 12th February, 1839. Before being finally captured by Her Majesty's ship "*Buzzard*," the '*Eagle*' had already, as has been stated in a former part of this note, been visited and detained in Lagos roads on the coast of Africa, by Her Majesty's ship "*Lily*," Captain Reeve commander, upon suspicion of being employed in illicit Slave Trade on Spanish account. Her protection under the American flag constrained the British and Spanish Mixed Commission to decline entertaining the case. In transmitting to Her Majesty's Government an abstract of the papers found on board the "*Eagle*," the British commissioners make the following statement:—

"The "*Eagle*" obtained an American register at Baltimore, on the 1st of December, 1837, and on the same day her owners took measures to effect a sale of her. Being built and intended for the Slave Trade, she was at once despatched to Havana, where she was soon after disposed of. Who became the real owner, it is difficult to say; but the ostensible owner was the present master, Joshua W. Lettig, to whom every assistance for clearing his vessel for the coast was rendered by the Consul and Vice-Consul of the United States at the Havana. On the 9th of May, 1838, the '*Eagle*' was cleared out at Havana with a regular Slave equipment for the Island of St. Thomas, although Mr. Consul Trist, in a certificate on the following day declares that she was bound to Whydah, and the log shows that her real destination was Lagos. The crew shipped at Havana with the sanction of the American Consul, were all Spaniards, and agreed to serve under the American Lettig, '*or whoever should go for master, on a voyage to Whydah—'or wherever the master may direct.*' Accordingly having reached this coast, and having been loaded at Lagos, they proceeded to Brazil, and entered into the port of Bahia on the 18th of September, 1838, after having landed, as there is every reason to believe, a cargo of Slaves somewhere in the immediate neighbourhood. Mr. Foster, the American Consul at Bahia, disregarded the absence of any clearance or authority which would justify the '*Eagle's*' appearance at Bahia, as if it were allowable for a vessel to wander over the world from one quarter of the globe to another; in defiance of her papers he overlooked the complete slaving equipment which she carried, and the Spanish crew by which she was navigated; indeed he added 12 Spanish seamen to her muster-roll, and then despatched her to the coast of Africa, ballasted with Slave leaguers, and with a cargo of tobacco worth 20,000 dollars, shipped by the oldest Slave dealer in Brazil, and consigned to the order of an Havana merchant at Lagos. In addition to the 12 Spaniards added to the former Spanish crew at Bahia, six other Spaniards were there shipped, furnished with passports as passengers bound to the coast of Africa. These persons were in like manner seamen, and were still on board the '*Eagle*' when detained by Her Majesty's ship '*Lily*,' two months after their arrival on this coast. A crew of 27 Spaniards and one American on board a vessel so furnished, both from its composition and numbers, sufficiently showed the real character of the expedition for which they were engaged.

"From some, amongst the papers which relate to another American brig the '*Teazer*,' we discover that J. W. Lettig is no novice in the art of making the American flag subservient to the slaving adventures of Spanish and

Brazilian merchants. We have been made more particular in detailing the facts of these American cases, from the belief that they would be made the subject of representations to the American Government, although the flag of the United States has been so extensively employed in the Slave Trade, that it is now met with in every Slave haunt on the coast; it is only lately that such has been the case. The immediate causes which have led the Slave dealers to invoke its assistance, were the expressed determination of America not to be a party to any Convention on the subject of the Slave Trade. Secondly, the concession of an equipment article by Spain; and thirdly, the practical adoption of the principle, that in cases where the right of visitation and search exists, the national character of a vessel may be fixed by the residence of her merchant owner, and by the course of trade in which she is engaged in opposition to the presumption arising from her flag and register."

"Three years ago, the abuse which now so universally prevails as to be a matter of every day occurrence, was only a subject of anxiety and apprehension. In a Despatch which we had the honour to address to your Lordship on the 2nd January, 1836, speaking of the various means which, in our opinion, would be used to escape from the operation of the new Spanish Treaty, the Commissioners remarked: 'It seems probable that the flag of the United States may be made use of for the same purpose, particularly by those vessels intending to trade north of the Line.' And again, in the same Despatch: 'American vessels will, we have no doubt, be employed in assisting slave adventures, by conveying to the coast, without fear of detention, all the articles necessary for the outfit of a vessel on her return voyage, and which, if found on board one of the vessels for whose use they are intended, would at once lead to her condemnation.' At the very time that the above Despatch was written, the Commissioners at the Havana, expressed in their Despatches to your Lordship similar opinions and apprehensions. Since then, the unfavourable anticipations which our experience had taught us on both sides of the Atlantic to form, have been too fully realized."

The above extracts sufficiently denounce the open and audacious manner in which the flag of the United States is now assumed by the Slave traders of Spain and Brazil; and it is also evident therefrom, that the United States' Consuls at Havana and at Bahia have not interfered to prevent it.

Mr. Bartlett, British Consul-General in the Canary Islands, in a Despatch to Her Majesty's Government of the 31st July, 1839, states that, on the 15th of that month, a vessel under the American flag, called the "*Two Friends*," suspected upon very strong grounds to be engaged in the Slave Trade, arrived at the port of Santa Cruz, in Teneriffe. It appears from the evidence contained in the documents annexed to Mr. Bartlett's Despatch, that the said vessel, the "*Two Friends*," had left the Havana bound for New Orleans, with a Spanish captain and a crew of 11 men, and with a Spanish flag flying; that at New Orleans American papers were procured, an American flag hoisted, and a new crew of sixteen men entered as Americans, although none of them were natives of the United States; and the Spanish captain and crews were then, as is customary on Slave trading voyages, entered on the papers of the vessel as passengers. The vessel was navigated under a bill of sale, and a custom house clearance from New Orleans; but she had no log book on board. From New Orleans she proceeded to Cabanas in Cuba, and shipped at that place leg irons, coppers, bags of rice, and other articles belonging to the notorious equipment of Slave Traders. She then sailed for Africa, and landed the above Slave trading articles at Gallinas; and thence, lastly, proceeded, in the month of July of this year, to Santa Cruz in Teneriffe, where some of her crew, having found that the vessel was engaged in Slave Trade, left her. The above is a summary of the evidence regarding the voyage of the "*Two Friends*," of which the details will be found in the documents annexed to Mr. Consul Bartlett's despatch, which are placed amongst the enclosed papers. One other important point to which the undersigned is desirous of calling the attention of the United States' Government, is the fact of foreign vessels fully equipped for Slave Trade, and notoriously destined for that illegal pursuit, having been permitted to enter ports of the United States, refit, and again to clear out from the same ports for the prosecution of their criminal enterprize. It will be seen, by referring to a Despatch, herewith enclosed, from Her Majesty's Commissioners at Sierra Leone, dated July 31, 1838, that after reporting the case of the Portuguese Slave vessel the "*Prova*," a short while before captured on the African coast, with a cargo of 225 slaves on board, and condemned by the Mixed Commission, those gentlemen state as follows:—"Stress

of weather, and damage received at sea, compelled the 'Prova,' soon after she left Havana, to put into Charleston to refit, and she remained there for nearly three months. The outward appearance alone of this vessel would, it might be supposed, have excited suspicion as to the real object of her voyage; but it is surprising that, fitted and equipped as she was for the Slave Trade, and with her leaguers and slave-deck on board, she should have been permitted to clear out from an American port for the coast of Africa. Francisco José Dias, the master of the 'Prova,' deposed, that the voyage commenced and was to have ended at Havana; that the last clearing port was Charleston; that the vessel was proceeding on her voyage from Havana to the African coast, when she carried away her jib-boom, and received other considerable damage, which compelled her to go to Charleston, where she remained about three months refitting, and thence sailed direct to the Calabar, where her Slaves were shipped."

Her Majesty's Government entertain a confident hope, that the Government of the United States will adopt such measures as may be calculated to preclude for the future the possibility of vessels evidently employed in illicit Slave Trade, refitting at their leisure in a port of the United States, and again publicly clearing out from the same port to pursue their criminal voyage. With a desire to avoid carrying the present note to an inconvenient length, the Undersigned has limited himself to a consideration of the leading points contained in the inclosed papers. A number of further details will be found in those papers, well deserving the attention of the United States' Government.

It would also be a superfluous duty on the part of the Undersigned, to offer any lengthened observations on the remarkable manner in which the statements and arguments above recapitulated have been recently confirmed by the cases of the four vessels, the "Eagle," "Clara," "Wyoming," "Catherine," captured under American colours, while engaged in illicit Slave Trade, and brought into the harbour of New York in charge of British officers and prize crews. The whole details relating to those cases are already in the possession of the Government of the United States.

In conclusion, the Undersigned has to state, that it remains the settled conviction of Her Majesty's Government, that the most sure and effectual means of checking the African Slave Trade, would be afforded by a Conventional Agreement between Great Britain and the United States, for the mutual exercise of the right of search, under due regulations, by the cruisers of the two nations: and the Undersigned is instructed once more to urge this proposal upon the serious attention of the President of the United States. The regular, rapid, and frightful increase of the African Slave Trade, under the abuse of the American flag, which has been observed to take place since the period when the above proposal was last discussed, appears to Her Majesty's Government to offer a very strong argument in favour of a re-consideration by the United States of the decision then formed. If obstacles, which her Majesty's Government are unwilling to anticipate, should still prevent the concurrence of the United States in such an agreement, Her Majesty's Government have only to express their anxious hope, that the Government of the United States may be able to devise some other effectual method, either singly, or in concert with Great Britain, for arresting the progress of a guilty and sinful traffic, which Her Majesty's Government are well convinced the Government of the United States do, equally with the Government of Great Britain, abhor, reprobate, and detest.

The Undersigned, &c.  
(Signed)

H. S. FOX.

To the Hon. John Forsyth,  
&c. &c. &c.

Second Enclosure in 159.

SCHEDULE.

1.

Her Majesty's Commissioners to Viscount Palmerston. Havana, October, 1,  
1837.

2.

Her Majesty's Commissioners to Viscount Palmerston. Havana, December 28,  
1837.

CLASS D.

3.

*Extract from a Despatch of Her Majesty's Judge, Havana, August 22, 1838.*

4.

*Lieutenant Kellett, R.N., to Rear-Admiral Elliot. Her Majesty's Brig "Brisk," at Sea, October 23, 1838.*

5.

*Lieutenant Kellett to Rear-Admiral Elliot. Her Majesty's Brig "Brisk," Sierra Leone, October 29, 1838.*

6.

*Rear-Admiral Elliot to Charles Wood, Esq., "Melville," at Sea, February 6, 1839.*

7.

*Rear-Admiral Elliot to Charles Wood, Esq. "Melville," at Sea, February 13, 1839.*

8.

*Extract from a Despatch of Lieutenant Holt, R.N., to Rear-Admiral Elliot, Her Majesty's Brig "Bonetta," Prince's Island, February 11, 1839.*

9.

*Lieutenant Birch, R.N., to Commodore Sullivan, C.B., Her Majesty's Brig "Wizard," off Bahia, November 12, 1838.*

10.

*Lieutenant Birch, R.N., to Commodore Sullivan, C.B., Her Majesty's Brig "Wizard," off Bahia, November 12, 1838.*

11.

*Lieutenant Birch, R.N., to Commodore Sullivan, C.B., Her Majesty's Brig "Wizard," off Bahia, December 20, 1838.*

12.

*Extract from a Despatch of Captain Popham, R.N., to Rear Admiral Elliot, Her Majesty's Sloop "Pelican," at Sea, December 24, 1838.*

13.

*Extract from a Despatch of Her Majesty's Commissioners, Havana, January 1, 1839.*

14.

*Extract from a Despatch of Rear-Admiral Elliot to Mr. Wood. "Melville," Ascension, January 1, 1839.*

15.

*Lieutenant Kellett, R.N., to Rear-Admiral Elliot. Her Majesty's Brig "Brisk," Sierra Leone, August 8, 1838.*

16.

*A Return of Vessels engaged in the Slave Trade, searched and detained by Her Majesty's Ships and Vessels under the Orders of Rear-Admiral the Honourable George Elliott, C.B., on the Cape and African Station, between the 1st of October and the 31st of December, 1838.*

17.

*Commander Reeve, R.N., to C. Wood, Esq., Her Majesty's Sloop "Lily," Gambia, April 2, 1839.*

18.

*Her Majesty's Commissioners to Viscount Palmerston. Sierra Leone, January 31, 1839.*

(Two Enclosures. Case of the "Florida.")

19.

*Her Majesty's Commissioners to Viscount Palmerston. Sierra Leone, January 31, 1839.*

(One Enclosure. Case of the "*Hazard*.")

20.

*Her Majesty's Commissioners to Viscount Palmerston. Havana, January 19, 1839.*

(Four Enclosures. Correspondence between Her Majesty's Commissioners and Mr. Consul Trist.)

21.

*Her Majesty's Commissioners to Viscount Palmerston. Sierra Leone, December 5, 1839.*

(One Enclosure. Case of the "*Dulcinea*.")

22.

*Her Majesty's Commissioners to Viscount Palmerston. Sierra Leone, January 31, 1839.*

(One Enclosure. Case of the "*Victoria*.")

23.

*Abstract of the Papers found on board the Brig "Eagle," J. W. Lettig, Master.*

24.

*Mr. Consul-General Bartlett to Viscount Palmerston. Santa Cruz, Teneriffe, July 31, 1839.*

(Three Enclosures. Case of the "*Two Friends*.")

25.

*Her Majesty's Commissioners to Viscount Palmerston. Sierra Leone, July 31, 1839.*

(One Enclosure. Case of the "*Prova*.")

No. 160.

*Mr. Fox to Viscount Palmerston.*

*Washington, November 12, 1839.*

(*Received, December 1.*)

MY LORD,

I HAVE had the honour to receive your Lordship's Despatch of the Slave Trade series, of the 14th of August of this year, with several documents annexed, relating to the case of a free coloured man, named "*Sarc N'Jye*," a subject of Her Majesty, belonging to the colony of Sierra Leone, who is believed to be wrongfully held in Slavery upon a plantation in the state of Alabama.

In conformity with your Lordship's instructions contained in the above Despatch, I addressed an official Letter to the Secretary of State of the United States, of which I herewith enclose a copy, requesting that a searching inquiry might be instituted into the case of the coloured man in question, with a view to his immediate deliverance from slavery, if the facts that have been reported to Her Majesty's Government should prove to be true.

The official reply addressed to me by the Secretary of State is likewise herewith enclosed, in which your Lordship will perceive, that the United States' Government desire to be put in possession of certain further portions of information, in order to be enabled to prosecute the required investigation with a better prospect of success. I have lost no time in applying to Her Majesty's Consuls at New York, and at Mobile, in Alabama, and to Her Majesty's Authorities in the Province of New Brunswick, in order to obtain the desired information. I shall communicate that information when, obtained, to the Government of the United



States; and I shall then have the honour further to report to your Lordship the progress of the investigation.

I have communicated likewise to Her Majesty's Consul at Mobile the substance of the present case, and have desired him to collect for me, with due caution, all the information in his power, tending to throw light upon the subject of inquiry.

I have, &c.

(Signed) H. S. FOX.

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

&c. &c. &c.

First Enclosure in No. 160.

*Mr. Fox to Mr. Forsyth.*

SIR,

*Washington, October 22, 1839.*

I HAVE the honour herewith to enclose the copy of Despatch addressed to me by Viscount Palmerston, with several documents annexed, relating to the case of a free coloured man, a subject of Her Majesty, belonging to the Colony of Sierra Leone, and possessed there of considerable property; who, there is reason to believe, is at this moment held in slavery upon a plantation in the state of Alabama.

I am instructed to request that the United States' Government will be pleased to cause a searching inquiry to be made into the facts of this case, in order that the coloured man may be immediately restored to his liberty, if the circumstances related in the reports received from Sierra Leone shall prove to be true; and there seems to be no reason to doubt their accuracy. It appears that the man's name is Sarc N'Jye, as nearly as it can be written: he is believed to have been wrecked on a coasting voyage upon the African shore, and to have been picked up by a Portuguese vessel, and carried into slavery about a year and a half or two years ago. The name of the person who now claims to own him is not known; but the plantation upon which he is employed is stated to be a large cotton plantation in the immediate neighbourhood of Mobile. All the particulars that are yet known to Her Majesty's Authorities, are detailed in the inclosed papers, and it is hoped that the evidence will be found sufficient to enable the legal officer of the United States' Government to conduct the inquiry to a satisfactory issue.

I avail myself, &c.

(Signed) H. S. FOX.

*To the Hon. John Forsyth,*

&c. &c. &c.

Second Enclosure in No. 160.

*Mr. Forsyth to Mr. Fox.*

*Department of State,*

SIR,

*Washington, October 30, 1839.*

I HAVE the honour to acknowledge the receipt of your Note of the 22nd instant, with enclosures, requesting that an inquiry may be instituted into the facts of the alleged detention, as a slave on a plantation in the vicinity of Mobile, of a man of colour, named Sarc N'Jye, a subject of Her Britannic Majesty, belonging to the colony of Sierra Leone.

Upon a careful perusal of the papers, it is found that the affidavit of Charles Smith, another man of colour, and the only person pretending to have any positive knowledge of the detention of Sarc N'Jye, though diffuse in the narration of unimportant particulars, is defective, and in some instances, entirely silent as to names, dates, and other statements essential to a successful prosecution of the inquiry. This circumstance, taken in connexion with the improbable character of the whole transaction, is calculated to create some doubt as to the veracity of the deponent, and the correctness of the information upon which rests the application made in the name of your Government. It is not, therefore, without much

diffidence that this department enters upon the execution of the President's directions, to institute the desired enquiry ; and, in order that no means within reach, of testing the truth of the statements made by Charles Smith may be overlooked, I request that you will obtain from the British Consul at New York ; and communicate to me, a copy or description of the protection or free paper alleged to have been given by him to said Smith, during his stay in New York ; from the authorities of St. John's, New Brunswick, a statement of the facts of the voyage stated by Pharaoh Nivoes, in his letter of the 7th January, 1839 to the Colonial Secretary, to have been made by Charles Smith in an American bark, of which he does not know the name, but commanded by Captain Parker, to that place, and of his alleged stay there of three weeks ; and from Her Majesty's Consulate at Mobile any information in its possession respecting the sojourn at that port of a London bark, commanded by Mr. Freebody, and of the vessel called the "Sarah Nixon," of Sunderland, and respecting the sailing of Charles Smith, in the capacity of steward, on board the last-named vessel, on her voyage to Liverpool, as stated in his affidavit.

The result of the inquiry, will, as soon as obtained, be communicated to you ; meanwhile, I avail myself of this occasion, &c.

(Signed) JOHN FORSYTH.

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

Third Enclosure in No. 160.

*Mr. Fox to Mr. Forsyth.*

SIR,

*Washington, November 3, 1839.*

I HAVE the honour to acknowledge the receipt of your letter of the 30th ultimo, in which, with reference to a communication which I had previously addressed to you, respecting the case of a free man of colour, a subject of Her Majesty, who has been represented to be, wrongfully held in slavery upon a plantation in the State of Alabama, you desire to be furnished with certain further portions of information which may facilitate the wished-for inquiry into the circumstances of the case. I have lost no time in transmitting applications for the required information to the province of New Brunswick, and to the British Consulates at New York and at Mobile, and I shall have the honour duly to communicate to you the result of those applications.

I avail myself, &c.

(Signed) H. S. FOX.

*The Hon. John Forsyth.*  
&c. &c. &c.

No. 161.

*Mr. Fox to Viscount Palmerston.*

*Washington, November 12, 1839.*

(Received December 1.)

MY LORD,

I HEREWITH enclose copies of a correspondence which has passed between Her Majesty's Consul at New York and myself, upon the subject of certain incidental expenses that have been incurred on account of the slave vessels under American colours, recently brought into New York in charge of British officers and prize crews. The costs hitherto incurred have been for the repair of sea damages, and for ensuring the vessels and cargo against the risk of fire while lying in the harbour of New York : but it is probable that other occasions of expenditure will likewise arise. As the judicial authorities of the United States have disowned these vessels, and have delivered them back into the hands of the British captors, the Government of the United States will of course defray no part of the above expenses.

I has appeared to me certain that the funds will not be furnished by the Foreign Office ; and I have therefore not considered myself authorised to instruct Her Majesty's Consul at New York to advance the money on account of that Department.

The business seems to me to belong exclusively to the Naval Department; and the amount disbursed will, I presume, have to be deducted ultimately from the profits arising out of the capture and condemnation of the vessels; but as to the particular mode in which accounts of this nature, which must be of frequent occurrence in the service, both in cases of prizes taken in war, and of slave vessels captured in time of peace, are arranged between the department of the Admiralty and the naval officers employed on foreign service, I have been aware that I did not possess the professional information necessary to me enable to give an opinion. The Consul at New York will probably apply to Her Majesty's Government for orders; and as further questions of a similar nature are likely to arise, in the event of other slave vessels detained by Her Majesty's cruisers being brought into ports of the United States, it appears desirable that some distinct instruction should be furnished by the department of Her Majesty's Government to which the matter shall be judged to belong, in order to avoid much serious and distressing embarrassment.

I have, &c.

(Signed) H. S. FOX.

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

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First Enclosure in No. 161.

*Mr. Buchanan to Mr. Fox.*

SIR,

*New York October 28, 1839.*

I HAVE the honour to address your Excellency, and respectfully entreat a reply at your Excellency's earliest convenience, as Commander Fitzgerald of Her Majesty's brig "Buzzard" is preparing to depart. One of the vessels brought in here for being concerned in the Slave Trade, in a gale of wind was driven on shore, and in getting her off, and necessary repairs, there has been incurred a debt of about 1200 dollars; and Commander Fitzgerald has called on me to pay for such expenditure, as until paid he cannot leave the port. I regret to state that Mr. Fitzgerald has been much annoyed by a suit brought against him, arising out of this vessel having been driven on shore, and has been obliged to employ a lawyer to defend him, while he is not aware whence he is to look for funds to discharge such costs. I respectfully solicit instructions from your Excellency how I am to act as to discharging those demands so incurred by Commander Fitzgerald in his duty, as he is without funds.

I have, &c.

(Signed) JAMES BUCHANAN.

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

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Second Enclosure in No. 161.

*Mr. Fox to Mr. Buchanan.*

SIR,

*Washington, October 30, 1839.*

I HAVE to acknowledge the receipt of your letter of the 28th instant, in which you state the circumstances of the expense incurred by Lieutenant Fitzgerald of Her Majesty's ship "Buzzard," on account of one of the detained slave vessels under his charge, and in which you request instruction from me respecting the means of defraying that expense. I do not feel that I am authorised to give you any direct instruction upon the subject, as the business entirely belongs to the department of the Admiralty.

I presume that the expense incurred upon this occasion must be defrayed in exactly the same manner in which any other expense of a similar nature would be defrayed, that had been incurred by a naval officer in the discharge of his naval duties in a foreign port, either on account of his own ship, or on account of a prize vessel under his charge; and with respect to the mode of proceedings in such a case, both Lieutenant Fitzgerald, and Captain Baynes of Her Majesty's ship "Andromache," now at New York, who is I believe the senior officer, can of course furnish you with more certain information than I can.

I remain, &c.

(Signed) H. S. FOX.

*James Buchanan, Esq.,*  
&c. &c. &c.

Third Enclosure in No. 161.

*Mr. Buchanan to Mr. Fox.*

(Extract.)

*New York, November 1, 1839,*

I BEG leave to add that Captain Baynes, of Her Majesty's ship "Andromache," refuses to sanction or to draw a bill for the repairs of the vessel which was cast on shore, and referred to in my Letter to your Excellency on the 28th ultimo. The consequence will be that the vessel will be libelled and sold, as I do not deem it within my official duty to endorse Lieutenant Fitzgerald's bill on his agent, which I must consider as a private bill. Your Excellency will pardon my stating that the caution you have been pleased to observe has led me to pursue a similar course, and I feel I should not act otherwise, though I fear much trouble and inconvenience will arise from the threatened proceeding.

I have, &amp;c.

(Signed)

JAMES BUCHANAN.

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

Fourth Enclosure in No. 161.

*Mr. Buchanan to Mr. Fox.**Her Majesty's Consulate, New York, November 4th, 1839.*

(Extract.)

As these vessels and their cargoes are in my charge, and aware that no vigilance would be deemed a justification for my incurring the risk of incendiary attempts to destroy these vessels and their cargoes, while I have landed the gunpowder and placed a confidential man in charge of the vessels, yet I deemed it proper to insure the vessels and their cargoes against fire in the harbour; and so strong is the impression of the Insurance Offices of the risk, that I had to pay one per cent. premium for ten days, as by that time I hope to be enabled to come to some conclusion, on hearing from your Excellency how I should act. The vessels and cargoes are represented worth above 30,000 dollars. May I, therefore, request your Excellency's early attention to the subject.

I have, &amp;c.

(Signed)

JAMES BUCHANAN.

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

Fifth Enclosure in No. 161.

*Mr. Fox to Mr. James Buchanan.*

SIR,

*Washington, November 8th, 1839.*

I HAVE to acknowledge the receipt of your letter of the 5th instant, with two documents annexed. I am not able to understand from your letter what are the particular points which you desire to refer to me, and to which you request my early attention; nor do you state which are the vessels, besides the "*Butterfly*," for which expenses have been, and are still likely to be, incurred.

Upon the question, however, generally of expenses incurred upon account of Her Majesty's service for the captured slave-vessels brought into New York by British cruisers, I am of opinion that none of those expenses will be payable through the department of Foreign Affairs, and therefore I do not consider that I am authorised to issue instructions upon the subject. All those expenses appear to me to belong exclusively to the Naval Department, and the amount, I presume, will have to be deducted ultimately from the profits arising out of the capture and condemnation of the vessels. But, as to the particular mode in which accounts of this nature, which must be of frequent occurrence in the service of the Navy, are arranged between the Admiralty and the Officers employed, I do not possess the professional information requisite to enable me to give an opinion. As to your own duties in the business, if the regulations which provide for the current disbursements and accounts between your Consulate and the department of the Admiralty

are not sufficient to guide you, you will probably do best to apply to Her Majesty's Government at home for instructions, more particularly as fresh cases of a similar nature may continue to occur. I shall also transmit to Her Majesty's Government copies of your correspondence with me upon the same subject. It, at the same time, occurs to me that, by writing to the Vice Admiral or senior officer commanding at Halifax you might, in a shorter time, obtain the required information and directions as to how the different incidental expenses accruing upon the detained slave-vessels ought to be drawn for; I repeat that I am persuaded the funds will not be furnished through the Foreign Office; but, as questions similar to the present, both, in cases of prizes taken in war and of slave-ships captured in time of peace, must be of frequent occurrence, I cannot doubt but that some distinct regulation upon the subject exists in the naval service.

I remain, &c.  
(Signed) H. S. FOX.

To James Buchanan, Esq.,  
&c. &c. &c.

No. 162.

*Mr. Buchanan to Viscount Palmerston.*

*Her Majesty's Consulate, New York, November 15, 1839.*

MY LORD,

(Received December 2.)

I HAVE the honour to submit to your Lordship copies of several communications I have had occasion to make to Mr. Fox, as also to Mr. Butler, the United States Attorney for this district, arising out of the sending in here of two vessels, taken under the United States flag on the west coast of Africa, by Lieutenant Holland of Her Majesty's Brig "Dolphin," with a view to their condemnation, as vessels engaged in the Slave Trade, and covered by the flag, while the nature of the cargoes, equipment, and documents found on board both these vessels clearly establish their character; and under this conviction Mr. Butler has received instructions from his Government to prosecute the masters, being citizens, as also to condemn the vessels for having fraudulently obtained certain papers found on board. The cargoes on board these two vessels, have been represented as worth from 8000*l.* to 10,000*l.*, while, from the laws of the United States, a forfeiture of the cargoes does not follow, unless captured by vessels of the United States. The subject has proved truly embarrassing to me, that while in the execution of my duty (as these vessels have been placed under my charge by Lieutenant Holland) any measures should be pursued which might bring up, in the Courts here, the question as to the right of search, or by what right British vessels should seize, and send in for condemnation, vessels under the United States flag, with papers issued by the public officers of the United States, though, ultimately, it shall turn out such have been fraudulently obtained. On these questions, as also as to the great expense I have necessarily incurred as to these vessels and their cargoes, in insuring them against fire, and otherwise sustaining a strict guard against incendiarism, as no vigilance could justify my not insuring the cargoes, as well as to preserve to the captors the advantages flowing from the condemnation of these cargoes, I have to regret Mr. Fox's unwillingness to afford me instructions, as I am aware I should draw down your Lordship's displeasure, if, in my zeal, I should occasion any embarrassment between Her Majesty and the United States, while I have the satisfaction of stating that every step I have taken is in accordance with Mr. Butler's wishes, and, from such course being acted upon, I feel an earnest desire that the captors should realize the fruit of their vigilance. I humbly trust I shall be favoured with instructions in relation to vessels of this description which may be sent in here, as the trade, it is stated, is chiefly carried on by vessels built at Baltimore, and navigated by citizens to cover the fraud; as also to what department I am to look for the expenditures necessarily incurred. There having been doubloons found in those vessels, I have defrayed the expenses thereout, with the knowledge of Mr. Butler, and of which I have informed Mr. Fox.

I have, &c.  
(Signed) J. BUCHANAN.

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

First Enclosure in No. 162.

*Mr. Frick to Mr. Buchanan.*

SIR,

*Baltimore Custom House, October 31, 1839.*

I HAVE the honour to state to you, in reply to your Note of yesterday evening, that a schooner called the "*Butterfly*," built at this port in 1838, was duly registered at this office on the 10th of August of that year, the dimensions given are,

Length 81 feet 10 inches,	} Measures 117 6-95 tons.
Breadth 19 feet 2 inches,	
Depth 8 feet 3 inches.	

This schooner cleared from this port in that same month for Nassau, and it further appears, from the records of this office, that her register was surrendered at the Treasury on the 11th of October, 1838. The cause of surrender stated, was the loss of the vessel, and is so endorsed and credited on our books.

I am, &amp;c.

(Signed)

WILLIAM FRICK.

Collector of the District of Baltimore.

*James Buchanan, Esq.*  
 &c. &c. &c.

Second Enclosure in No. 162.

*Mr. Buchanan to Mr. Fox.**Her Britannic Majesty's Consulate, New York,*

SIR,

*November 4, 1839.*

I HAVE the honour to inform your Excellency, that I deemed it prudent to apply to Mr. Mactavish, Her Majesty's Consul at Baltimore, to enquire at the Custom-house there, whether the schooner "*Butterfly*," sent in here by Lieutenant Holland of the "*Dolphin*," from the coast of Africa, as a slaver, had ever been registered there; I was led to do so as in the certificate of registry found on board, issued at New Orleans, it is stated that the schooner was built at Baltimore, "*but in what year was not known.*" This statement, and no reason assigned as is usual, for the issuing a new certificate of registry, led me to conclude there was fraud at the Custom-house at New Orleans, which is now evident by the enclosed copy of a note addressed to Mr. Mactavish, in answer to my application for the information thus furnished; so that there is no doubt of the conviction of the "*Butterfly*," so as to become a forfeiture to the United States. But a question arises, which I have submitted to Mr. Butler, the United States' Attorney here, and which I beg leave to bring before your Excellency, namely, that, though the vessel shall be forfeited to the United States on account of the false registry, yet the cargo would not be condemned thereby, as the vessel has not been captured or brought in by a public vessel of the United States, and we should be driven back to Africa to condemn the cargo, while, in the mean time, a great expenditure will arise, and has arisen, to establish a forfeiture to the United States, and to punish their citizens for violating their laws. As these vessels and their cargoes are in my charge; and, aware that no vigilance would be deemed a justification for my incurring a risk of incendiary attempts to destroy these vessels and their cargoes, while I have landed the gunpowder, and placed a confidential man in charge of the vessels, yet I deemed it proper to insure the vessels and their cargoes against fire in the harbour, and so strong is the impression of the insurance officers of the risk that I had to pay one per cent. premium for ten days, as by that time I hope to be enabled to come to some conclusion, on hearing from your Excellency how I should act. The vessels and cargoes are represented worth about 30,000 dollars. May I therefore request your Excellency's early attention to the subject.

I have, &amp;c.

(Signed)

JAMES BUCHANAN.

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

Third Enclosure in No. 162.  
*Mr. Buchanan to Mr. Butler.*

*Her Britannic Majesty's Consulate, New York,  
 November 4, 1839.*

Observations in relation to the schooners "*Catherine*" and "*Butterfly*" sent from the coast of Africa, for being engaged in the Slave Trade as vessels under the United States' flag.

The evidence and documents as to these vessels clearly leads to their condemnation, but, from the Laws of Congress of 1820, it is inferred, the cargoes would not be forfeited, in their not having been captured by a public vessel of the United States.

The sending these vessels from the coast of Africa, by reason of their assuming the American character, and from their being furnished with documents authenticated by the officers of the United States' Government, arose from national courtesy on the part of the British Authorities on the coast of Africa; while a heavy expense has been, and will be, incurred before the prosecution of the citizens acting as masters of these vessels, in violation of the Laws of the United States, while such expense must necessarily fall on the British captors, unless otherwise provided for.

As the condemnation of the cargoes does not necessarily follow that of the vessels, as they were not captured by public vessels of the United States, the question arises, how, and in what manner, are these cargoes to be conveyed to the Mixed Commission on the coast of Africa, for condemnation, seeing such condemnation is to arise from being on board these vessels.

It is also to be borne in mind, that the condemnation of the "*Butterfly*" would arise from the fraud connected with the certificate of registry, in which case the captors lose all advantage from the seizure, as, by the laws of the United States, such is divided with the officers of the Customs, where such condemnation takes place.

It is therefore respectfully submitted, that the captors on the coast of Africa should not incur any loss, or sustain damage, from sending these vessels to the United States, whose laws had been violated by their owners and masters navigating them.

These observations respectfully submitted on behalf of the British captors by,  
 Sir,

Your obedient servant, &c.

(Signed) J. BUCHANAN.

*B. F. Butler, Esq., United States Attorney, &c.,  
 New York.*

No. 163.

*Viscount Palmerston to Mr. Fox.*

SIR,

*Foreign Office, December 11, 1839.*

I HEREWITH transmit to you, for communication to the Government of the United States, the accompanying Extracts of Despatches, which I have received from the Havana, relative to the employment of the flag of the United States for purposes of Slave Trade.

I am, &c.

(Signed) PALMERSTON.

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

Enclosures in No. 163.

1. *Mr. Tolme to Viscount Palmerston, Havana, September 3, 1839.*

(See Class B.)

2. *Her Majesty's Commissioners to Viscount Palmerston, Havana,  
 October 18, 1839.*

(See Class A., No. 110, page 147.)

No. 164.

*Viscount Palmerston to Mr. Fox.*

SIR,

*Foreign Office, December 21, 1839.*

HER Majesty's Government have received information that in the course of the last summer, the "*Fecera*," a vessel under Portuguese colours, imported from Africa direct to the Havana a cargo of negroes as Slaves, and that about six weeks after the arrival of these newly-imported negroes at the Havana, 49 of them were purchased in the public Slave-market at that place by José Ruez, and four more by Pedroz Montez. Ruez and Montez 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, ordered the remaining whites to direct the course of the vessel to the coast of Africa. These whites, however, navigated the vessel towards the coast of the United States of America, until they were fallen in with by the United States' brig-of-war "*Washington*," which conducted the "*Amistad*" to the port of New London.

The negroes were subsequently put upon their trial before the district court at Hartford, for the murder of the Spanish captain. It appears that this court expressed doubts of its having jurisdiction in the case: and that, in the meantime, the Spanish minister at Washington demanded that the negroes should be given up to the authorities of Cuba, as the property of Messrs. Ruez and Montez.

But it is to be observed that since the year 1828, according to Spanish law it has become illegal to import negroes as Slaves, from Africa into the Spanish Dominions; and as these negroes had been newly imported from Africa into Cuba, and as they could not by the law be imported as Slaves, they must, in the eye of the law, be considered as free persons.

Her Majesty's Government cannot feel indifferent to the fate of these unfortunate persons; and I have to desire that, without seeking to interfere with the jurisdiction of the Courts of Law of the United States, in respect to offences committed against the United States, you will use your good offices with the United States' Government in behalf of the negroes in question, and will endeavour to secure to them eventually that liberty of which they were deprived, and to the recovery of which they have an undeniable title.

I am, &amp;c.

(Signed) PALMERSTON.

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

No. 165.

*Mr. Fox to Viscount Palmerston.**Washington, November 29, 1839.**(Received December 26.)*

MY LORD,

THE attention of Her Majesty's Government will probably have been already directed to the remarkable case fully described in all the public newspapers, of certain African negroes, who, having been illicitly imported into Havana by Spanish Slave-dealers, having been there sold as Slaves, and having been afterwards embarked on board a Spanish vessel called the "*Amistad*," to be conveyed to another part of the Island of Cuba, rose during the voyage upon the Spaniards, who feloniously and piratically held them in bondage, and after, various adventures at sea, were finally cast on shore, about two months since, in the State of Connecticut.

The case of these negroes, and the question of their enslavement or freedom although clear enough in a moral sense, are yet, technically and in the eye of the law exceedingly complicated and difficult of solution. The case is still in the hands of the judicial authorities of the United States, and is likely so to remain for some months to come. During such time, I have not considered that it would



be either proper or practically of advantage for me to interfere in the business. As the legal proceedings are being conducted in the free State of Connecticut, and as the cause has excited a very strong feeling throughout the free States, I am inclined to hope that it will be finally decided in favour of the negroes. If the contrary event, however, should happen, or if I should see reason to apprehend a design on the part of the Executive Government of the United States to take the matter summarily out of the hands of the legal power, and to deliver over the negroes as property to the Spaniards who claim them, which the Executive Government has been called upon to do by the Spanish Minister in the United States, I shall then consider myself justified in addressing to the United States Government a formal protest against so wrongful and heinous an Act, grounding such protest upon the complete notoriety of the fact, however disguised by legal difficulties and fictions, of the Africans in question, being free men according to the laws of Spain—laws issued in fulfilment of the stipulations of a solemn Treaty which binds Spain to Great Britain.

The trial is now fixed for the first week in January, before the United States District Court, in Connecticut. If the cause should there be in the first instance decided against the negroes, an appeal will, I believe, be carried to the Supreme Court of the United States. Before the first-mentioned period, I shall endeavour to obtain and transmit to your Lordship a statement or abstract of the various points of law in the United States, and of international law as between the United States and Spain which are involved in the case.

In the meanwhile, a report of all the proceedings which have yet passed, and some valuable evidence obtained in Cuba, establishing the fact of the illegal enslavement of the negroes, will be laid before Her Majesty's Government by Dr. Madden, British Superintendent of liberated negroes in Havana, who is returning to England, upon leave of absence, and who will leave New York either in the steam-packet the "British Queen," by which I forward the present despatch, or by a Liverpool sailing packet of the same time. Dr. Madden has made himself fully acquainted with the particulars and bearings of the case, both here and at Havana, and the information which he will convey to your Lordship will best enable Her Majesty's Government to judge whether it be expedient that measures should be taken with the Government of the United States, or whether with the Government of Spain, in order to avert the chance of the inhuman and unjust enslavement of the shipwrecked Africans.

I have, &c.

(Signed) H. S. FOX.

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

&c.                      &c.                      &c.

No. 166.

*Viscount Palmerston to Mr. Fox.*

SIR,

*Foreign Office, December 28, 1839.*

I HAVE received your Despatch, "Slave Trade," of the 29th October, 1839, enclosing a Copy of an official Note, which you had addressed to the Secretary of State of the United States' Government, upon the subject of the employment of the flag of the Union for the protection of the African Slave Trade; and I have the satisfaction to acquaint you, that Her Majesty's Government approves the representation which you made to the United States' Government upon this subject.

I am, &c.

(Signed) PALMERSTON.

*To Henry Stephen Fox, Esq.,*

&c.                      &c.                      &c.

No. 167.

*Mr. Buchanan to Viscount Palmerston.**Her Majesty's Consulate, New York, November 30, 1839.**(Received December 28.)*

MY LORD,

I HAD the honour of informing your Lordship, of two vessels, viz., the "Catherine" and "Butterfly," having been sent here from the Coast of Africa, by Lieutenant Holland, of Her Majesty's brig "Dolphin," for being engaged in the Slave Trade, under the flag of the United States. As these vessels were placed under my charge, having been sent out of courtesy to the United States, I deemed it my duty to bring the subject before, and submit the mode of proceeding to Mr. Butler, the United States' Attorney for this District. I also, upon the 15th instant, forwarded your Lordship such parts of the communication I addressed to Mr. Fox, arising out of the peculiar circumstances of the case, and from being a naval occurrence. After a variety of correspondence between Mr. Butler and the President, at Washington, the masters of the two vessels were indicted, for a violation of their laws; bills found by the Grand Jury, and this day, the trial of Morris, the master of the "Butterfly," was called on; evidence gone through, and the fact of the vessels being fitted out, and prepared for carrying Slaves, was fully proven, but the Counsel for the prisoner raised the question founded on the Act of Congress, of 1800, that the vessel must have been actually engaged in the transporting of Slaves from one Foreign Country to another; and, that, although the fitting out was manifest for to be engaged in the Trade, yet the Prisoner could not be convicted under that statute, although Judge Story had ruled in his decision, "that the fitting out was to be regarded as engaged in the Trade." The objection was sustained, as the Judges declared, to have the question settled, and for that purpose the cause is to be brought up before the Supreme Court of the United States, so that months may elapse before any decision takes place, and, in the mean time, considerable expense will be, as has been, incurred, all which has arisen from courtesy to the United States' flag, as I stated in my communication to Mr. Butler, dated the 4th day of November instant, a copy of which I had the honour to forward to your Lordship.

I presume further proceedings will be taken to condemn these vessels for a violation of the Laws of the United States, in respect to the papers; the vindication of which, in the detention of the officers and men who brought these vessels here, as also the charges I have paid and am daily incurring for insurance of the vessels and cargoes in port, in justice should be borne by the United States.

These matters I have submitted to Mr. Fox, Her Majesty's Envoy, in the hope of instructions. I humbly pray your Lordship's orders for my government, as to the expenditure; for while I have made use of the specie found on board to pay the expenses, yet, should proceedings arise to require me to repay the money, I should be much embarrassed for want of instructions. In the present imperfect state of the Laws of Congress on the subject, there is not a doubt but some Laws will be enacted to repress the abuse of their flag, at least so Mr. Butler declares, and the citizens seem to demand it.

I have, &amp;c.

J. BUCHANAN.

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

&amp;c.

&amp;c.

&amp;c.

Enclosure in No. 167.

*Extract from the "New York Morning Herald," Monday morning,  
December 2, 1839.*

"United States' Circuit Court.

"Present—Judges Thompson and Betts.

"Nov. 30.—*The United States versus Isaac P. Morris, indicted for a violation of the Slave Act, passed 10th May, 1800.*—The District Attorney briefly opened the case on the part of the Government, and cited the law which he intended to rely on for a conviction, if the facts should be made out to the satisfaction of the jury. The learned gentleman also made some severe remarks on the prostitution of the American flag to the nefarious purpose of carrying on the Slave Trade.

“Mr. Hamilton said, that before the examination of the first witness was commenced, he wished to ascertain which count in the indictment they meant to proceed on. The first count charged the accused with serving on board an American vessel, called the ‘*Butterfly*,’ and the second charged him with serving, at the same period of time, on board the schooner ‘*Butterfly*,’ a foreign vessel. The learned gentleman contended that his client could not be serving on board of two vessels at the same time.

“The Court said, that if the indictment charged the defendant with being on board two distinct vessels, it might have some force; but as it was a mere question of ownership, the Court thought the defendants could not compel the prosecution to make any election.

“Robert Thomas examined.—I am an officer in Her Britannic Majesty’s service, as master’s assistant to the “*Dolphin*,” commanded by Lieutenant Holland. That vessel has recently been employed in the suppression of the Slave Trade, on the Coast of Africa. In the month of September, I was at Sierra Leone, and saw the schooner ‘*Butterfly*’ brought in; that same vessel now lies in the harbour of New York. She was captured on suspicion of Slaving, and in the belief that she was Spanish property. The prisoner was on board at the time, and, at a subsequent period, she was placed in my charge to come to New York.

“The District Attorney was proceeding to inquire of the witness respecting the fittings of the ‘*Butterfly*,’ when Mr. Hamilton, jun., objected to any testimony on that point, because the search was not made by competent authority but without the least shadow of right on the part of the captors.

“The District Attorney having replied, his Honour, Judge Thompson, delivered the opinion of the Court. His Honour said the Court did not deem the question of the right of seizure by a British Cruiser to have anything to do with the matter before the jury. Neither did the cases which had been cited apply to this case; they were vessels claimed by the captors, and not prosecutions for the infraction of a penal statute. It was of no import how the United States came by the proof, and could not be permitted to interfere with the enforcement of the law. It was a question between the two Governments, and not to be mooted here. The Court, therefore, overruled the objection, and directed the District Attorney to proceed.

“Examination resumed.—The vessel had twenty-four large leaguers, each capable of holding from two hundred and fifty to three hundred gallons of water. Six of these casks for holding water were made up, and eighteen of them called shooks were in the hold. Two such casks would be sufficient for an ordinary crew on board such a vessel as the ‘*Butterfly*.’ Vessels employed in the Slave Trade are fitted up with such conveniences for carrying water for the negroes.

“The ‘*Butterfly*’ had also a quantity of timber ready to fit in for a slave-deck. The timber and planks were all found on board, and marked with red chalk, as if by a carpenter, to show where they fitted together. A carpenter could have put the deck up in one day. Slave coppers were also on board, similar to what have been found on board of Slave-ships for the purpose of cooking for the negroes.

“The cargo was next proved from the bills of lading, which the witness identified, together with the two logs, and other ships’ documents. The papers, books, &c., the witness said he had received from the commander of the ‘*Dolphin*.’ Such cargoes as are on board the ‘*Butterfly*’ are commonly carried to the coast of Africa by vessels engaged in the Slave Trade.

“District Attorney.—Did Morris say anything to you about his capacity on board the ‘*Butterfly*?’”

“Witness.—He admitted that he was master.

“The District Attorney produced the register, dated at New Orleans, and endorsed on the back that ‘Nathan Farnsworth had assigned the command of the ‘*Butterfly*’ to Isaac P. Morris, in the presence of the Consul of the United States at Havana.’ Signed, ‘J. A. Smith, Vice-Consul.’

“Cross-examined.—The vessel was not in her direct route to the Isle of Principe, when captured. I understood she was going to St. Paul’s for water. The casks found on board were peculiar for the Slave Trade, and if I saw them in a cooper’s shop I should say they were for that traffic. The planks were stowed on the side of the vessel, and not below the cargo. I believe there were more than twenty persons on board at the time of the capture. Palm-oil is one of the principal articles of export from the coast of Africa. A vessel in an honest pursuit would carry a similar cargo to that on board the ‘*Butterfly*.’ A Portuguese pendant is on board

the '*Butterfly*,' but it was never hoisted while I was on board. I had occasion to speak a vessel, and then I hoisted the American ensign. I tied the flag in a knot, which I deemed a signal for a boat to come on board.

"By Mr. Cutting.—I have never seen any slaves or negroes on board the '*Butterfly*.' I have no knowledge of that vessel having been actually engaged in the transportation of slaves from one port to another.

"George Darling examined.—I was one of the crew of the '*Dolphin*,' and was on board when she captured the '*Butterfly*' off Cape St. Paul, on the coast of Africa. The prisoner was on board of the schooner and said he was the master. I do not know how many persons were on board. He was the only American; the others were Spaniards.

"This witness gave a similar account of the cargo to that testified to by Mr. Thomas.

"Cross-examined.—The '*Butterfly*' did not attempt to escape from the '*Dolphin*.' We fired a shot and she hove-to immediately. The papers were not asked for until next morning, and the prisoner gave up the papers immediately. The prisoner was overhauled, and so was the supercargo, and some doubloons found on him. The passengers and crew were landed at Quittah, and their clothes and necessaries given up to them. I saw no slaves or negroes on board. If there had been any slaves the cargo would have been out. Every man requires three pints of water on that coast per day. The usual watering places are St. Paul's and Quittah, though in our service we go to Principe.

"Here the prosecution rested.

"The Defendant's counsel called one witness, and he only was asked if Farnsworth was an American citizen.

"Mr. Hamilton, jun., made his maiden speech in the case, on the part of the defendant, and cited the following case:—

"'*The case of the brig 'Alexandre,' 3d Mason's Reports, page 175; libelled and seized, on the Act of April, 1818, March, 1794, and May, 1800.*'—At the trial the only count which was sustained by the evidence, was founded on the first section of the Act of 1800, ch. 51. Upon the evidence, Blair, for the claimant, contended that there was no offence within the Act, even supposing the vessel was engaged in the Slave Trade, because no slaves had been taken on board, or were on board during the voyage for transportation, which was necessary to bring the case within the Act.

"Blake, District Attorney, contended that the employment in the Slave Trade was the thing prohibited by the Act, and slaves were not necessary to be taken on board to complete the offence. He cited the '*Plattsburg*,' before Judge Van Ness, at New York, and the '*Fortune*': (1 Dodson, 81.)

"Judge Storey said—'The first section of the Act of 1800, c. 51, on which alone this prosecution can be maintained, declares that it shall be unlawful for any citizen, &c., directly or indirectly, to hold or have any right on property in any vessel *employed, or made use of* in the transportation or carrying of slaves from, &c., under penalty of forfeiture.' The question is, whether the penalty is affixed to the mere employment of the vessel, for the business and for the purpose of transporting slaves, or whether transportation is necessary. My opinion is, that the former is the true construction of the Act. We often speak of vessels employed in the coasting-trade and fisheries, and the Acts of Congress use the same language when actual transportation and actual fishing are not intended, but the purpose and business of the voyage are the coasting-trade and fisheries. And it has never been doubted that a vessel licensed for the coasting-trade and fisheries, and on a voyage for that purpose, was truly employed in such trade or fisheries, although no goods were in the course of actual transportation, and no fisheries had been yet attempted.

"'Let us look, then, to the claims of these statutes.' Here the judge recited the Acts, and went on to say 'that as every vessel fitted out for the purpose of the Slave Trade may be truly and accurately said to be employed in that business, and carrying it on as soon as she has sailed on the voyage, it matters not at what point of the voyage she is captured; her enterprise is the Slave Trade, and every act done on such a voyage is an act of carrying it on. In the case of the '*Fortune*' (1 Dodson, 81—86,) Sir William Scott held a similar opinion. I, therefore, interpret the language of the first section by the language of the third and fourth, and I think that the legislature intended the same thing in all, and that is, that the employment in the business, and for the purposes of the Slave Trade, and not merely the actual transportation of slaves, should be prohibited and punished.'

“Decree of condemnation affirmed.”

“The learned gentleman said, that notwithstanding this decision of Judge Story, it ought to be reversed, as the first section of the Act should be consonant with the second and third sections of the same, which contemplated a full consummation of the offence, and which consummation should consist, in order to satisfy the words of the section, the actual receiving on board of slaves in order to constitute the carrying of slaves. He contended, also, that the Slave Trade had been protected by the constitution, and up to the year 1808, slaves had been introduced into this country from the coast of Africa.

“Mr. Butler sustained the views of Judge Story, and contended that the offence was complete if the vessel was fitted out to carry slaves.

“Mr. Cutting supported the opinions of Mr. Hamilton.

“The Court said that though they might differ in their views from Judge Story, yet comity required that, as they were circuit judges, of equal jurisdiction, their opinions should not clash; and it was therefore important that the true construction of these laws should be understood throughout the several States; and, in this view, the Court had concluded to decide in the present case, and to send their opinion to the Supreme Court of the United States for its ultimate adjudication.

“It was then agreed by the Counsel on both sides that it was difficult to procure the attendance of the foreign witnesses; that their testimony, in case the decision of Judge Story should be sustained by the Supreme Court, should be used on the future trial of the present case, and that the jury be discharged without a verdict, and the prisoner remanded; also that the case of Peterson take the same course.

“The Court then adjourned.”

No. 168.

*Viscount Palmerston to Mr. Buchanan.*

SIR,

*Foreign Office, December 31, 1839.*

I HAVE referred to Her Majesty's Advocate-General, your Despatch of the 15th of November, stating that two vessels taken under the United States' flag, off the Coast of Africa, by Lieutenant Holland of Her Majesty's brig "Dolphin," had been sent into New York, with a view to their condemnation, and requesting instructions for your guidance, in relation to vessels of a similar description which might be sent into New York.

The Queen's Advocate has reported that, so far as he can judge from your statement, it appears that the two vessels in question, detained under the United States flag, were, on their arrival at New York, placed (incautiously and improperly as it appears to him) under the care of the British Consul, instead of being delivered up to the American Authorities; and that neither the vessels nor their cargoes were by the Law of the United States liable to condemnation for being engaged in the Slave Trade, although it happened that one of them was condemned for an irregularity respecting its Register.

It appears therefore useless for British cruisers to send to the United States any vessels which may be found equipped for Slave Trade, even if they had the right, of which they are clearly not possessed, of capturing American vessels so engaged; and the instructions which under the circumstances I have to give to you is, that for the future you are not to take charge of such vessels.

I am, &c.

*James Buchanan, Esq.,*  
 &c. &c. &c.

(Signed) PALMERSTON.

No. 169.

*Viscount Palmerston to Mr. Fox.*

SIR,

*Foreign Office, December 31, 1839.*

I HEREWITH transmit to you, a Copy of a Despatch, and of its Enclosures from Her Majesty's Commissioners at Sierra Leone, containing a Report of the case of the schooner "Rebecca," met with off the Gallinas, by Her Majesty's

brigantine "Forrester," and detained on suspicion of being engaged in Slave Trade.

It appears that the "*Rebecca*" did not, when met with, hoist any national flag, and that no official Papers were found on board her, but that private documents on board, together with the evidence of one witness, who was examined before the Court at Sierra Leone, furnished a complete illustration of the mode in which the flag of the United States is at present employed to facilitate the Slave Trade of Cuba.

I have to desire that you will communicate the accompanying papers to the Government of the United States, who will no doubt take such measures as shall appear to be necessary to prevent a continuance of the abuse of the American flag.

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

I am, &c.  
(Signed) PALMERSTON.

Enclosure in No. 169.

*Her Majesty's Commissioners to Viscount Palmerston, Sierra Leone.*  
*April 10, 1839.*

(See Class A. No. 51, page 75.)

No. 170.

*Viscount Palmerston to Mr. Fox.*

SIR,

*Foreign Office, December 31, 1839.*

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

You will communicate this Paper to the United States' Government, and you will cause it to be inserted in the principal Newspapers of the United States.

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

I am, &c.  
(Signed) PALMERSTON.

Enclosure in No. 170.

Papal Brief—*December 3, 1839,*

(See Class C.)

No. 171.

*Viscount Palmerston to Mr. Stevenson.*

*Foreign Office, December 31, 1839.*

THE Undersigned, &c., is desirous of communicating to Mr. Stevenson, &c., the accompanying Despatch and its Enclosures, which have recently been received by the Undersigned, from Her Majesty's Commissioners established at the Havana, under the Treaties between Great Britain and Spain, for the suppression of the Slave Trade.

These Papers relate to a previous correspondence between the Commissioners and Mr. Trist, the United States' Consul at the Havana, a portion of which was contained in the Papers upon Slave Trade laid before Parliament by Her Majesty's command, during the last session, and of which the Undersigned encloses a Copy; and the Undersigned encloses a Copy of that portion of the Correspondence between the Commissioners and Mr. Trist, which was not laid before Parliament.

CLASS D.

The Undersigned thinks it right to submit to some Authority connected with the Government of the United States the Letter from Mr. Trist, which forms one of the Enclosures to the Despatch of the 27th October, 1839, from Her Majesty's Commissioners; but the gentlemen on the establishment of the Foreign Office have so much pressing business at this time to perform, that Mr. Trist's long Letter could not be copied, without delay and injury to the public service; and the Undersigned is therefore obliged to send those Papers to Mr. Stevenson in original: and he requests that Mr. Stevenson will have the goodness to return them to him, when Mr. Stevenson shall have read them.

I have, &c

(Signed) PALMERSTON.

*A Stevenson, Esq.*  
 &c. &c. &c.

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First Enclosure in No. 171.

*Her Majesty's Commissioners to Viscount Palmerston,  
 Havana, October 27, 1839.*

(See Class A., No. 111, page 148.)

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Second Enclosure in No. 171.

(Printed Correspondence, 1839, Class A. Further Series, No. 43, page 108, and  
 No. 48, page 120.)

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Third Enclosure in No. 171.

*Her Majesty's Commissioners to Viscount Palmerston,  
 Havana, July 15, 1839.*

(See Class A. No. 91, page 126.)

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## VENEZUELA.

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No. 172.

*Sir R. Ker Porter to Viscount Palmerston.*

*Caracas, April 5, 1839.*

MY LORD,

*(Received, June 9.)*

I HAD the honour of stating to your Lordship, in my Despatch of February 23, that on the rejection by Congress of the Treaty concluded in May, 1837, "for the abolition of the Traffic in Slaves," this Government instantly named a Plenipotentiary to negotiate a New Treaty. The Conferences opened on the 5th ultimo, and terminated on the 15th; on which day the Treaty was concluded and signed in duplicate by Señor José Santiago Rodriguez, on the part of the Republic, and by myself on the part of Her Majesty. It was transmitted by the Minister for Foreign Affairs on the 20th to the Senate, accompanied by an urgent recommendation from the Executive, that it be discussed and decided upon in both Chambers without delay.

Enclosed, my Lord, is the duplicate copy of the New Treaty: I also enclose a copy of the Project presented by the Venezuelan Minister at the first day's Conference, and likewise copies in English and Spanish of the Protocol.

I have now only to express my sincere hope, that what I have done will merit the approbation of your Lordship, having been actuated by the most ardent zeal that the wishes of the British Government to attain a Treaty of this nature should be accomplished; and allow me to state that an additional motive why I took upon myself to make the alterations alluded to was, because I had been told by many of the members of Congress that, if the Treaty came again before the Chambers, without any attempt having been made to meet the objectionable points contained in the former one (so publicly spoken of, and on which the Venezuelan Plenipotentiary had been duly instructed), there was no probability of its receiving the approval of the Legislative body.

I trust, however, as the matter now stands, ere the Chambers terminate their sessions, to be enabled to transmit to your Lordship favourable accounts on the subject.

I have, &c.

(Signed) ROBERT KER PORTER.

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

&c.

&c.

&c.

No. 173.

*Viscount Palmerston to Sir R. K. Porter.*

*Foreign Office, June 29, 1839.*

*Circular sending Papers presented to Parliament.*

(See No. 2, page 2.)

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No. 174.

*Sir Robert Ker Porter to Viscount Palmerston.*

Caracas, May 7, 1839.

(Received July 1.)

MY LORD,

IT is with the greatest satisfaction I now announce the approval by the Congress of the new Treaty on the abolition of the traffic in Slaves, which took place on the 4th instant. Enclosed is a copy of the Despatch I received yesterday from the Minister for Foreign Affairs, written thus speedily by order of the President, General Paez, with a view to enable my not losing the opportunity of informing your Lordship by the present mail of so favourable a result to this long-pending affair. And allow me, my Lord, to add, my satisfaction will be complete, should I find that my conduct (in having acted as I have done in all that regards the Treaty in question) has merited the approbation of Her Majesty, as well as your Lordship.

I shall transmit, by the ensuing packet, copies of whatever official documents may have passed between the Congress and the Executive, touching the final conclusion of this matter.

I have, &amp;c.

(Signed)

ROBERT KER PORTER.

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

Enclosure in No. 174.

*Mr. Smith to Sir R. K. Porter.*

(Translation.)

*Republic of Venezuela,**Secretary of State's Office for Foreign Affairs,*

Caracas, May 6, 1839.

SIR,

By a resolution passed on the 4th instant, the Congress has given its consent and approbation to the new Treaty on the abolition of traffic in Slaves, which was concluded and signed on the 15th of last March by yourself on the part of Great Britain, and by Señor Santiago Rodriguez, Judge, Attorney-General of the Supreme Court of Justice, on the part of Venezuela, as Plenipotentiaries fully authorized in virtue of the nominations from the respective Governments.

In fulfilling the order of the President, I have the honour and satisfaction to congratulate you on the favourable termination of a negotiation that has occupied two years, yet always under the hope of a more speedy conclusion, but this unfortunately was frustrated by a number of inevitable and unforeseen circumstances.

It is a most pleasing duty of the Government to recollect likewise the constant eagerness and unremitting watchfulness, with which you have so actively forwarded and promoted an object the Parliament and Government of Her British Majesty have taken so deep an interest in, and in whose progress your co-operation has been highly useful, thus augmenting the proofs of that assiduity and prudence, which have ever distinguished the exercise of your public functions during so long a residence in Venezuela, up to this moment, both as Consul of Her Britannic Majesty, and as her Chargé d'Affaires.

I hasten to give you the present intelligence, in order that you may make it known to the British Government with as little delay as possible, so that the necessary steps may be taken to facilitate the exchange of the ratifications within the stipulated period.

I have, &amp;c.

(Signed)

WILLIAM SMITH.

*To Sir Robert Ker Porter,*  
&c. &c. &c.

No. 175.

*Viscount Palmerston to Sir Robert Ker Porter.*

SIR,

*Foreign Office, July 10, 1839.*

I HAVE received your Despatch (Slave Trade) of the 5th of April, 1839, transmitting the Duplicate Original of the Treaty between Her Majesty and the Republic of Venezuela for the suppression of Slave Trade, altered from the Treaty which had been concluded in May, 1837, and finally concluded and signed in its altered form by yourself and the Plenipotentiary of Venezuela on the 15th of March, 1839.

I have also received your Despatch (Slave Trade) of the 7th of May, 1839, enclosing the Translation of a Note, which you had received from the Venezuelan Minister for Foreign Affairs, stating that the Congress of Venezuela had given its consent and approbation to the Treaty concluded in March last.

I have the satisfaction to acquaint you that Her Majesty's Government approve your zeal and exertion during the negotiation of this Treaty. This Treaty indeed is not all that could be wished, but it is a very important step gained.

The geographical limits of the right of search which the Treaty lays down are too narrow; but they may probably be enlarged at a future period.

The 5th Article of the Instructions to Cruisers will, for the present, compensate for the omission of all engagement on the part of Venezuela to emancipate captured negroes. But whenever the cruisers of Venezuela shall be employed in interrupting Slave Trade, some further engagement must be entered into to insure the freedom of captured negroes.

Her Majesty's Government, anxious to secure the co-operation of Venezuela with Great Britain for the suppression of Slave Trade, has determined to accept the Treaty as it stands. And Her Majesty has been pleased to command, that the ratification thereof on the part of Her Majesty shall be prepared, and they will be transmitted to you as soon as completed, in order that you may exchange them against the ratification by Venezuela.

I am, &c.

(Signed) PALMERSTON.

*To Sir Robert Ker Porter,*  
 &c. &c. &c.

No. 176.

*Sir Robert Ker Porter to Viscount Palmerston.*

*Caracas, June 7, 1839.*

MY LORD,

*(Received July 25.)*

I HAVE the honour of transmitting a Copy (in original and translation) of the Despatch received from the Minister for Foreign Affairs here, enclosing the Decree of Congress on the 4th ultimo, approving the Treaty for the abolition of the traffic in Slaves, concluded and signed in Caracas on the 15th of March last, and I cannot but again repeat that I feel extremely proud in having accomplished this desirable object, it being the first Treaty of the kind that has been concluded by any of the South American States; hence it will serve as a valuable precedent for the ratification of others of the like nature, independent of this personal feeling on my part, which becomes so much the greater when I inform your Lordship that, out of four Treaties pending during the late Sessions of Congress, three were rejected; viz., that with New Granada, with France, and with the Equator,—mine being the only one approved.

I have, &c.

(Signed) ROBERT KER PORTER.

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

Enclosure in No. 176.

(Translation.)

*Mr. Smith to Sir Robert Ker Porter.**Republic of Venezuela.**Secretary of State's Office for Foreign Affairs.**Caracas, 3rd June, 1839.*

SIR,

I HAVE the honour to transmit to you an authentic copy of the decree passed by the Congress on the 4th of May last, approving the Treaty for the abolition of the traffic in slaves concluded with England on the 15th of March last. Herewith is only copied, for your information, its beginning and end, as it would be useless to insert the whole Treaty here, as you have already in your possession a copy of the same.

I have, &amp;c.

(Signed)

GUILLERMO SMITH.

*To Sir Robert Ker Porter**&c. &c. &c.*

Sub-Enclosure in No. 176.

(Translation.)

Decree.

The Senate and Chamber of Representatives of the Republic of Venezuela, united in Congress,

Having seen the Treaty concluded in Caracas on the 15th of March of the present year, between the Plenipotentiaries of Venezuela and Her Britannic Majesty, upon the abolition of the traffic in slaves, the tenor of which is, word for word, as follows—

(Here the Treaty for the abolition of the traffic in slaves is inserted.)

Decree.

Only Article. The Congress gives its consent and approbation to the accompanying Treaty.

Dated in Caracas, 4th May, 1839.

(Signed)

JOSE MANUEL ALEGRIA,

*President of the Senate.*

(Signed)

FRANCISCO DIAS,

*President of the Chamber of Representatives.**Caracas, May 4th, 1839.*

Sanctioned.

(Signed)

JOSE ANTONIO PAEZ.

(Countersigned)

GUILLERMO SMITH.

No. 177.

*Viscount Palmerston to Sir Robert Ker Porter.**Foreign Office, August 25th, 1839.**Circular sending Address of the House of Lords.*

(See No. 4, Page 2).

No. 178.

*Viscount Palmerston to Sir Robert Ker Porter.**Foreign Office, August 31, 1839.*

SIR,

I HEREWITH transmit to you Her Majesty's ratification of the treaty for the suppression of the Slave Trade, concluded on March the 15th, 1839, by you and José Santiago Rodriguez, as the Plenipotentiaries of Her Majesty and of the Republic of Venezuela; and I have to desire that you will exchange the same

against a similar instrument ratified by the Republic of Venezuela. I enclose a certificate to be signed by you and the Venezuelan Minister, on the exchange of the ratifications, which certificate you will return to me together with the Venezuelan ratification.

I regret to have to observe that proper care and attention have not been used in preparing the English version of the Treaty.

The English draft sent out to you on the 13th of November, 1835, was the groundwork of the present Treaty. That draft was translated into Spanish, in Venezuela, and it appears to have been translated back again from Spanish into English, and the translation so made is presumed to be the English version signed by you. But in some places, where the Spanish version is an accurate translation of the draft originally sent out to you, the English version differs from that draft; and, in some places, words are used which do not even render accurately the sense of the Spanish version. I am obliged to conclude that you have devolved upon some other person the duty of ascertaining, by a minute collation of the English and Spanish texts of the Treaty to be signed, that the two versions agreed; and it is also manifest that the person by whom this collation was performed was very imperfectly acquainted with the Spanish or with the English language.

It is an important duty of every person who signs a Treaty in two languages to take care, before he signs it, that the two versions agree.

I transmit to you a separate memorandum enumerating such alterations as, in order to prevent mistakes, it is indispensable to make in the English version.

Duplicate copies of this memorandum will be signed by the Venezuelan Plenipotentiary and by yourself, at the time of the exchange of the ratifications.

One copy of the memorandum will be retained by the Venezuelan Plenipotentiary, and the other will be returned by you to this department, together with the Venezuelan ratification.

I send also to you a copy of the Treaty as signed by you in Spanish and in English; and you will find written in that copy, in red ink,\* on the English version, the corrections which would be required, if it had been thought necessary to make to correspond with the Spanish version.

I am, &c.

(Signed) PALMERSTON.

*To Sir Robert Ker Porter,*  
*&c. &c. &c.*

\* Printed in Italics.

1st and 2nd Enclosures in No. 178.

*Her Majesty's Ratification and Certificate to be signed on Exchange.*

Third Enclosure in No. 178.

(Memorandum).

WHEREAS, certain variations occur between the English and the Spanish versions of the Treaty between Great Britain and Venezuela for the abolition of the Slave Trade, which was concluded and signed by us on behalf of the said high contracting parties on the 15th of March, 1839:

Now, this is to declare that the annexed memorandum has been drawn up for the purpose of rectifying the said variations; and we, the undersigned Plenipotentiaries, who have signed the aforementioned Treaty, hereby agree, in the name and on the part of the high contracting parties to the Treaty, that the ratified Treaty shall be considered to stand as if the alterations specified in the annexed memorandum had been made in, and had formed part of, the original version of the Treaty.

In virtue whereof, we, the said Plenipotentiaries, have signed the present paper, and the annexed memorandum, and have affixed thereto the seal of our arms.

Done at Caracas, this            day of            183

## Sub-Enclosure in 3rd Enclosure in No. 178.

*Memorandum on the ratified Copy of the Slave Trade Treaty with Venezuela.**English Version.*

## ARTICLE III.

Between the word "*will*" and the word "*every*," strike out the word "*dictate*," and insert, instead, thereof, the word "*promulgate*."

Between the word "*be*" and the word "*by*," strike out the word "*dictated*," and insert, instead thereof, the word "*promulgated*."

## ARTICLE IV.

Between the word "*engage*" and the word "*by*," insert the words "*to specify*."

Between the word "*parties*" and the word "*the*," strike out the word "*detailing*."

Between the word "*slaves*" and the word "*that*," insert the word "*and*."

Between the word "*shall*" and the word "*with*," strike out the word "*dictate*," and insert, instead thereof, the word "*promulgate*."

## ARTICLE VI.

Between the word "*detain*" and the word "*vessels*," strike out the word "*the*."

## ARTICLE VII.

*Section 3, line 10.* Between the word "*the*" and the word "*traffic*," insert the words "*traffic in slaves, or is fitted out for that purpose, or was during the voyage in which she may be met with, engaged in the*."

*At the end of the third section,* between the word "*the*" and the word "*execution*," insert the word "*due*."

## ARTICLE VIII.

*Last line.* After the word "*treaty*," strike out the words "*in pursuance thereof*," and insert, instead thereof, the words "*for its complete execution*."

## ARTICLE X.

*Last paragraph.* Between the word "*unless*" and the word "*satisfactory*," insert the words "*it be established by*."

*Last paragraph.* Between the word "*owners*" and the word "*that*," strike out the words "*be established*."

## Fourth Enclosure in No. 178.

TREATY on the abolition of the traffic in slaves concluded between Her Majesty the Queen of Great Britain and Ireland and the Republic of Venezuela.

TRATADO sobre abolicion del trafico de esclavos concluido entre la Republica de Venezuela y Su Magestad La Reyna de la Gran Bretaña é Irlanda.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the Republic of Venezuela, being mutually animated by a sincere desire to co-operate for the complete extinction of the traffic in slaves in all parts of the world, have resolved to proceed to the conclusion of a Treaty, for the special purpose of immediately attaining this result in all that (*object so far as*) relates to the (*total and*) final abolition of this barbarous (*traffic*) commerce; and for this (*object*) purpose have named as their (*respective*) Plenipotentiaries (*to wit*): Her Britannic Majesty, Sir Robert Ker Porter, Knight, and Knight Commander of the Royal Hanoverian Guelphic Order, Her Majesty's Chargé d'Affaires in Caracas; and the Republic of Venezuela, Señor José Santiago Rodríguez, (*Judge and*) Attorney-General of the Supreme Court of Justice; who, having duly communicated to each other their respective full powers, and found them to be in proper form, have agreed upon, settled and concluded the following Articles:—

## ARTICLE I.

Great Britain and the Republic of Venezuela declare the traffic in slaves to be abolished for ever, and in order to avoid (*any*) doubts (*that*) which may hereafter (*occur from any circumstances proving*) cause proceedings prejudicial to the interests of commerce and (*of*) navigation, for want of (*a proper explanation of the real spirit of the phrase*) an understanding on the term "Traffic in Slaves, do" here mutually declare (*to be understood by such*) that they understand by the said traffic (*such only*) that traffic which (*is carried on*) takes place in negroes, (*brought*) who are taken from Africa (*in order*) to be transported (*them*) to other parts of the world (*for sale*) in order to be sold, but in no manner whatever the act of (*conveying*), transporting from one (*port or place*) part of the Republic of Venezuela to another, (*belonging to*) slaves who are already within the Republic, (*the slaves existing within it*; be such undertaken either with the object of selling them, or with any other) whether such transport be for

CLASS D.

La Republica de Venezuela y Su Magestad la Reyna del Reyno Unido de la Gran Bretaña, é Irlanda mutuamente animadas del sincero deseo de co-operar á la completa extincion del trafico de esclavos en todas las partes del mundo, han resuelto proceder á la conclusion de un Tratado con el fin especial de obtener inmediatamente su resultado en todo lo que concierna á la final abolicion de este barbaro comercio, y al efecto han nombrado como Plenipotenciarios, la Republica de Venezuela al Señor José Santiago Rodríguez, Ministro Fiscal de la Corte Suprema de Justicia; y Su Magestad Britanica, a Sir Robert Ker Porter, Caballero y Caballero Comendador de la Real orden Hanoveriana de Guelph, y Su Encargado de negocios en Caracas; quienes habiendo comunicado reciprocamente sus plenos poderes y hallados en debida forma, han acordado, convenido y concluido los Artículos siguientes.—

## ARTICULO I.

La Republica de Venezuela y la Gran Bretaña declaran para siempre abolido el trafico de esclavos; y para evitar dudas que puedan ocasionar despues algunos procedimientos perjudiciales á los intereses del comercio y navegacion por la falta de inteligencia de la frase trafico des esclavos, declaran igualmente que se entiende por dicho trafico, aquel que se hace con los negros que se extraen de Africa, para trasportarlos á otros puntos del mundo como objeto de venta; y de ninguna manera el transporte de un punto á otro de la Republica de los esclavos existentes en ella, bien se verifique con el objeto de venta, o con algun otro no prohibido por sus leyes.

*purpose of sale, or for any other purpose, not prohibited by the laws of the Republic.*

#### ARTICLE II.

The Republic of Venezuela agrees to preserve in force the provisions of the Law of the 18th of February, 1825, the object of which is, to declare as pirates, and to punish with the pain of death, all such Venezuelians (*who*) as on the High Seas, or in any (*other*) place under the jurisdiction of the Republic, may be found embarking, transporting, or disembarking, one or more persons brought from Africa as slaves.

#### ARTICLE III.

Although the law (*just*) cited has produced the desired effect, (*in not having*) because it has not been infringed by any Venezuelan citizen up to (*this*) the present time, Venezuela (*notwithstanding*) nevertheless will (*dictate*) promulgate every other legislative provision that may be deemed (*requisite*) conducive (*for the prevention of*) to preventing her citizens from engaging in any way in the said traffic in slaves, and (*for*) to the complete extinction thereof; (*seeing that the same*) taking care always that such legislative provisions are in harmony with those which may be (*dictated*) promulgated by Great Britain for the like object.

#### ARTICLE IV.

Her Majesty the Queen of Great Britain and Ireland, and the Republic of Venezuela, mutually engage to specify by an additional Convention (*hereafter to*) which shall be concluded between the contracting parties (*detailing*) the acts which constitute piracy, (*in which will be comprehended*) comprehending therein the traffic in slaves; and that after the conclusion of (*such*) the said Convention the legislative power of each country shall (*dictate*), promulgate with as little delay as soon as possible, laws (*for the punishment of*) affixing a penalty for the said acts (*committed by the respective*) in respect to the subjects or citizens of either nation.

#### ARTICLE V.

In order (*more*) effectually to prevent all infringement of the present Treaty, the two contracting parties (*mutually*) agree that the ships of war of their

#### ARTICULO II.

La Republica de Venezuela se compromete á conservar vigentes las disposiciones de la ley de 18 de Febrero de 1825, que tienen por objeto declarar piratas y castigar con la pena de muerte á los Venezolanos que en alta mar ó en cualquiera de los puntos que están bajo la jurisdiccion de la Republica se encuentren embarcando, trasportando ó desembarcando una ó mas personas extraidas de Africa en clase de esclavos.

#### ARTICULO. III.

Aunque la citada ley ha producido el efecto deseado, supuesto que hasta ahora no ha sido infringida por ningun Venezolano, sin embargo Venezuela dictará todas las demas disposiciones legislativas que crea conducentes á impedir que sus ciudadanos incurran de algun modo en el dicho trafico de esclavos, y á la completa extincion de él, procurando entonces que estén en armonia con las que, sobre el mismo objeto, hubiere dictado la Gran Bretaña.

#### ARTICULO IV.

La Republica de Venezuela y la Gran Bretaña se comprometen á detallar por una convencion adicional, que deberá celebrarse por ambas partes contractantes, los actos que constituyan la pirateria, comprendiendo el trafico de esclavos; debiendo, despues de celebrada dicha convencion, dictar la potestad legislativa de ambos paises, lo mas pronto posible, leyes que castiguen dichos actos respecto de los subditos ó Ciudadanos de cada uno.

#### ARTICULO V.

Con el objeto de impedir eficazmente cualquiera infraccion de este tratado, ambas partes contractantes convienen en que los buques de guerra de las respec-

respective nations which (*are*) shall be furnished with (*the*) special instructions as (*will be*) hereinafter mentioned may visit such merchant-vessels of the two nations as may be suspected upon reasonable grounds of being engaged in the traffic in slaves, provided that (*such*) this be done only within the (*waters*) localities hereinafter (*expressed*) specified namely:—

1st. Along the Western Coast of Africa, from Cape Verd to the distance of ten degrees to the South of the Equator; that is to say, from the 10th degree of South latitude to the 15th degree of North latitude, and as far as the 40th degree of East longitude, reckoning from the meridian of Caracas.

2nd. All round the Island of Madagascar, to the extent of 20 leagues from that island.

3d. The same distance from the coasts of the island of Cuba.

4th. The same distance from the coasts of the island of Puerto Rico; and

5th. The same distance from the coast of Brazil. (*It is however understood that*) nevertheless if a suspected vessel, descried and begun to be chased (*by the cruisers*) whilst within the said (*space of twenty leagues may be searched by them*) limits, proceeds beyond those limits (*if without ever having lost*) she may still be searched, provided the cruiser do not lose sight of her (*they should only succeed in coming up with her at a greater distance from the coast*) during the chase.

ARTICLE VI.

The cruisers may detain (*the*) vessels trafficking in slaves (*be it, that they*) whether such vessels have been fitted with this object, or (*that*) whether during the voyage on which they are met with, they (*may*) have been employed in the before-mentioned traffic in contravention of (*what is stipulated in*) the stipulations of the present Treaty, and may send or (*conduct*) take them to (*those*) places where they (*may*) can be brought before the (*proper*) tribunals (*that*) which take cognizance of piracy, according to the laws of the respective countries. It is not by this to be understood that Venezuela is obliged to fit out cruisers expressly to aid in the pursuit of vessels engaged in the traffic in slaves.

ARTICLE VII.

In order to regulate the mode of carrying into effect the provisions of the two

tivas naciones que estén provistos de las especiales instrucciones que adelante se expresarán, puedan visitar los buques mercantes de ambas naciones que infundan justas sospechas de que se ocupan en el trafico de esclavos, con tal de que esto se haga solamente en los lugares que se van á expresar, á saber:

1º. A lo largo de la costa occidental de Africa desde el Cabo Verde hasta los 10 grados de latitud sur, es decir del 10º grado de latitud meridional al 15º de latitud septentrional, y hasta los 40 grados de longitud oriental contados desde meridiano de Caracas.

2º. Al rededor de la isla de Madagascar en una zona de veinte leguas de Anchura.

3º. A la misma distancia de las costas de la isla de Cuba.

4º. A la misma distancia de las costas de la isla de Puerto Rico; y

5º. A la misma distancia de las costas del Brazil.

No obstante, si un buque sospechado y perseguido dentro de los limites asignados lograre salir de ellos, podrá ser visitado, con tal que no se haga perdido de vista durante la persecucion.

ARTICULO VI.

Los cruceros podrán detener los buques que trafiquen con esclavos, bien sea que hayan sido armados con este objeto, ó bien que durante el viaje en que se encuentren se hayan empleado en el mencionado trafico contraviniendo á lo estipulado en este tratado; y enviarlos ó conducirlos, para que puedan ser sometidos á juicio ante los tribunales que conoscan de la pirateria, con arreglo á las leyes de los respectivos paises.

No se entenderá por esto que Venezuela queda obligada á armar cruceros expresamente para perseguir el trafico de esclavos.

ARTICULO VII.

Con el fin de arreglar el modo de llevar á efecto lo convenido en los dos



preceding Articles, the contracting parties have agreed :—

1st. That all ships of the navies of the two nations which shall be hereafter employed to prevent the traffic in slaves shall be furnished by their respective Governments with a copy of the present Treaty in the English and Spanish languages, and also of the instructions for cruisers annexed thereto ; which annex (*shall be considered*) they are to consider as an integral part of this Treaty.

2nd. That Great Britain shall communicate, from time to time, to Venezuela the names of the several ships furnished with such instructions, the force of each, and the names of their respective commanders ; and (*the same will be done by Venezuela*) that Venezuela shall act likewise towards Great Britain, (*whenever*) if at any time cruisers (*on her part*) shall be (*established with the like object*) appointed on the part of Venezuela for the said purpose.

3rd. That if, at any time, there shall be just cause to suspect that any merchant-vessel under the flag, and proceeding under convoy of any ship or ships of war, of either of the Contracting Parties, is engaged, or intended to be engaged, in the *traffic in slaves, or is fitted out for that purpose, or was, during the voyage in which she may be met with, engaged in the traffic in slaves*, it shall be lawful for the Commander of any ship of the navy of either of the Two Contracting Parties to visit the said merchant-vessel, provided such (*be done*) vessel be met with within the limits specified in Article 5 of this Treaty ; and such Commander shall proceed to effect the same, in communication with the Commanding Officer of the convoy, who (*it is hereby agreed*) shall give every facility to such visit, and to the eventual detention of such vessel, and in all things shall assist to the utmost of his power in the *due* execution of the present Treaty.

4th. (*It is further mutually agreed*) that the Commanders of the ships of the two navies who shall be employed on this service shall adhere strictly to the (*exact tenor*) text of the aforesaid instructions annexed to this Treaty.

#### ARTICLE VIII.

The Contracting Parties engage mutually to make good any losses which their respective subjects or citizens may

artículos anteriores, las partes contratantes han estipulado,

1º. Que todos los buques de guerra de ambas naciones que de hoy en adelante se emplearen en evitar et trafico de esclavos, deberán estar provistos por sus respectivos gobiernos de una copia del presente tratado en los idiomas Español é Ingles, y de otra de las instrucciones de cruceros anexas á ellas que deberán considerarse como parte integrante del mismo tratado :

2º. Que la Gran Bretaña comunicará de cuando en cuando á Venezuela los nombres de los buques provistos de tales instrucciones, la fuerza de cada uno y el nombre de sus respectivos comandantes, y que lo mismo hará Venezuela para con la Gran Bretaña, si alguna vez estableciere cruceros con aquel objeto.

3º. Que si alguna ocasion hubiere justos motivos para sospechar que algun buque mercante con la bandera y bajo el convoy de buque ó buques de guerra de alguna de las partes contractantes, se ocupa ó pretende ocuparse en el trafico de esclavos, ó que se halla armado con este intento, ó que durante el viaje en que se ha encontrado, ha estado empleado en el comercio de esclavos, será permitido al comandante de cualquier buque de guerra de una de las partes contractantes visitar el dicho buque mercante, siempre que se encuentre dentro de los limites señalados en el Artículo 5º de este tratado ; y tal comandante deberá ejecutarlo asi poniendose de acuerdo con él del convoy, el cual facilitará esta visita y la detencion del buque mercante si llegare á efectuarse, propendiendo en todos casos y con todo su poder á la debida ejecucion de este tratado.

4º. Que los comandantes de los buques de ambas naciones que sean empleados en este servicio se sujetarán estrictamente al texto de las antedichas instrucciones anexas á este tratado.

#### ARTICULO VIII.

Las dos partes contratantes se comprometen á indemnizar todos los daños que puedan sufrir sus respectivos ciuda-

incur by the arbitrary (*or*) and illegal detention of their vessels, it being understood that this indemnity shall invariably be borne by the Government whose cruiser shall have been guilty of such arbitrary (*and illegal*) detention; (*agreeing likewise*) it being also agreed, that the visit and detention of vessels specified in Articles 5 and 6 of this Treaty (*can*) may only be (*executed*) effected by British and Venezuelan ships of war, and by those only which are furnished with the special instructions annexed to the present Treaty (*in pursuance thereof*) for its complete execution.

## ARTICLE IX.

In case the Commanding Officer of any of the ships of the navies of Great Britain (*and*) or of (*respectively*), duly commissioned according to the provisions in the Articles 5 and 6 of this Treaty, shall deviate (*in any respect*) from the stipulations of the said Treaty, or from the instructions annexed to it, the Government which shall conceive itself to be wronged thereby shall be entitled to demand reparation, and, in such case, the Government to which such Commanding Officer may belong (*binds itself*) shall be bound to cause inquiry to be made into the subject of the complaint, and to inflict upon the said Officer a punishment proportionate to the transgression committed.

## ARTICLE X.

It is (*hereby*) further agreed that every merchant-vessel, British or Venezuelan, which shall be visited by virtue of (*what is expressed*) the stipulations in the 5th and 6th Articles of the present Treaty, may lawfully be detained and sent or brought before the (*corresponding*) proper tribunal of the nation to which she belongs, if in her equipment there shall be found any of the things hereafter mentioned, namely:—

1st. Hatches with open gratings, instead of the close hatches which are usual in merchant-vessels.

2nd. Divisions or bulk-heads, in the hold or on deck, in greater numbers than are necessary for vessels engaged in lawful trade.

3rd. Spare planks fitted for laying down as a second or slave deck.

4th. Shackles, bolts, and handcuffs.

danos ó subditos por la arbitraria é illegal detencion de sus buques; bien entendido que este resarcimiento lo sufrirá invariablemente el Gobierno cuyo crucero haya sido culpable de tal detencion arbitraria, conviniendo tambien en que la visita y detencion de buques especificados en los Articulos 5º y 6º de este Tratado, solo podrán ser ejecutadas por los buques de guerra Venezuelanos ó Britanicos, y cuando se encuentren provistos de las especiales instrucciones anexas al presente Tratado para su completa ejecucion.

## ARTICULO IX.

En el caso de que algun Comandante de buque de guerra de Venezuela ó de la Gran Bretaña debidamente autorizado segun lo convenido en los Articulos 5º y 6º de este Tratado, se desvie de las estipulaciones contenidas en él, ó de las instrucciones anexas, el Gobierno que por esto se creyere ofendido tendrá derecho á exigir reparacion; y en este caso el Gobierno á que dicho Comandante pertenezca queda obligado á hacer las debidas averiguaciones sobre el motivo de la queja, y á imponer á dicho oficial un castigo proporcionado á la ofensa.

## ARTICULO X.

Se conviene ademas en que todo buque mercante Venezolano ó Britanico que sea visitado en virtud de lo expresado en los Articulos 5º y 6º del presente Tratado, pueda ser legalmente detenido y reme-tido ó conducido á la presencia del tribunal correspondiente, segun la nacion á que pertenesca, si en su aparejo se encontraren cualesquiera de los objetos siguientes:—

1º. Cuarteles ó escotillas abiertas con-rejado, en lugar de las escotillas cer-radas que se usan en los buques mer-cantes.

2º. Separaciones ó divisiones en la bodega ó sobre cubierta, en numero mayor del necesario para los buques que se emplean en licito comercio.

3º. Tablones de repuesto ó posticos, preparados para formar una segunda cubierta ó entrepuente para esclavos.

4º. Cadenas, grillos, y esposas.

5th. A larger quantity of water in cask or in tanks than is requisite for the consumption of a crew of the vessel as a merchant vessel.

6th. An extraordinary number of water-casks, or of other vessels for holding liquid, unless the master shall produce a certificate from the Custom-house at the place from which he cleared outwards, stating that a sufficient security had been given by the owners of such vessel that such extra quantity of casks or other vessels should only be used to hold palm-oil, or for other purposes of lawful commerce.

7th. A greater quantity of mess-tubs or kids than are requisite for the use of the crew of the vessel as a merchant-vessel.

8th. A boiler of an unusual size, and larger than requisite for the use of the crew of the vessel as a merchant-vessel, or more than one boiler of the ordinary size.

9th. An extraordinary quantity either of rice, of the flour of Brazil, of m a no or casava, commonly called farinha, of maize, or of Indian corn, beyond what might probably be requisite for the use of the crew; such rice, flour, maize, or Indian corn, not being entered on the manifest as part of the cargo for trade.

Any one or more of these several circumstances, if proved, shall be considered as (*indications*) *primâ facie evidence* of the actual employment of the vessel in the Slave Trade; and (*will serve therefore*) *be held sufficient ground on which to condemn her, and to declare her to be a lawful prize, unless it be established by satisfactory evidence, on the part of the master or owners, (be established) that the vessel at the time of her detention was employed in some legal pursuit.*

#### ARTICLE XI.

*When any of the things specified in the preceding article are found (If) in any merchant vessel, (shall be found any of the things specified in the preceding article the) neither her master nor owner, nor (whatever) any other person interested in her equipment or cargo, shall (not) have any right to claim (a) compensation for losses, or damages, or expenses, in consequence of (the) her detention, even (al) though the tribunal which*

5º. Una cantidad de agua en vasijas ó cubas mayor que la necesaria para el consumo de la tripulacion del buque registrado en su calidad de buque mercante.

6º. Un numero extraordinario de toneles para aguada, ó de cualesquiera otros vasos propios para contener liquidos á menos que el maestre produzca una certificacion de la aduana que le despachó, en la que se exprese que los dueños del buque han otorgado la fianza suficiente para que la mencionada superabundante cantidad de toneles se emplee solamente en envasar aceite de palma ó en cualquier otro objeto de licito comercio.

7º. Una cantidad de calderas ó vasijas para el rancho, mayor de la que se requiere para el uso de la tripulacion del buque registrado en su calidad de buque mercante.

8º. Un caldero de un tamaño extraordinario, y de magnitud mayor que la que se requiere para el uso de la tripulacion del buque registrado en su calidad de buque mercante ó mas de un caldero de tamaño ordinario.

9º. Una cantidad extraordinaria de arros, de harina del Brazil, manioque ó casave communmente llamado harina de maiz, que exceda lo que probablemente pueda ser consumido por la tripulacion; siempre que el arros, harina, ó maiz no aparezcan designados en el manifiesto como parte del cargamento para negociar.

Alguna ó algunas de estas circunstancias que se prueben se considerarán como indicios *prima facie* de que el buque se ocupa en el comercio de negros, y servirá para condenarle y declararle buena preza, si no se probare satisfactoriamente por parte del maestre ó de los propietarios, que el buque se ocupaba, al tiempo de su detencion, en licitas operaciones.

#### ARTICULO XI.

Si en algun buque mercante llegaren a encontrarse alguno ó algunos de los objetos especificados en el articulo anterior, el dueño ó maestre ó cualquiera otra persona interesada en su equipo ó carga no tendrá derecho á reclamar daños y perjuicios, aunque el tribunal que le juzque no lo haya condenado; á menos que se pruebe plenamente que los objetos que ocasionaron la detencion no estaban á bordo para servir al trafico de esclavos,

passed judgment *on her* may not have pronounced sentence of condemnation, unless it be clearly proved that the objects which occasioned (*said*) *her* detention, were not on board for *purposes of (the) Slave Trade, (in which) and in this latter case*, the captor, and, in his default, the Government to which he belongs, shall be responsible to the master or owner of the vessel for the losses and damages in question.

## ARTICLE XII.

It is agreed between the Two Contracting Parties, that in all cases in which a vessel shall be detained under this Treaty, by their respective cruisers, as having been engaged in the Slave Trade, or as having been fitted out for the purposes thereof, and shall be adjudged and condemned accordingly, the vessel shall immediately after its condemnation be broken up entirely, and shall be sold in separate parts, after having been broken up.

## ARTICLE XIII.

It is mutually agreed (*upon*) that the (*act or*) *undermentioned* instrument annexed (*to*) *in form of Appendix* to this Treaty shall form an integral part thereof (*entitled as follows*), *namely*, "APPENDIX. Instructions for the ships of war, British and Venezuelan, which the respective Governments may be pleased to (*destine*) *appoint* for the prevention of the traffic in Slaves."

## ARTICLE XIV.

The present Treaty, consisting of fourteen Articles, shall be ratified and the ratifications thereof exchanged in Caracas within the space of twelve months from this date, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed in duplicate originals, English and Spanish, of the present treaty, and have affixed their respective seals.

Done at Caracas, this fifteenth day of March, in the year of Our Lord One thousand eight hundred and thirty-nine.

(Signed)

ROBERT KER PORTER.

(L. S.)

pues en este caso, el apresador, y por su falta, el Gobierno á que pertenesea será responsable al maestro ó dueño del buque detenido por tales daños y perjuicios.

## ARTICULO XII.

Se conviene entre ambas partes contratantes que en todos los casos en que un buque sea detenido á virtud de este tratado por haberse empleado en el trafico de esclavos, ó por estar armado al intento, y sea en consecuencia juzgado y condenado, el tal buque inmediatamente despues de su condenacion será completamente reducido á pedazos, y vendido por partes asi separadas.

## ARTICULO XIII.

Se ha convenido que forme parte integrante de este tratado el instrumento anexo en calidad de apendice bajo el titulo de "Instrucciones para los buques de guerra, Venezolanos y Britanicos que tuvieren á bien destinar los respectivos Gobiernos á impedir el trafico de Esclavos."

## ARTICULO XIV.

El presente tratado, que contiene catorce Articulos, será ratificado y las ratificaciones canjeadas en Caracas en el termino de doce meses, ó antes si fuere posible.

En testimonio de lo cual, los respectivos Plenipotenciarios han firmado en duplicado originales, en Español y en Inglés, el presente tratado y han estampado sus respectivos sellos.

Hecho en Caracas, á quince de Marzo, del año de Nuestro Señor de Mil ochocientos treinta y nueve.

(Signed)

JOSE SANTIAGO RODRIGUEZ.

(L. S.)

Annex to the Treaty between Great Britain and the Republic of Venezuela, for the abolition of the Traffic in Slaves.

Instructions for the ships of war, British and Venezuelan, which the respective Governments may *be pleased to (destine) appoint* for the prevention of the Traffic in Slaves.

#### ARTICLE I.

The commander of any ship of war belonging to Her Britannic Majesty, or the Republic of Venezuela, which shall be furnished with these instructions, shall have a right to visit, search, and detain any British or Venezuelan merchant-vessel which shall be engaged or suspected to be engaged in the Slave-trade, or to be fitted out for the purpose thereof, or to have been engaged in the traffic in Slaves during the voyage in which she may be met with by such ship of the British or Venezuelan navies; provided that the visit, search, and detention (*be made in accordance with the places*) here referred to take place within the limits marked out in Article 5 of the Treaty signed this day, and which forms a part of the present instructions; and the said commander shall thereupon, without delay, bring or send such merchant-vessel, with her master, crew, cargo, and the Slaves found on board, to one of the ports hereafter (*mentioned*) specified, in order that proper proceedings may be instituted in regard to them, conformably to the laws of the (*nation*) country under whose flag the vessel is sailing: such commander shall deliver the same, together with her papers, to the (*proper*) competent authorities, or to the persons (*that*) who may have been specially appointed for that purpose by the respective Governments.

#### ARTICLE II.

Whenever a ship of war of either of the two contracting nations, duly authorised as aforesaid, shall meet a merchantman liable to be visited under the provisions of the said Treaty, the search shall be conducted in the mildest manner, and with every attention which ought to be observed between allied and friendly nations, and the visit shall, *in all cases*, be made by an officer holding a rank not lower than that of Lieutenant in the navies of Great Britain and Venezuela respectively, or by the officer who at the time shall be second in command of the ship by which such search is made.

Apendice al Tratado entre la Republica de Venezuela y la Gran Bretaña para la abolicion del trafico de Esclavos.

Instrucciones para los buques de guerra, Venezolanos y Britanicos, que tuvieren á bien destinar los respectivos Gobiernos á impedir el trafico de Esclavos.

#### ARTICULO I.

El comandante de cualquier buque de guerra de Venezuela, ó de Su Magestad Britanica, que se encuentre provisto de estas instrucciones, tendrá el derecho de visitar, registrar, y detener cualquier buque mercante Venezolano ó Britanico, que infunda sospechas de que se emplea ó se ha empleado en el trafico de Esclavos, ó que está aparejado para ello ó que durante el viaje en que haya sido encontrado por el buque de guerra Venezolano ó Britanico, haya estado empleado en el dicho trafico, siempre que la visita, el registro, y la detencion de que aqui se hace referencia tengan lugar dentro de los límites señalados en el Artículo 5º. del tratado firmado hoy, y del cual forman parte las presentes instrucciones; y el tal comandante conducirá ó remitirá siu tardanza dicho buque con su maestre, tripulacion, cargamento, y Esclavos hallados á bordo, a uno de los puertos que adelante se mencionarán para que proceda al juicio correspondiente conforme á las leyes de la nacion bajo cuyo pabellon navegue el buque, debiendo el dicho comandante entregarlo junto con sus papeles á las autoridades competentes, ó á las personas que especialmente sean señaladas al intento por los respectivos Gobiernos.

#### ARTICULO II.

Cuando un buque de guerra de cualquiera de la dos naciones contractantes, debidamente autorizado como se ha dicho, encontrare un barco que deba ser visitado segun las disposiciones de este tratado, el registro se hará con la mayor moderacion y con todas las atenciones que deben guardarse entre naciones amigas y aliadas; y en todos casos deberá efectuarse por un oficial de grado no inferior al de Teniente en las marinas Venezolana y Britanica respectivamente, ó per el oficial que en aquel momento haga de segundo comandante en el buque que practica el registro.

## ARTICLE III.

The commander of any ship of the two navies duly authorised as aforesaid, who may detain any merchant-vessel in pursuance of the tenor of the present instructions, shall leave on board the vessel so detained the master, the mate or boatswain, and the crew thereof, all the cargo and the whole of the slaves, if any, except in the cases hereinafter specified in respect to slaves on board of Venezuelan vessels.

The captor shall, at the time of detention, draw up in writing an authentic declaration, which shall exhibit the state in which he found the detained vessel, such declaration, to be signed by himself, and to be given in, or sent, together with the captured vessel, to the authorities before which such vessel shall be carried or sent for trial.

He *also* shall deliver to the master of the detained vessel a signed certificate of the papers seized on board the same, as well as of the number of slaves found on board at the moment of detention.

In the authenticated declaration which the captor is hereby required to make, as well as in the certificate of the papers seized, he shall insert his own name, the name of the capturing ship, the latitude and longitude of the place where the detention shall have taken place, and the number of slaves found on board the vessel at the time of the detention.

The officer in charge of the vessel detained shall, at the time of delivering up the vessel to the competent authorities, transmit to the said authorities a paper signed by himself and verified on oath, stating the changes which have taken place in respect to the vessel, her crew, the slaves, if any, and her cargo, from the period of her detention until the time of delivering up such vessel.

## ARTICLE IV.

The slaves shall not be disembarked till after the vessel which contains them shall have arrived at the place of trial, except in the cases hereinafter specified in respect to slaves on board Venezuelan vessels, and when urgent motives, deduced from the length of the voyage, the state of health of the slaves, or from other causes, shall require that either the whole or a portion of the negroes be disembarked before the vessel can arrive at the place of trial. In this latter case, the commander of the capturing ship may take upon himself the responsibility of so disembarking the negroes,

CLASS D.

## ARTICULO III.

El comandante de cualquier buque de ambas naciones debidamente autorizado, como se ha dicho que detenga un buque mercante, según lo dispuesto en estas instrucciones, dejará á bordo del buque detenido el maestre, el piloto, ó contramaestre y su tripulación, todo el cargamento, y la totalidad de los esclavos, si los hubiere, excepto en los casos que se expresan respecto de esclavos, encontrados a bordo de buque Venezolanos.

El apresador al tiempo de la detención deberá asentar por escrito una declaración auténtica sobre el estado en que haya encontrado el buque detenido, cuya declaración firmará y entregará ó remitirá á las autoridades ante las cuales deba ser llevado para la formación de juicio.

También deberá entregar al maestre del buque detenido una certificación firmada de los papeles aprehendidos en él, lo mismo que del número de los esclavos hallados á bordo al tiempo de la detención.

En la declaración auténtica que el apresador queda por el presente obligado á hacer, lo mismo que en la certificación de los papeles aprehendidos, deberá insertarse su propio nombre, el del buque apresador, la latitud y longitud del lugar en que se haya hecho la detención, y el número de esclavos encontrados á bordo del buque detenido.

El oficial encargado del buque detenido al tiempo de entregarlo á las autoridades competentes, deberá presentarles un documento firmado y jurado por el mismo, en que expresará las mudanzas que haya habido respecto de buque, tripulación, cargamento, y esclavos, si los hubiere, desde el período de la detención hasta él de la entrega de tal buque.

## ARTICULO IV.

Los esclavos no serán desembarcados hasta que el buque que los contenga no haya llegado al lugar en que debe ser juzgado, excepto en los casos que se determinarán, respecto de esclavos encontrados á bordo de buques Venezolanos, y cuando algun motivo urgente originado de la duración de viaje, de la salud de los esclavos, ó de otras causas, obligue á desembarcar todos ó una parte de los negros antes que el buque pueda llegar al punto en que deba ser juzgado. En este último caso, el comandante del buque apresador puede tomar sobre si la responsabilidad de este desembarco con

provided that such necessity and causes thereof be stated in a certificate in proper form, and that this certificate shall be drawn up and entered at the time on the log-book of the detained vessel.

#### ARTICLE V.

All such British vessels as (*shall*) *may* be detained on the Brazilian station by Venezuelan cruisers shall be carried and delivered up to the British jurisdiction at the colony of Demerara.

All such British vessels as (*shall*) *may* be detained on the West Indian station by Venezuelan cruisers shall be carried and delivered up to the British jurisdiction at Port Royal, in Jamaica.

All such British vessels as (*shall*) *may* be detained on the Madagascar station by Venezuelan cruisers shall be carried and delivered up to the British jurisdiction at the Cape of Good Hope.

All such British vessels as (*shall*) *may* be detained on the African station by Venezuelan cruisers shall be carried and delivered up to the British jurisdiction at Bathurst, in the River Gambia.

All such Venezuelan vessels as shall be detained on the Brazilian and West Indian stations, as well as on those of Africa and Madagascar, by British cruisers, shall be carried and delivered up to the Venezuelan jurisdiction at any of the ports belonging to the Republic, except in cases in which slaves shall be on board at the time of capture, when the vessel shall in the first instance be sent to deposit the slaves at the port to which the vessels could have been taken for trial if she had been under the English flag.

The vessel, with the rest of her cargo and crew, shall afterwards be sent on and delivered to the Venezuelan jurisdiction at any of the ports belonging to the Republic, as above stipulated.

The Undersigned Plenipotentiaries have agreed, in conformity with the 13th Article of the Treaty signed by them on this day, the Fifteenth of March, in the year of Our Lord, One thousand eight hundred and thirty-nine, that the (*preceding*) *present* Instructions, consisting of five Articles, shall be annexed to the said Treaty, and be considered an integral part thereof.

*This day*, the fifteenth (*day*) of March, One thousand eight hundred and thirty-nine.

(Signed)

ROBERT KER PORTER.  
(L.S.)

tal que la necesidad de hacerlo así, y las causas que la produjeron se expresen en una certificación en forma, y que esta certificación se halle escrita y asentada a su debido tiempo en el diario de navegación del buque detenido.

#### ARTICULO V.

Todos los buques Británicos que fueren detenidos por los cruceros Venezolanos en los mares del Brazil serán llevados y entregados á la autoridad Británica en la colonia Demerara.

Todos los buques Británicos que fueren detenidos en los mares de las Indias Occidentales por cruceros Venezolanos serán llevados y entregados á la autoridad Británica de Puerto Real, en Jamaica.

Todos los buques Británicos que fueren detenidos en los mares de Madagascar por cruceros Venezolanas serán llevados y entregados á la autoridad Británica en el Cabo de Buena Esperanza.

Todos los buques Británicos que fueren detenidos en los mares de Africa por cruceros Venezolanos serán llevados y entregados á la autoridad Británica de Bathurst en el Rio Gambia.

Todos los buques Venezolanos que fueren detenidos en los mares del Brazil, de las Indias Occidentales, de Africa, y de Madagascar, por cruceros Británicos, serán llevados y entregados á la autoridad Venezolana en cualquier de los puertos pertenecientes á la Republica de Venezuela, excepto en los casos en que se encuentren esclavos á bordo al tiempo de la captura, pues entonces el buque, por primera medida, sera enviado á depositar los esclavos en el puerto en que habria sido juzgado si hubiera sido encontrado con la bandera Británica.

El buque, con el resto de su cargamento y tripulación, será despues remitido y entregado á la autoridad Venezolana, en cualquiera de los puertos pertenecientes á la Republica de Venezuela, segun lo estipulado arriba.

Los infrascriptos Plenipotenciarios han convenido, en conformidad con el Artículo 13 del tratado firmado hoy, dia quince de Marzo de Mil ochocientos treinta y nueve, que las presentes instrucciones que constan de cinco Artículos, sean anexas al dicho tratado, y consideradas como parte integrante de él.

Hoy, quince de Marzo de Mil ochocientos treinta y nueve.

(Signed)

JOSE SANTIAGO RODRIGUEZ.  
(L.S.)

No. 179.

*Viscount Palmerston to Sir R. K. Porter.**Foreign Office, September 3, 1839,**Circular sending Act for the Suppression of the Slave Trade.*

(See No. 5, page 3.)

No. 180.

*Viscount Palmerston to Sir R. K. Porter.**Foreign Office, October 12, 1839,**Circular on Negotiations with Portugal.*

(See No. 10, page 6.)

No. 181.

*Sir Robert Ker Porter to Viscount Palmerston.**Caracas, August 11, 1839.*

MY LORD,

*Received October 12.)*

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch "Slave Trade," of June 29, 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.

I have, &amp;c.,

(Signed)

ROBERT KER PORTER.

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

No. 182.

*Sir Robert Ker Porter to Viscount Palmerston,**Caracas, August 31, 1839.*

(Extract)

*(Received October 13.)*

I HAVE the honour of acknowledging the receipt of your Lordship's Despatch, "Slave Trade," of July 10th, informing me that the Duplicate Original of the Treaty for the suppression of the Slave Trade, signed by the Venezuelan Plenipotentiary and myself in this capital on the 15th of March last, had been received, as also my Despatch announcing the consent and approval of this Treaty by the Congress.

It is a source of much gratification to me to learn that Her Majesty's Government approved the zeal and exertion I made during the negotiation of the Treaty; and its having passed through both Chambers with the success it did, is indeed fortunate. For, although the Treaty may not be all that could be wished by your Lordship, a most important step has been gained in having thus secured the co-operation of Venezuela with Great Britain for the suppression of this disgraceful traffic, and which will doubtless serve both as a political and philanthropical example to the other States of South America.

The moment I have the honour of receiving the Ratifications on the part of Her Majesty, the exchange shall be made, and in the mean time I will make known to this Government that the Queen has been pleased to accept and give Her Royal approval to this Treaty, (for the suppression of the Slave Trade,) entered into between the two countries.



No. 183.

*Viscount Palmerston to Sir R. K. Porter.**Foreign Office, November 2, 1839.**Circular communicating Orders issued under the Act for  
the Suppression of the Slave Trade.*

(See No. 11, page 6.)

No. 184.

*Sir R. Ker Porter to Viscount Palmerston.**Caracas, October 19, 1839.**(Received December 25.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, "Slave Trade, of the 25th August," enclosing two Copies of an Address from the House of Peers to Her Majesty upon the Slave Trade, and of Her Majesty's most gracious Answer thereto.

I have, &amp;c.

(Signed) ROBERT KER PORTER.

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

&amp;c.

&amp;c.

&amp;c.

No. 185.

*Sir Robert Ker Porter to Viscount Palmerston.**Caracas, November 2, 1839.**(Received December 25.)*

MY LORD,

I HAVE the honour of acknowledging the receipt of your Lordship's Despatch, "Slave Trade," of August 31st, transmitting Her Majesty's Ratification of the Treaty for the Suppression of the Slave Trade, concluded on the 15th of March, 1839, to be exchanged against a similar Instrument ratified by the Republic.

No time shall be lost in delivering in to the Venezuelan Plenipotentiary a copy of the memorandum enumerating the alterations required in the English version of the Treaty, and I shall inform him, at the same time, that the alterations therein stated will be made in the printed copies of the Treaty hereafter to be circulated and acted upon; also, at the time of the Exchange of the Ratifications, Duplicate Copies of this memorandum must be signed by him and myself, one for the Foreign Department of the Republic and the other for your Lordship, to accompany the Venezuelan Ratification.

I deeply regret that the English version of the Treaty has not fully met your Lordship's approbation. The English draft sent out to me in 1835 certainly formed the Treaty concluded on the 19th of May, 1837, which unfortunately was rejected by the Congress in February of the present year. It is very true that the above-named draft was translated into Spanish in the Foreign Department here, from which version and on the Instructions the Venezuelan Plenipotentiary received from his Government, he formed the *project* of the present Treaty; whose various Articles were accordingly written down by him in Spanish as they were agreed to, during the conference of each day's negotiation. Towards the close of the conferences, I completed the English version of the whole treaty, having translated the new Articles, and such others, from the rejected Treaty (of 1835), as had been altered by him in agreement with his instructions. Certainly, therefore, these Articles (so altered) were translated back again from the Spanish into English, but I believe that the remaining Articles of the former Treaty stand as in the original draft. On a fair copy of this Document being made out, the Minister for Foreign Affairs (who is an Englishman, and who understands thoroughly the Spanish language, as does Señor Rodriguez English) attended at the house of the British Legation, when both texts were collated with the greatest attention, and the English text approved by both these public functionaries as being a close and faithful version of that of the Spanish.

Again, my Lord, permit me to express my sincere regret for the apparent want of care on my part, in not having completed the English portion of the Treaty, with all the correctness in word and technicality necessary.

I have, &c.

(Signed) ROBERT KER PORTER.

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

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No. 186.

*Sir R. Ker Porter to Viscount Palmerston.*

*Caracas, November 2, 1839.*

*(Received December 25.)*

MY LORD,

I HAVE the honour of acknowledging the receipt of your Despatch (Slave Trade) of September 3, transmitting a copy of an Act of Parliament, which has recently passed for the suppression of Slave Trade.

I have, &c.

(Signed) ROBERT KER PORTER.

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

